

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 25th November, 2020**

Time: **10.00 am**

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

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

PLANNING COMMITTEE

Membership

Chairman: Councillor Sarah Madigan

Vice-Chairman: Councillor Ciaran Brown

Councillors:

Chris Baron

Arnie Hankin

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 meeting of the Planning Committee to be held at the time and on the date mentioned above for the purpose of transacting the business set out below.



Carol Cooper-Smith
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Committee held on 21 October 2020. 5 - 10
4. To receive and consider the attached planning applications. 11 - 108
5. **Tree Preservation Order - Land off Beck Lane, Skegby, Sutton in Ashfield.** 109 - 114
6. **Planning Appeal Decisions.** 115 - 118

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PLANNING COMMITTEE

Virtual Meeting held on Wednesday, 21st October, 2020 at 10.00 am

Present: Councillor Sarah Madigan in the Chair;

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

Officers Present: Lynn Cain, Louise Ellis, Mike Joy, Mick Morley, Robbie Steel, Christine Sarris and Sara Scott-Greene.

P.16 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

Councillor Lauren Mitchell declared a Non Disclosable Pecuniary/Other Interest in respect of Applications V/2019/0483 and V/2020/0114, Bellway Homes (East Midlands). Her interest arose from the fact that she had previously been contacted by local residents, via email and visits to her surgery, in respect of these applications.

P.17 Minutes

RESOLVED
that the minutes of the meeting of the Planning Committee held on 9 September 2020, be received and approved as a correct record.

P.18 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions

Prior to consideration of the applications and in accordance with Council Procedure Rule 4 (Order of Business), the Chairman advised that she would be considering Application V/2020/0545 first to enable the Deputy Leader and Portfolio Holder for Housing, Councillor Tom Hollis, to attend a prior engagement. Committee Members concurred with this course of action.

1. V/2020/0545, Mr. J. Price, Amenity Block, 22a Back Lane, Huthwaite, Sutton in Ashfield

Councillor Tom Hollis, who called-in the application, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved by Councillor Rachel Madden and seconded by Councillor Jason Zadrozny that the officers' recommendation as contained within the report, be rejected and planning consent be refused.

Reasons for rejecting officers' recommendation:

The proposed amenity block is considered to have a harmful impact on the character, quality, amenity and safety of the surrounding environment. This is due to the size and siting of the building in close proximity to the boundary with neighbouring properties and its resultant overdevelopment of the site. The application is therefore considered to be contrary to Policies ST1 (b) and HG7 of the Ashfield Local Plan Review (2002).

For the motion:

Councillors Ciaran Brown, Samantha Deakin, Arnie Hankin, Rachel Madden, Lauren Mitchell, John Smallridge, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

Against the motion:

None.

Abstention:

Councillor Chris Baron.

2. V/2019/0483, Bellway Homes (East Midlands), the residential development of 217 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 Constitution and the Members' Code of Conduct, Councillor Lauren Mitchell had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this application. Her interest was such that she stayed in the meeting and took part in the discussion and voting thereon.)

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

An additional two representations had been received from local residents objecting to the planning application. These were raising the same issues as covered within the report including the loss of open space, impact on biodiversity and highways safety.

It had also been brought to the Council's attention that a letter had been received, from a local resident, requesting the application be deferred. However, officers considered that the application was very capable of being determined based on the information submitted and that a deferral was not necessary on the grounds raised.

Finally, an updated house type information pack had also been received from the applicant, amending a plot number to accord with the latest layout revision. The change related to the house type at plot 137, where the roof had been hipped to reduce the impact on a neighbouring property.

An objector, Edd de Coverly, an agent for the Applicant, Chris Dwan and Councillor Keir Morrison who called in the application, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded for the application to be deferred but on putting it to the vote, the motion duly fell.

It was then moved and seconded that conditional consent be granted as per officer's recommendation, subject to the inclusion of the following additional conditions and informatives:

Conditions

Condition 8 - Prior to the commencement of development, details of all the finished floor levels, surrounding ground levels and levels of existing dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall show the house and garage of plot 137 built no higher than 61.00 Above Ordnance Datum (AOD). The dwellings shall thereafter be built in accordance with the agreed details.

Condition 11 - Notwithstanding the approved plans, the development shall not be occupied until the following information has been submitted to and agreed in writing by the Local Planning Authority:

- Details of the sites boundary treatments and individual plot boundaries.
Note: The boundary treatment for Plot 137 shall be a fence erected to the South of the phase 1 boundary hedge.
- Details of the footpaths boundary treatments and gating arrangements.
- Details of all hard landscaping across the site.

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

Condition 21 - Prior to the construction of any dwellings, details of a comprehensive plan to minimise Anti-Social Behaviour should be submitted to and approved in writing by the Local Planning Authority. . This should include, but not be limited to, consideration of effective lighting on the entire length of the green-walk. Any measures identified within the plan shall thereafter be carried out and within an agreed timeframe.

Informative

The applicant is encouraged to work with the residents to form a resident liaison group. The group should provide opportunities for future and existing residents to voice any concerns about the wider development. Particularly, surrounding issues such as anti-social behaviour and any matters that may arise during the construction of phase 2.

Section 106

It is noted there was a typographic error in the recommendation section of the Broomhill Farm (V/2019/0483) agenda report. Namely, that the incorrect figure had been cited for Secondary Education. The correct figure was £835,625 (35 places x £23,875), as detailed within the body of the report. For clarity, the required Section 106 list is as follows:

- Primary Education Contribution - £801,596 (46 places x £17,426).
- Secondary Education Contribution - £835,625 (35 places x £23,875)
- Healthcare - £117,695.25.
- Bus Stop Improvements - £29,000.
- MOVA (signal) Upgrades - £33,000.
- Public Open Space - £75,000.
- Maintenance - £37,758.
- Biodiversity Offsetting - £35,000.
- Monitoring Contribution - £2,500.
- Travel Plan and Co-ordinator.
- Highways Improvements (Roundabout works and pedestrian refuge upgrade).
- Affordable Housing – 40 dwellings.

At this point in the proceedings, the meeting was adjourned at 11.17am and reconvened at 11.27am.

3. V/2020/0114, Amenity Block 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, (Phase 2) Land at Broomhill Farm, Hucknall

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Lauren Mitchell had previously declared a Disclosable Pecuniary Interest in respect of this application. Her interest was such that she stayed in the meeting and took part in the discussion and voting thereon.)

An agent for the Applicant, Chris Dwan, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

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

V/2019/0756, Mr. T. Broster, 54 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure, Land off Millers Way, Kirkby in Ashfield, Nottingham

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:-

An additional two letters of objection had been received from the same household. They had raised concerns over the recommendation to approve an application, which resulted in a loss of open space. The letter also requested that the meeting be changed to a physical event, as they were unable to attend virtually.

Officer's Response

In accordance with recent Covid-19 legislation, local authorities are not yet able to hold physical meetings and must continue to proceed via virtual means.

An objector, Ashley Ward, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved by Councillor Jason Zadrozny and seconded by Councillor Rachel Madden that the officers' recommendation as contained within the report, be rejected and planning consent be refused.

Reasons for rejecting officers' recommendation:

1. The development would lead to the loss of an area of Formal Open Space, which is contrary to Policies RC3 and ST1 (a and b) of the Ashfield Local Plan Review (2002). It would also conflict with paragraph 97 of the National Planning Policy Framework.
2. The development would have a harmful impact on highways safety through the introduction of additional vehicles onto the highway network. This additional traffic would exacerbate existing congestion and highways safety issues along Millers Way particularly, at the junction of Millers Way/Lane End and around the train station entrance. In this respect, the proposal is considered to be contrary to Policies ST1 (c), HG7 (e) and paragraph 109 of the National Planning Policy Framework.
3. The proposal would result in significant harm to biodiversity through the loss of habitats found on the site. It would also lead to an adverse impact on protected habitats located directly adjacent to the northern boundary of the site. The application is therefore considered to be contrary to Policy EV6 of the Ashfield Local Plan Review (2002) and Part 15 of the National Planning Policy Framework.

For the motion:

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

Against the motion:

None.

Abstentions:

None.

**V/2020/0521, Mr. D. Fell, Dwelling and Associated Access, Land adjacent
Rose Cottage, 82 Main Road, Underwood**

The Applicant, Mr. Fell, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

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

The meeting closed at 12.20 pm

Chairman.

BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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 20th November 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** time and date to be arranged.

T. Hodgkinson

Service Director – Place and Communities

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**PLANNING COMMITTEE – 25th November
2020**

| Page | App No | Applicant | Recommendation | Proposal | Location |
|-------------------------------------|-------------|---------------------------|----------------|--|--|
| Hucknall South | | | | | |
| 17-22 | V/2020/0371 | Mr A Cash | Refuse | Temporary Siting of Mobile Home | Land on the West Side of Brickyard Brickyard Drive Hucknall |
| Selston | | | | | |
| 23-30 | V/2020/0541 | Mr C Quickfall | Refuse | Application to Remove Conditions 6 & 7 of Planning Permission V/2018/0110 to allow for an Outdoor Seating Area | 60 Portland Road Selston |
| Skegby | | | | | |
| 31-40 | V/2020/0654 | Ashfield District Council | Approve | Demolition of Community Centre and Construction of 2 Bungalows | The Beeches Community Centre, Beech Street, Skegby |
| Stanton Hill and Teversal | | | | | |
| 41-78 | V/2018/0783 | Gleeson Regeneration Ltd | Refuse | 206 Dwellings and Associated Infrastructure | Land Off Gilcroft Street / Vere Avenue Skegby |
| Sutton Central and New Cross | | | | | |
| 79-90 | V/2020/0411 | Minster Developments Ltd | Approve | Approval of Reserved Matters for Planning Permission V/2018/0262 For Maximum of 24 Apartments and Associated Works | Land at Junction Of Outram Street and Park Street Sutton in Ashfield |

**PLANNING COMMITTEE – 25th November
2020**

| | | | | | |
|---------------|-------------|---------------------------|---------|--|---|
| 91-98 | V/2020/0653 | Ashfield District Council | Approve | Demolition of Community Centre and Construction of 2 Bungalows | The Poplars Community Centre Charles Street Sutton in Ashfield |
| 99-108 | V/2020/0669 | Ashfield District Council | Approve | 2no. Two Storey Dwellings and 3no. Two and a Half Storey Dwellings | Car Park Stoney Street, Sutton In Ashfield |



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 11/11/2020

COMMITTEE DATE 25/11/2020 **WARD** Hucknall South

APP REF V/2020/0371

APPLICANT A Cash

PROPOSAL Temporary Siting of Mobile Home

LOCATION Land on the West Side of Brickyard, Brickyard Drive, Hucknall,
Nottingham, NG15 7PG

WEB-LINK <https://www.google.co.uk/maps/@53.0318749,-1.1921183,17z>

BACKGROUND PAPERS A, C, K

App Registered: 13/08/2020 Expiry Date: 07/10/2020

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

This application has been referred to Planning Committee by Councillor Mitchell on the grounds of policy implications.

The Application

This is an application which seeks planning consent for the siting of a static caravan on land to the west side of the Brickyard. The caravan is proposed to be occupied for a temporary period during the construction of a dwelling at the development site.

Consultations

Site Notices has been posted together with individual notifications to surrounding residents.

The following responses have been received:

Resident Comments:

7x Letters of objection/concern have been received from a local resident group and residents in respect of the following:

- Mobile home has already been positioned on site and is occupied
- No drainage details have been provided despite the mobile home already being occupied
- The siting of the mobile home would restrict the development of the approved dwelling (mobile home sited in location of dwelling) – the house would never be built
- Unlawful ground works undertaken on the site to facilitate the siting of the mobile home – disturbed ground contamination

- Fence has been erected unlawfully along the plot frontage
- The applicant has failed to serve the correct notice
- The mobile home will be used for business purposes
- Applicant has not detailed how long 'temporary' will be
- Increased traffic along the unadopted driveway
- Consultation period has been very short

No further comments received from statutory consultees or local residents in respect of the proposal.

Policy

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

National Planning Policy Framework (NPPF) 2019

- Part 5 – Delivering a Sufficient Supply of Homes
- Part 11 – Making Effective Use of Land
- Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002

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

Supplementary Planning Documents

- Residential Design Guide 2014
- Residential Car Parking Standards 2014

Relevant Planning History

V/2019/0652

Details: Approval of Reserved Matters Following Application V/2019/0013 for a Single Dwelling
 Decision: Conditional Consent
 Date: 06/01/20

V/2019/0013

Details: Outline Application with all Matters Reserved for a Dwelling
 Decision: Outline Conditional Consent
 Date: 08/05/19

V/2017/0670

Details: Outline Application with all Matters Reserved for a Maximum of One Dwelling
 Decision: Outline Refusal
 Date: 16/01/18

V/2015/0473

Details: Outline Application for a Detached Dwelling

Decision: Outline Refusal

Date: 27/10/15

V/2015/0298

Details: Outline Application for a Detached Dwelling

Decision: Withdrawn

Date: 16/06/15

V/2014/0200

Details: Outline Application for a One Dwelling

Decision: Outline Refusal

Date: 17/07/14

Comment:

The application site comprises of a parcel of land to the west of the Brickyard, where planning permission for the construction of a dwelling with associated off-street parking and private amenity space has previously been approved.

Sited to the east and south of the site is existing residential development, whilst immediately to the north and west is an area of open land which is allocated for residential development as outlined within policy HG1 of the ALPR 2002.

As part of this application, the applicant seeks planning consent for the siting of a mobile home on the site for a temporary period, during the construction of the dwelling house permissioned under application references V/2019/0013 (outline permission) and V/2019/0652 (approval of reserved matters).

The main issue to consider as part of this application is the principle of the proposed development.

Permitted Development:

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

As previously mentioned, the applicant seeks planning consent for the siting of a mobile home. The applicant has stated that the mobile home will be in situ during the construction of the previously approved dwelling. Once constructed, the mobile home is proposed to be removed from the site. A timeframe for the construction works and subsequent removal of the mobile home has not been provided.

Class A, of Part 5, of Schedule 2 of the General Permitted Development Order (2015) allows, amongst other things, the use of land which forms part of, or adjoins,

land on which building or engineering operations are being carried out as a caravan site, if that use is for the accommodation of a person or persons employed in connection with building or engineering operations.

The caravan proposed is currently in situ on site, and although it will be occupied by an individual who is understood to be constructing the permitted dwelling, as the permission relating to the dwelling has pre-commencement conditions which have not yet been discharged, any construction works on site would be unauthorised until such time that the conditions are formally discharged. As such the caravan, at present, would not comprise of Permitted Development, and planning permission is subsequently required for its siting.

The plans submitted with the application indicate that the proposed caravan will measure approximately 12.5m in length, and just over 4m in width. The caravan is to be located in the sites north-eastern corner, horizontal to the northern boundary of the site.

The dwelling which has been granted planning permission on site is to be located approximately 8m off the highway edge, is 10m in length and 9m in width.

Given the size of the caravan proposed, in combination with the siting and size of the permitted dwelling, it is clear that the dwelling would be unable to be constructed by virtue of the positioning of the proposed caravan on site, which would project approximately 4m into the area in which the dwelling is proposed to be sited.

In addition to this, whilst the applicant has claimed that the caravan is on wheels and can therefore easily be relocated within the site to accommodate the building operations, based on the dimensions of the proposed caravan, there is no other alternative location within the development site which would allow the caravan to be accommodated and allow the dwelling to be constructed, as approved.

Other Matters:

Whilst the proposed caravan would be out of keeping with the built form of development along the Brickyard, it is acknowledged that the siting of the caravan is proposed to be for a temporary period only, and as such, would not result in permanent detriment to the appearance of the street scene. Further, the proposal would not give rise to any significant impact on nearby residents by virtue of massing, overshadowing or overlooking.

Concerns have been raised regarding increased traffic along the unadopted road known as the Brickyard, the traffic generated by the siting of the caravan and its occupier's, is considered to be no greater than if the dwelling were constructed and occupied, as previously approved.

No drainage details have been submitted as part of the application. As part of any approval of the application, a condition requiring drainage details to be submitted

within 28 days of any permission would be necessary, given that the caravan is understood to already be occupied.

The application site is understood to comprise of unregistered land. In circumstances where the applicant does not know who owns a parcel of land over which they are proposing a development, they are required to complete and sign Certificate D on the application form. Where Certificate D is signed, the applicant is required to advertise their intention to apply for planning permission on the site in the local newspaper no sooner than 21 days before the submission of the planning application. The applicant has followed this procedure by advertising their intentions for the site in the Hucknall Dispatch.

Planning permission cannot be refused on the grounds that an applicant does not know who owns the land, or is unable to find out through land registry searches as the land is unregistered. Any issues that may arise surrounding land ownership disputes between the land owner and the applicant would be a private civil matter.

Local residents have also raised matters relating to the consultation period given for comments. Residents were consulted for 28 days (14th August – 11th September), and therefore the Council are satisfied that the statutory period for consultation has been complied with in this instance.

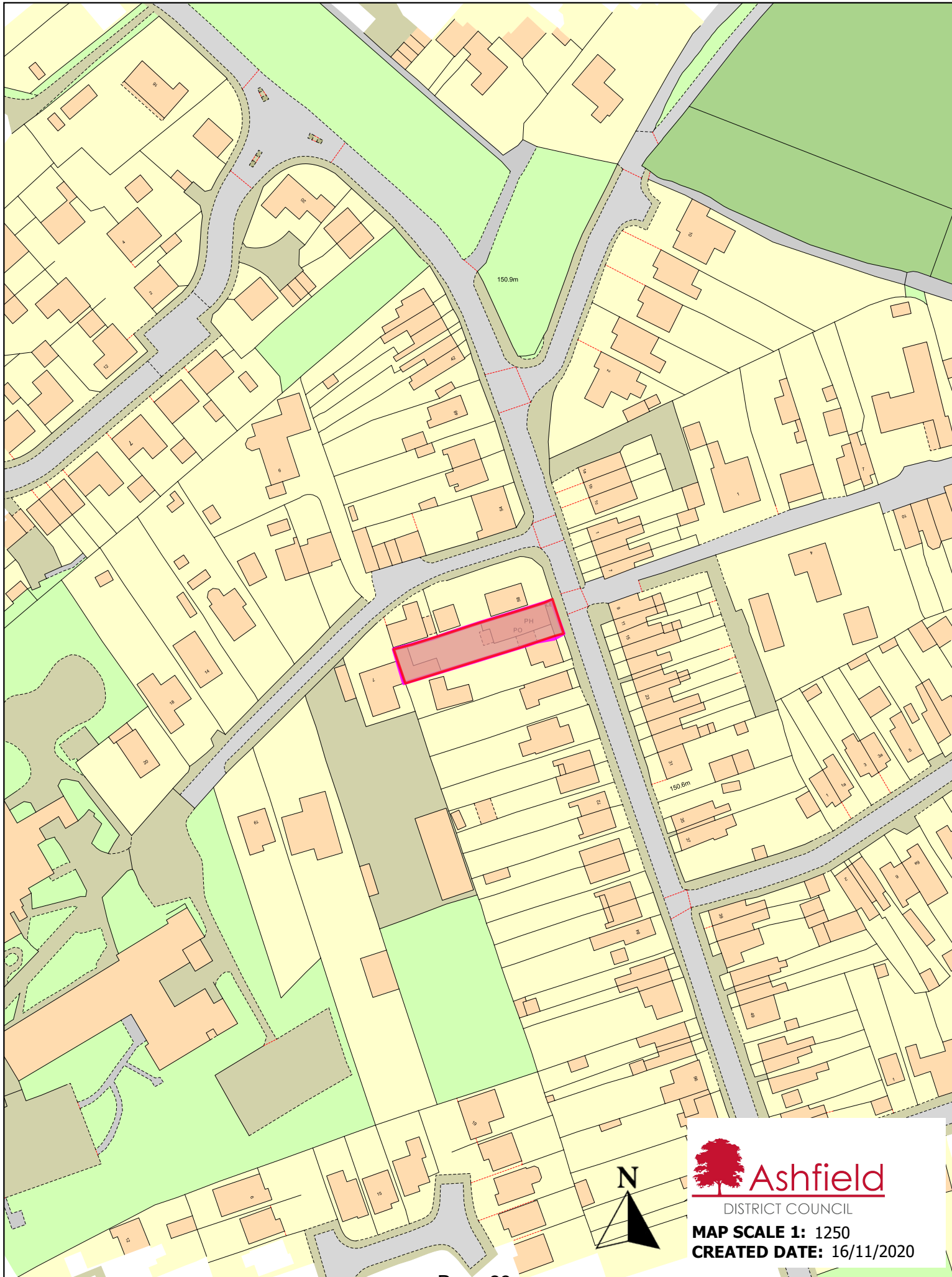
Conclusion:

In conclusion, it is considered that the proposed siting of a static caravan at the application site would not give rise to any permanent undue impact upon the visual amenity of the area, by reason of its temporary nature, and would also not result in any detriment to the amenity of nearby residents in respect of massing, overshadowing or overlooking. The siting of the static caravan would however, by virtue of its overall size, prevent the construction of the permitted dwelling, constituting a form of inappropriate development which would inhibit the comprehensive development of the application site.

Recommendation: Full Application Refusal

REASONS

- 1. The proposed caravan is required for a temporary period during the construction of a dwelling at the development site. The proposed caravan would however, by virtue of its size and siting, prevent the construction of the permitted dwelling. Further, there is no location within the site that could appropriately accommodate the proposed caravan whilst allowing for the construction of the dwelling, as approved. The proposal therefore constitutes a form of inappropriate development which inhibits the comprehensive development of the site, contrary to policy ST1 of the Ashfield Local Plan Review 2002.**



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 16/11/2020

COMMITTEE DATE 25/11/2020 **WARD** Selston

APP REF V/2020/0541

APPLICANT K Quickfall

PROPOSAL Application to Remove Conditions 6 & 7 of Planning Permission V/2018/0110 to allow for an Outdoor Seating Area

LOCATION 60, Portland Road, Selston, Nottingham, NG16 6AT

WEB LINK <https://www.google.co.uk/maps/place/60+Portland+Rd,+Selston,+Nottingham+NG16+6AT/@53.0756812,-1.2973957,17z/data=!3m1!4b1!4m5!3m4!1s0x48799485efc82965:0x9411d913649fbf51!8m2!3d53.075678!4d-1.295207>

BACKGROUND PAPERS A, C, D, E

App Registered 18/09/2020 Expiry Date 12/11/2020

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

This application has been referred to Planning Committee to discuss a condition previously attached by the Committee.

The Application

This is an application which seeks consent to Remove Conditions 6 & 7 of Planning Permission V/2018/0110 to allow for an Outdoor Seating Area at a micro pub located at 60 Portland Road, Selston.

Consultations

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

The following responses have been received:

Resident Comments:

One petition was received in support of the application with 154 signatures.

4 Letters of support have been received from residents in respect of the following:

- There is a very low level of noise/disturbances and they have not witnessed any anti-social behaviour.
- Limited number of tables and chairs used to the rear of the property during good weather.
- Very professional and friendly establishment.
- Micro pub is asset to local community and great place for socializing.
- Customers adhere to rules and respect the neighbours.
- No customers leave vehicles outside on double yellow lines.
- Objection comments are not accurate.

2 petitions were received in objection to the application one with 8 signatures and one with 6 signatures

13 Letters of Objection/concern have been received from residents in respect of the following:

Residential Amenity

- Adverse impact on residential amenity from noise and disturbances. This includes not being able to open windows, or let Children play outside.
- Invasion of privacy – including a neighbouring property with a window on the side elevation.
- It is difficult to control the noise and disturbances due to the amount of people. The increase in size is unacceptable.
- Building was soundproofed to protect residents, outdoor use wouldn't allow same protection.
- Anti-social behaviour from patrons including drunkenness, swearing and urinating. People also smoking outside.
- The outside area is used late into the evening and concerns over breaching opening hours.
- A café would mean the outdoor seating is used more.
- Conditions were attached to the permission to protect the residents.

Other Concerns

- The current signage has not been adhered to.
- Highways safety concerns - parking outside makes pulling out of School Road risky and there is no parking.
- No opportunity to object to the original application in 2018, planning enforcement has allowed them to continue and that work has commenced on an outbuilding.
- The tables appear unsightly.
- No objection to a Micro-pub but outdoor seating is different. Micro-pubs are supposed to hold less people.

2 sound clips were submitted as part of a comment.

ADC Environmental Protection –

The Environmental Protection Team would recommend refusal for the removal of condition 7 and 8 to allow an outdoor seating area. The premises is located within a residential area, the use of the outside seating area would likely be detrimental to the amenity of the nearby residential properties by reason of increased noise and general disturbance.

Highways

Based on the latest information, no concerns are raised.

Officer Comment

It has been raised that residents weren't given the opportunity to comment on the previously approved change of use in 2018. For this application a site notice was erected at the application site and individual notifications were sent out to surrounding residents.

On a site visit to the property an enforcement officer investigated the alleged works being carried out to the outbuilding however no evidence of works being carried out to the outbuilding was found.

Policy

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

National Planning Policy Framework (NPPF) (2019)

Part 6 – Building a strong, competitive economy

Part 8 – Promoting healthy and safe communities

Part 12 – Achieving well designed places

Ashfield Local Plan Review (ALPR) (2002)

ST1 – Development

ST3 – Named Settlements

Relevant Planning History

V/2017/0160 – Change of use from sub post office and shop to sub post office, shop and micro pub – Refusal – 18/05/2017

V/2017/0461 – Change of use from Post Office and Shop to Post Office, Shop to Post Office, Shop and Micro pub – Refusal – 12/09/2017

V/2018/0110 – Change of use from Post Office, Shop and Off License to Post Office, Shop and Café/Micro pub – Conditional – 26/04/2018

V/2018/0574 – Application for approval of details reserved by conditions 4 and 9 of planning permission V/2018/0110 – conditional discharge determined – 05/10/2018

Comment :

The Site and Application

The application site comprises of a detached property located within a residential area on Portland Road, Selston. Permission was granted in 2018 to allow a change of use from post office, shop and off licence to post office, shop and café/micro pub. The application site is located within a predominantly residential area with a school close by.

The applicant seeks consent to remove condition 6 to allow tables and seating to be sited externally to the front, side or rear of the premises and also to remove condition 7 to allow the patio door to the rear of the premises to be used by customers to access and egress the premises at any time and the removal of the sign.

Residential Amenity

A key consideration as part of this application is the impact upon the amenity and living conditions of neighbouring properties. The area is predominantly residential with the site being bound by residential properties on all sides.

Policy ST1 of the ALPR 2002 sets out that development will be permitted where it does not adversely affect the character, quality, amenity or safety of the environment. This is also reflected in paragraph 127 of the NPPF 2019, which seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing with a high standard of amenity for existing and future users.

A number of objections have been received from local residents in respect of the proposed removal of conditions, particularly around the adverse impacts on residential amenity through increased noise and disturbances. The Council's Environmental Health team have also raised objections to the proposal on the grounds that the proposal has the potential to be detrimental to the amenity of nearby residents because of increased noise and general disturbance.

The area proposed to be used for the seating is to the front of the property on an existing pedestrianized area adjacent to the highway. The area proposed for seating to the rear of the property is in an area which could be described as the rear garden. Whilst it is acknowledged that a level of noise would be given by traffic on Portland Road, as it becomes later in the day these noise levels will begin to reduce. It is

during this period of time that the residents will reasonably expect a lower level of noise in their properties. The use of outdoor seating to the front and rear would result in noise which is likely to cause a disturbance to neighbouring residents, particularly as the seating area is likely to be used during periods of fine weather, when the windows of neighbouring properties are likely to be open.

In addition, the outdoor seating is proposed to be placed on hard surfacing and no indication has been made that it will be fixed in the details submitted. The seating may require removing and being put out at the start and end of each day which would also increase the likelihood of further noise and disturbance to neighbouring residents.

It is also considered that by allowing outdoor seating, this may increase the amount of people coming and going to the property. No indication has been made as to how much seating would be provided to the rear of the property. If the capacity is increased, this would also result in the potential to generate more noise and disturbance. Concerns have also been raised in regards to anti-social behavior in terms of swearing, urinating, shouting and general noise disturbance. The proposed seating could also exacerbate these problems and lead to more complaints.

It has been reported that the outdoor seating has been available to customers since the end of the Covid lockdown and has been available a few months. Residents have already experienced the proposal. During this time they have experienced an increase in disturbance and noise to their lives. As such it is considered that the removal of these conditions would prolong this disturbance and have a detrimental impact on resident's quality of lives.

Another issue to consider was the invasion of privacy and the fact that the rear garden overlooks neighbouring properties. It is considered that to some extent there will be an invasion of privacy, however the applicant has suggested the use of screening to mitigate against it.

The applicant has submitted additional information to address the comments made, this includes:

- After receiving complaints from ADC Licensing these were investigated using the CCTV system.
- Following being shut due to Covid, the government waived some licensing restrictions and the applicant thought this included their premises. To control external noise, signage was produced and a 10pm curfew introduced.
- The resident complaints include exaggerated noise levels and disturbance with no evidence.
- Soundproofing has been mentioned, however it is the applicants belief that this was to protect the living quarters upstairs.
- Number of deliveries has been received and only 22 chairs are provided.

- Offering to provide screening to alleviate any privacy issues.
- The window of No.62 Portland Road was once a pantry and obscure glazed. It faces an area where applicant's car was parked and is now storage.
- Neighbours have often had altercations with people in taxis parking on the double yellow lines,

The additional information has been taken into account and it is acknowledged that the applicant is proposing some mitigating measures to reduce any impact. However, it is considered that the impact on the residential amenity and living conditions of residents would still be too great in terms of noise levels and disturbance.

Other Matters

The Highways Authority have confirmed that they have no concerns once they had viewed submitted supporting letter and plan to show the layout of the seating to the front of the property. This includes ensuring there is sufficient room for access and egress around the seating area. Signage is also proposed to direct customers to remain the area and leave the premises promptly and quietly.

It was also proposed that the rear patio would have tables and chairs, a fence to restrict public, replacement of the tarmac ground cover, installation of a permanent step down, a high gate/screen to restrict access towards No.58, a screen to conceal No.62 and additional signage.

Although a layout plan was received for the seating, no further details of appearance were received. It is acknowledged that it is unlikely that allowing the seating would have an impact on visual amenity and appearance of the street scene, however it cannot be adequately assessed.

Conclusion and Planning Balance :

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

The proposal would provide some economic benefits - especially to the business owners - which in light of the current economic conditions carries weight in favour of granting permission. There would also be social benefits arising from the proposals through increased community interaction and it is clear from the petition and letters of support, the Micro-pub is valued by some members of the community.

However, the removal of the conditions to allow outdoor seating and the use of the patio doors to the rear, would create an unacceptable impact on neighbouring residents through increased noise and disturbances. Such that, the reasonable enjoyment of their homes would be affected.

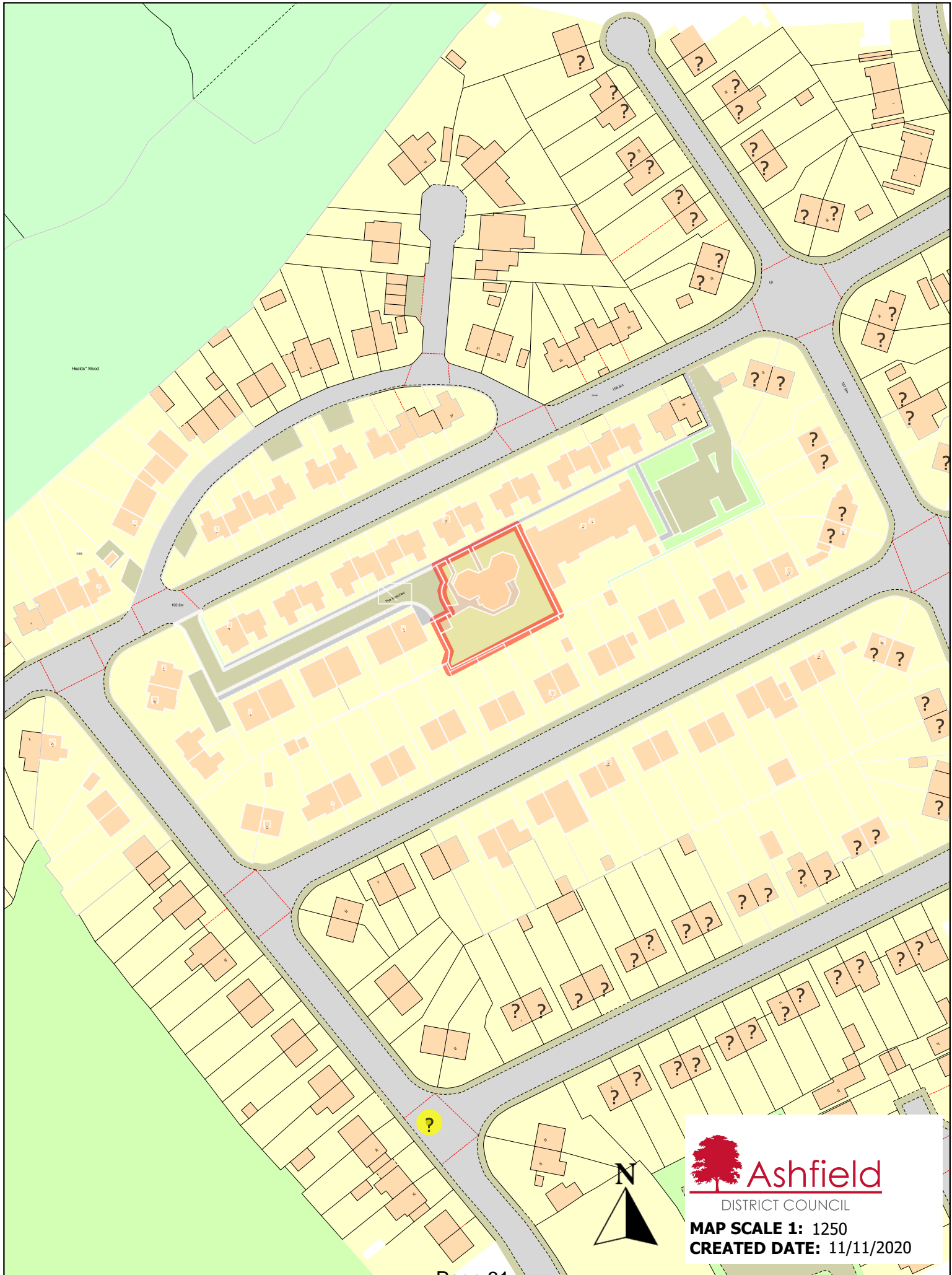
These conditions were originally applied to help protect residents from any adverse impact arising from the development and it is clear already that the residents are being adversely affected through the use of the outside seating areas. Accordingly, it is considered that the harm to these residents significantly and demonstrably outweighs the schemes benefits.

It is therefore considered that the application does not accord with the relevant saved policies contained within the ALPR 2002, and also those outline within the NPPF 2019, it is therefore recommended that this application is refused.

Recommendation: - REFUSE removal of conditions

REASONS

- 1. The removal of condition 6 to allow tables and seating externally and to remove condition 7 to allow the patio door to be used and the signage removed, will have a significant impact upon the living conditions of nearby residents by virtue of additional noise and disturbance from the premises. This would be in the form of the placement, movement and collection of outdoor furniture, patrons sitting and congregating outside, and increased comings and goings to the premises generated by the additional seating capacity. The proposal is as such considered to be contrary to policy ST1 of the Ashfield Local Plan Review (2002), which seeks to ensure that developments will not adversely affect the character, quality or amenity of the environment and will not conflict with an adjoining or nearby land use. Furthermore, the proposal would also be contrary to the requirements of Part 12 – Achieving well designed places of the National Planning Policy Framework (2019), which seeks to create places that, amongst other things, promotes health and well-being, with a high standard of amenity for existing and future users.**



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 11/11/2020

| | | | |
|---------------------------------|---|--------------------|--------|
| <u>COMMITTEE DATE</u> | 25/11/2020 | <u>WARD</u> | Skegby |
| <u>APP REF</u> | V/2020/0654 | | |
| <u>APPLICANT</u> | Ashfield District Council | | |
| <u>PROPOSAL</u> | Demolition of Community Centre and Construction of 2 Bungalows | | |
| <u>LOCATION</u> | The Beeches Community Centre, Beech Street, Skegby, Sutton in Ashfield, Nottinghamshire, NG17 3FL | | |
| <u>WEB-LINK</u> | https://www.google.co.uk/maps/@53.1451624,-1.27359,17z | | |
| <u>BACKGROUND PAPERS</u> | A, D | | |

App Registered: 02/10/2020

Expiry Date: 04/12/2020

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

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

The Application

This is an application that seeks full planning consent for the demolition of the existing Beeches community centre on Beech Street, and the construction of two single storey, semi-detached dwellings, with associated off-street parking and private amenity space, to be used for social housing. Each dwelling will comprise of two bedrooms.

Consultations

A site notices has been posted together with individual notification to surrounding residents.

The following responses have been received:

Nottinghamshire Highways Authority:

This is an application for two bungalows served off The Beeches which is a cul-de-sac. The proposed parking provision is acceptable, as are required visibilities. It is unlikely that this proposal will result in an unacceptable risk to highway safety therefore we would not wish to raise objection. Conditions requested in regards to the parking provision.

Policy

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

National Planning Policy Framework (NPPF) 2019:

Part 5 – Delivering a Sufficient Supply of Homes

Part 11 – Making Effective Use of Land

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

EV8 – Trees and Woodland

HG5 – New Residential Development

SPD Residential Design Guide

SPD Residential Car Parking Standards

Relevant Planning History

None.

Comment:

The application site comprises of an existing single storey community centre, known as 'The Beeches', which is sited at the culmination of a cul de sac off Beech Street.

Existing residential development surrounds the application site to the north, south, east and west on Beech Street, The Beeches and Oak Street, and the area is subsequently residential in nature.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on visual and residential amenity, as well as highway safety.

Principle of Development:

The development site is located within the main urban area of Sutton in Ashfield, where the principle of development is considered acceptable, providing no other material planning considerations indicate otherwise.

The site comprises of the Beeches community centre which is proposed to be demolished as part of the development scheme. The community centre is understood to be frequented by a handful local community groups.

Information received as part of the application indicates that the centre is however considerably underused, providing an income of circa. £1,000 per annum. When taken with the yearly cost of running the centre and the ongoing long term maintenance investment required to keep the centre operational, the Council are left

with a net loss of circa. £19,000 per annum. As such, the retention of the community centre is unviable due to its lack of use and required upkeep and maintenance.

Given that there are alternative community centres and public halls within the area which could be used by local community groups, it is considered the loss of the community centre would not be significantly detrimental to the local community.

As such the principle of the proposed demolition of the community centre and the subsequent construction of two dwellings, is considered to be acceptable.

Visual Amenity:

As previously mentioned, the area surrounding the application site is predominantly residential in nature. Properties within the vicinity of the site vary in terms of size, type and design, with examples of single storey dwellings on Beech Street and The Beeches, whilst two storey dwellings are present on Oak Street to the south of the site. Properties found within the locality are typically either terraced or semi-detached in style.

Properties found on The Beeches follow a linear pattern of development which is consistent with the pattern of development to the north and south of the site. The proposed dwellings would front onto The Beeches, and project approximately 1.5m further forward than properties sited directly to the west of the site. The proposed scheme is therefore considered to largely respect the prevailing pattern of development within the area, resulting in no detriment to the appearance of the locality.

The dwellings are to be constructed from red facing brick and grey roof tiles, and will incorporate stone cills and brick headers in to the design. Dwellings directly to the west of the site have been constructed from comparable materials. In this respect, it is considered that the proposed development would assimilate well into the street scene.

Areas of private amenity space to the rear of the dwellings are proposed to be enclosed through the installation of 1.8m high timber fencing panels, gravel boards and concrete posts. Such boundary treatments are typical of the area. The area forward of the dwellings is proposed to consist of low level shrub planting to further improve the appearance of the development.

The site comprises of a number of mature trees which are presently planted around the perimeter of the community centre. None of these trees are protected by Tree Preservation Orders. Two of the trees, a 'London Plane' and a 'Wild Cherry' are proposed to be removed to facilitate the proposed development. The submitted Arboricultural Assessment has assessed both of these trees as being of low quality in regards to their overall age, health and amenity value, and subsequently their removal is considered to not result in any significant loss to the visual amenity of the area. The remainder of the trees on site are to be retained to help the proposal

integrate into the wider area, and an Arboricultural Method Statement and Tree Protection plan have been submitted with the application to demonstrate their protection during demolition and construction works.

Residential Amenity:

The proposed dwellings are to be sited approximately 4m from the nearest residential property at 8 The Beeches, to the east of the site. This dwelling is single storey in height, and is separated from the application site by a close boarded timber fence, measuring approximately 1.8m in height. Whilst this property was observed to have a number of windows facing the application site, these windows are understood to be secondary windows serving a hallway, a laundry room and a shower room. Given the proximity of the windows to the boundary fence, in addition to the siting and overall size and scale of the proposed development, it is considered that the proposal would not result in any significant massing or overshadowing impact on neighbouring residents.

In regards to the potential overlooking impact, the proposed development will have main aspect habitable room windows sited in the northern and southern elevations only (front and rear). The separation distance between habitable room windows in the northern elevation (front) and those sited in the rear of 20 and 22 Beech Street measures approximately 10m. Whilst this separation distance falls significantly below the recommended minimum standard of 21m contained within the Council's Residential Design Guide SPD 2014, this separation distance is consistent with the existing separation distances between properties on Beech Street and The Beeches.

At the present time, the community centre exhibits three, full height glazed windows in the northern elevation, which are sited approximately 6m from the rear windows of 20 and 22 Beech Street. As such, any potential overlooking impact arising from the proposed development is considered to be no greater than what is already experienced by local residents on Beech Street.

The separation distance between habitable room windows sited in the southern elevation of the proposal, and those in the rear elevations of properties on Oak Street measures approximately 20m, which falls marginally short of the recommended requirement. Having said this, the 1.8m high boundary fence, in addition to the retention of three mature trees along the southern site boundary, will help to alleviate any significant loss of privacy or overlooking.

In respect of future occupiers, each of the two dwellings provide an acceptable level of internal space to adequately accommodate the family of household which is likely to occupy it. In addition to this, each dwelling benefits from an area of outdoor amenity space which exceeds the minimum requirements outlined in the Council's Residential Design Guide SPD 2014.

Highway Safety:

The proposed dwellings will be accessed off The Beeches and each of the dwellings will be afforded two off-street parking spaces, in accordance with the Council's Residential Car Parking Standards SPD 2014.

The Highways Authority have confirmed that they have no objections to the proposed development scheme.

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

Conclusion:

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

The proposed development site offers the opportunity for the construction of two new dwellings in a sustainable, main urban area location, which will also contribute to the districts social housing stock providing social benefits, as well as economic benefits during the construction of the dwellings and occupation thereafter.

The proposed development scheme does not raise any significant concerns with regards to the impact upon the visual amenity of the locality or upon the residential amenity of existing and future occupiers. Furthermore, each dwelling is afforded appropriate off-street parking provision, and the cumulative impact of an additional two dwellings on the highway network is deemed to be insignificant.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The materials and finishes to be used for the external elevations and roof of the hereby approved dwellings shall be 'Wienerberger Titan' red/multi facing bricks and 'Sandtoft Calderdale' roof tiles in slate grey as per the submitted information, unless otherwise agreed in writing by the Local Planning Authority.**

3. Prior to commencement of works on site, details shall be submitted to and approved in writing by the Local Planning Authority showing how the proposed dwellings are to be afforded protection from any harmful gases which may be present. Such protection must be equivalent to Full Radon Protection Measures as detailed in the BRE211 publication.
4. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan (dated October 2020).
5. The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Ecological Impact Assessment (dated October 2020).
6. The hereby permitted demolition works shall be carried out in accordance with the submitted Demolition Method Statement (dated 06/10/2020), unless any variation is given in writing by the Local Planning Authority.
7. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
8. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the access driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
9. This permission shall be read in accordance with the following plans: Proposed Site Layout, Drawing No. 31468 494 02 Rev B, Received 02/10/20; Proposed Floor Plans & Elevations, Drawing No. 31468 494 03 Rev B, Received 21/10/20; Proposed Drainage Layout, Drawing No. 31468 494 02 Rev B, Received 02/10/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

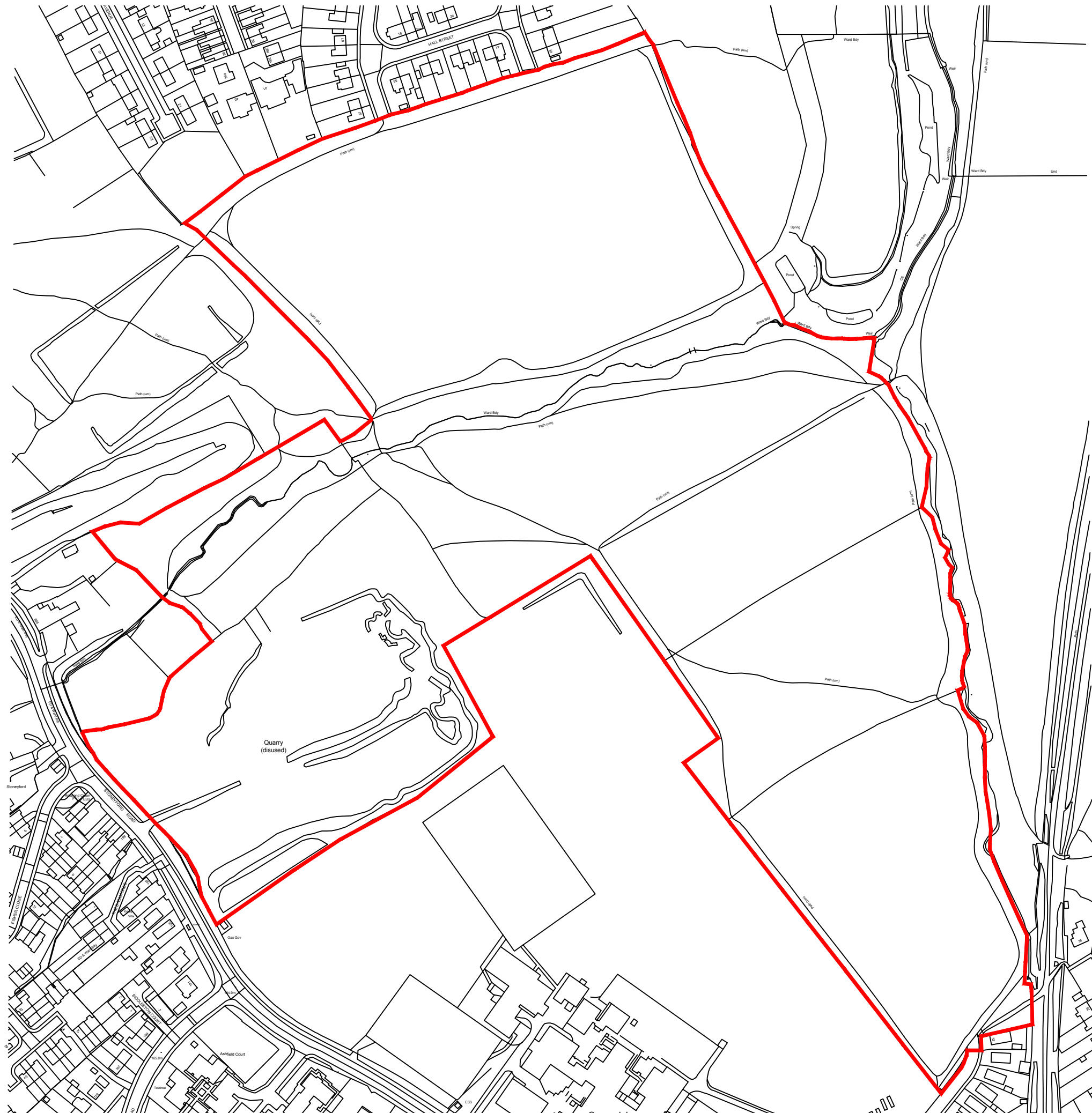
2. To ensure the satisfactory appearance of the development.
3. To ensure that the site, when developed, is free from contamination, in the interests of safety.
4. To safeguard the visual amenity of the area.
5. In the interests of ecology.
6. In order to minimise disturbance to surrounding properties, and ensure a satisfactory appearance of the site in the interim period between demolition and redevelopment.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
3. The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, telephone: 0300 500 8080 to arrange for these works to be carried out.
4. If, during the course of construction works, the Developer should encounter any unnatural ground, then the Applicant must immediately

inform the Local Authority. This will enable the Environmental Protection Section to liaise with the Developer and agree the best way forward to ensure the site is developed suitable for its intended use.

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Rev. _____

Client: **GLEESON HOMES
& REGENERATION**

Project: **Gilcroft Street
Skegby**

Title: **Location Plan**

Scales: 1:2500 at A3 Cad ref. _____

Drawn: MA Checked: MJ Date: Dec 18

Drawing no: **LP/01** Rev. _____

COMMITTEE DATE 25th November 2020 **WARD** Stanton Hill and Teversal

APP REF V/2018/0783

APPLICANT Gleeson Regeneration Ltd

PROPOSAL 206 Dwellings and Associated Infrastructure

LOCATION Land Off, Gilcroft Street / Vere Avenue, Skegby, Sutton in Ashfield, Nottingham

WEB LINK <https://www.google.com/maps/place/Gilcroft+St,+Skegby,+Sutton-in-Ashfield/@53.1398295,-1.2680492,17z/data=!4m5!3m4!1s0x4879968c30a32f41:0xf5c11943b14d1e4b!8m2!3d53.1420852!4d-1.2685213>

BACKGROUND PAPERS A B C D E F H I J K L

App Registered 18/12/2018

Expiry Date 19/03/2019

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

This application has been referred to Planning Committee by Councillor Helen Smith to discuss policy implications

The Application

This is a Full Application for 206 Dwellings and associated infrastructure. The housing is split into two areas:

- 112 dwellings are proposed to northern part of the site, with two vehicular accesses from the ends of Gilcroft Street and St Andrews's Street.
- 94 dwellings are proposed to the north of Vere Avenue, accessed via a new vehicular road from Stoneyford Road.

The application proposes the following mix of houses:

- 65 x two bed semi detached
- 55 x three bed semi detached
- 72 x three bed detached
- 14 x four bed detached

The site lies between Skegby, Stanton Hill and Sutton-in-Ashfield. The housing developments are set out on individual parcels of agricultural land measuring

approximately 7.4. The wider application site comprises an area of land measuring some 17.9ha.

The northern section lies to the south of Gilcroft Street and St Andrews Street, which contains predominantly two storey dwellings. The eastern boundary adjoins with the curtilage of Skegby Hall Historic Park and Gardens. The land then falls steeply towards the valley bottom and the central area of open space, which contains a stream running through and an overgrown stone quarry.

The southern parcel of development lies immediately adjacent to Vere Avenue with existing bungalows of approximately 1960's construction. Quarrydale school and playing fields lie to the west. The access to the southern housing site would run from Stoneyford Road through an area of open field.

A full list of the plans and key documents considered as part of this application are found in Appendix A.

Consultations

A site notice and press notice have been posted together with individual notification of surrounding residents. There have been a number of revisions and additional information submitted since the original submission. All consultees were re-consulted as considered appropriate by the case officer based on the nature of the changes and information submitted. The following summaries represent the latest comments received from each consultee:

A.D.C Environmental Protection

Having reviewed all the submitted information relating to land contamination for the access road area/quarry area, the northern housing site off Gilcroft Street and the southern housing site adjacent to Vere Avenue - No objections are raised.

A.D.C Drainage

No known drainage issues with this site, however there is a history of flooding just downstream from this site, which is within zone 2 & 3 on the Environment Agency flood map. The Local Lead Flood Authority, Severn Trent and Environment Agency should all be consulted.

A.D.C Conservation

No observations.

A.D.C Tree Officer

No objections.

A.D.C Landscaping

Northern Development (Gilcroft Street)

- A Kick-about area should be provided with five a side goal posts.
- Surfacing detail of the footpaths should be provided and the hedgerow along the eastern/northern boundary protected.
- A vehicle maintenance gate should be provided to Skegby Hall Grounds.

Southern Development (Vere Avenue)

- Additional tree planting is required along the road on the eastern boundary and a hedge provided along the access road.
- The desire line to the east of the site requires upgrading and a footpath/cycle link provided between the development and Vere Avenue.
- A pedestrian link should be created into Skegby Hall Grounds.

Landscape and Section 106

- The general landscape plans are acceptable, although a management plan should be provided.
- Section 106 monies are also requested for plan area improvements at Healdswood and Stoneyford Road Recreation Grounds, along with a number of other relevant planning conditions.

A.D.C Planning Policy

- The development plan includes the Ashfield Local Plan Review 2002, saved policies and the Teversal, Stanton Hill and Skegby Neighbourhood Plan.
- A substantial part of the proposed residential area off Vere Avenue is not within the Neighbourhood Plan Area. Consequently, the policies are only relevant for those parts of the site that falls within the area.
- The proposal would be contrary to Policies ST4 and EV2 of the ALPR (2002).
- The Council does not have a 5-year housing supply.
- Comments were also provided in respect of the relevant local and national planning policies which govern: Ecology, Flooding, Historic Environment, Landscape Character, Housing (density, mix, affordable), Highways and Infrastructure.

Nottinghamshire County Council [NCC]

The County Councils comments set out the policy position in respect of Waste, Minerals, Transport and Education. The county planning context is set out below:

NCC Minerals

The proposed development site does not lie within close proximity to any existing proposed mineral site, although it does lie within the Mineral Safeguarding and

Consultation Area for limestone. The applicant must consider prior extraction of limestone and demonstrate, if not found practical nor viable, the reasoning.

NCC Waste

The site is unlikely to sterilise an active waste management site (Mitchells of Mansfield). The nearest recycling centres are operating close to capacity, particularly at peak times. The housing growth in the area means it will be necessary to build a new split-level Recycling Centre. In order to meet growing demand a financial contribution of £11,672.28 is sought. A waste audit should also be provided.

NCC Travel and Transport.

- The walking distance to bus stops to the centre part of the development site exceeds the guidance of 400m, however the distance is still considered acceptable.
- A diversion would be required for the existing services and contributions are required toward bus stop improvements.
- In light of the Spira Service discontinuing, a bus service contribution is requested to provide additional bus service and/or community transport facilities.

NCC Education

The development is located in the Sutton Town Primary Planning Area and would generate 44 places. Based on the current projections there is insufficient capacity to accommodate the pupils generated by this development. Therefore, the County Council would seek a contribution, based on build cost, of £819,064 (£19,048 x 43). This would be used towards funding a new primary school within the area.

The development is in the secondary catchment of Quarrydale Academy and would generate 33 secondary school places. Based on current projections there is insufficient capacity to accommodate the pupils generated. As a result, the County Council would seek a contribution of £585,849 (33 places x £17,753 per place). This would be used to enhance secondary provision at Quarrydale School.

Nottinghamshire County Council Highways Authority

The following is a summary of the latest comments – following submission of revised information:

Traffic Impact on the Local Highway Network

The applicant has now updated the assessment to include committed development traffic flows for Brand Lane (216 dwellings) V/2016/0208 and Stoneyford Road (50 dwellings V/2013/0647). The junction of St Andrews Street junction with Mansfield

Road has now been included within the traffic modelling and this is considered to be acceptable.

The applicant has agreed to the installation of signal upgrades at the junctions of Mansfield Road/Priestsic Road/Downing Street and Mansfield Road/ Dalestorth Street/Outram Street- in order to mitigate the impact of the development trips.

Sustainable Transport options offsite

The applicant has agreed to provide 2 improved toucan pedestrian/cyclist facilities at Quarrydale/Stoneyford Rd junction and near Mansfield Rd/Buttery Lane junction.

In addition to the £118,400 paid under the outline planning permission, an additional contribution of £21,600 will be made within a Section 106 contribution. This total of £140,000 will be used to provide additional public transport requirements as appropriate.

Internal layout of Northern and Southern parcel

There is still too much reliance on tandem parking arrangements, which will lead to a car dominated development where residents will have to park on the street.

The applicant has provided evidence to demonstrate that a refuse vehicle is able to manoeuvre within the site, and relevant private drives are of sufficient width with suitable pedestrian splays and bin collection points.

It is recommended that the informal footpaths should be of a more permanent nature with appropriate surfacing on desire lines.

Recommended Conditions

A number of conditions are recommended, if the LPA are satisfied with the layout issues. These include (inter alia):

- A pedestrian refuge and ghost turn lane on Stoneyford Road.
- The spine road being constructed with 2m x 2m footpaths.
- Two new pedestrian refuges one for St. Andrews Street/Mansfield Road junction and one for Gilcroft Street/Mansfield Road junction.
- The provision of Toucan crossing facilities and MOVA signal upgrades

Coal Authority

Part of the site falls within a High Risk Area. The Coal Authority have raised no objections, but recommend a condition is imposed to ensure that the development is undertaken in accordance with the mitigation strategy detailed in the submitted Coal Mining Risk Assessment.

Environment Agency

Having reviewed the submitted information, the EA is satisfied with the conclusions reached regarding risks to controlled waters. A condition is recommended that should any previously unidentified contamination be found, then no further development should take place, unless a remediation strategy is submitted.

Nottinghamshire County Council Rights of Way

There is currently a Modification Order application to add 2 routes to the Definitive Map and Statement. These have been made on behalf of the Neighbourhood Forum. Photos and user evidence have been submitted to suggest the paths have been used for 20 years without challenge. One of these paths will pass through the houses and may require an Order to divert onto the footway, if it is adopted.

Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will have no significant impacts on statutorily protected sites or landscapes.

Nottinghamshire Wildlife Trust (NWT)

Object to the application. The proposal will result in unacceptable loss and fragmentation of the Local Wildlife Sites (LWS) contrary to saved policies in the Ashfield Local Plan, National Planning Policy Framework and Planning Practice Guidance. They also dispute whether a Net Biodiversity Gain can be achieved.

Independent Ecologist (Delta Simons)

A survey for water voles should be carried out along with a National Vegetation Classification survey (NVQ). The results of the NVQ should be used to rerun the Biodiversity Calculator, if long-term maintenance of the habitats can be secured through a Section 106 Agreement, then 'Net Gain' can be achieved.

The proposed development would materially affect the LWS and therefore it is recommended that the SuDs be redesigned to minimise land take within the LWS, a hoggin surface should be used for the footpaths, dog waste bins provided and a vegetation buffer with thorny species.

Severn Trent

Have requested a condition relating to the submission of surface and foul water plans. They have identified that no surface water should enter the foul, or combined system and that sustainable methods/soakaways should be used. A hydraulic

modelling study is also required to determine if the sewer to the north east is capable of taking flows from the development, or whether improvements are required.

Neighbourhood Forum (TSS)

(Initial response) – Raise concerns over the consultation period, lack of consultation with the developers and the forum, and loss of open space contrary to the neighbourhood plan policy NP4.

(Full response) Again, concerns are raised over a lack of consultation with residents along Gilcroft Street. They have also raised concerns over the following issues:

- Highways safety and the Transport Assessment being out of date;
- Impact on a listed building and a historic park and garden;
- Loss of footpaths and open space, which is contrary to the Neighbourhood plan.
- Loss of views;
- Impact upon a local wildlife site (LWS) and ecology;
- Potential issues surrounding geological disturbance and the sites coal mining legacy.

An additional response was also received the TSS objecting to the application on the basis that the development would be contrary to the Neighbourhood plan (pgs. 48, 50, 53 and 54) and paragraph 184 which seeks to protect a green corridor between Skegby and Stanton Hill.

The forum have confirmed their comments remain the same based on the latest submissions.

Historic England

Originally raised concerns regarding the application on Heritage grounds and advised that further information needs to be supplied to meet the requirements of paragraphs 189 and 190 of the NPPF.

The applicant subsequently submitted a Heritage Statement and Historic England have raised no further objections. However, they have identified that information needs to be sourced regarding below ground archaeological remains.

The Archaeological information has since been submitted by the applicant.

Local Lead Flood Authority

Nottinghamshire County Council, as the Lead Local Flood Authority (LLFA), has reviewed the application which was received on the 23 Oct 2020 and raises no

objections. A condition is recommended for details of the drainage strategy to be submitted.

Clinical Commissioning Group

A development of this nature would result in increased service demand, which could not be accommodated within existing primary care resources. The proposal would trigger the need to provide health related section 106 funding. The contribution would be invested in enhancing capacity/infrastructure with existing local practices, or potentially the provision of a new building facility. Options are being explored as to where the contributions would be best spent.

Councillor Melanie Darrington

This land has been refused planning permission many times. The environmental impact will be devastating for wildlife. A barn owl and badger are known to be in the area, not to mention the plant life there. The impact on the watercourse will lead to further flooding. Indeed, any major change to it will flood several nearby properties. The area acts as a sewage overflow - extra houses in this area will add to the strain. The roads are inadequate and the local schools full.

Local Community

128 individual households have written a total of 137 letters of objection, their comments have been summarised below:

Highways Safety and Access

- Traffic already a problem and the introduction of over 400 cars to the area would leave the roads gridlocked; especially given that Brand Lane and other developments are already adding traffic
- Stoneyford road is a busy dangerous road, where accidents have already taken place.
- A number of articulated lorries already drive around the area and there would be danger during the construction phase from larger vehicles.
- The site is close to Quarrydale school and there could be a danger to children.
- Vere Avenue is narrow with poor visibility onto Stoneyford Road and cars are parked on either side.
- The roads on Gilcroft Street, St Andrews and Hall Street are already in bad condition and access through Gilcroft Street is difficult in bad weather.
- The queues at Stoneyford Road and Preisetic road junction are lengthy and junction improvements should be looked at.
- The transport assessment was based on outdated statistics from a previous assessment.

Impact of the development on infrastructure and services

- Local residents struggle to get doctors' and dentist appointments, with junior and secondary schools already full.
- Long waiting lists at the Hospital.
- Lack of a regular bus service.

Impact on the character and appearance of the area

- Loss of countryside and views from the footpath/trail.
- The application would involve destroying green land on a popular trail for walkers, dog walkers, nature lovers, runners, children playing etc.
- The boundaries of Skegby and Sutton will be merged.
- Lack of provision through the estate for dog walkers to Skegby Bottoms.
- The site should be turned into a country park, linked to the Brierley and Teversal trails.
- Concerns over the amount of trees being removed.
- Further development could join the sites together.
- Loss of local identity.

Impact on footpaths

- Footpaths within the area, which are not shown on the NCC definitive map have been used for a number of years and are important to the heritage of the area.
- Two footpaths are under review by the NCC to be formally adopted. These pass through the northern site of the planning application area.

Impact on Ecology and Pollution

- Impact on wildlife including Barn Owls, Herons, Kingfisher, Sparrow Hawk, Kestrel, Badgers, Bats etc.
- Loss of flora/fauna and biodiversity
- Impact on 'Skegby Quarry' and 'Stanton Hill' Local Wildlife Sites, which would not be off-set by the mitigation measures.
- A question was raised surrounding reliability of the Ecological survey. However, once the objector had read the survey in greater depth, they considered the survey work and recommended mitigation measures to be acceptable.
- Noise and air pollution with this being worsened by increased vehicular traffic and lack of regular bus service.

The Sites Sustainability

- There is a lack of public transport running through the area and the proposal would be contrary to the objectives to promote sustainable travel.
- The large access road to the Vere Avenue site will increase car trips, as residents will not wish to carry shopping.

Flooding and Drainage

- Inadequate drainage and impact on flooding further downstream.
- The area is a natural floodplain and there are existing problems with the watercourse, especially during heavy rain.
- Impact upon the sewage overflow at Skegby Brook, which is a problem when it rains, with sewage is deposited into the brook. This has been ongoing for a number of years with STW unwilling to spend money on the issue.

Land Contamination and Stability

- Land is contaminated from the former Pit and the area is defined as high risk by the Coal Board.
- Geological disturbance, fissures affecting the access road and plots being underlain by fissures.

Other Comments

- Overlooking and loss of privacy, especially to a nearby school.
- The development would adversely affect the setting of Skegby Hall gardens.
- Adverse impact upon community spirit.
- Plenty of properties already available in the area
- Problems with utilities reaching the properties.
- Potential for affordable homes to devalue properties.
- The proposal would be contrary to policy.
- Strong local opposition to the development.
- Questions over future maintenance of the footpaths.
- The development should take place elsewhere in the district.
- The area is less affluent and an easy target for housing development.
- The residents feel that whatever is decided at planning committee will be overturned anyway.

2nd Round of Consultation

Over the course of the application, the scheme was amended with the number of dwellings reduced from 208 to 206. Information surrounding viability was also submitted over the course of the application and published on the website. It was considered prudent to re-consult residents again with this information. 47

letters/emails were received from 47 individual households/residents. The contents of these are summarised below:

Highways Safety Issues

- Increased traffic from extra residents adding to the parked cars and congestion creating safety issues for residents including children from the nearby school.
- Surrounding roads already impassable in snow and ice and vehicles get abandoned, extra vehicles from extra residents will add to this.
- Access roads to the site already lined with parked cars.
- Damage to the road surface caused by construction vehicles and increased traffic from extra residents.

Residential Amenity

- Loss of greenspace for dog walkers and other recreational purposes.
- Excess noise and air pollution caused by construction vehicles and the vehicles of extra residents.
- Possible increase in anti-social behaviour.

Environment and Wildlife

- Loss of habitat and displacement of wildlife including foxes, hedgehogs, badgers and birds.
- Flood risk as the site is prone to becoming waterlogged/flooded. Specific mention of a culvert adjacent to Mansfield Road.

Other Issues

- Infrastructure. Extra demands upon schools and healthcare services.
- Concerns footpaths surrounding the development will be got rid of.
- Insufficient sewerage and drainage network servicing the area.
- Lack of consultation for Gilcroft Street residents.
- Affect the setting of Skegby Hall which is a listed building.
- One letter of support received for the employment opportunities and new homes being created.

Policy

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

Policy Context

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

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

- Policy ST1: Development.
- Policy ST2: Main Urban Areas.
- Policy ST4: Remainder of the District.
- Policy EV2: Countryside.
- Policy EV5: Sites of Special Scientific Interest (SSSI)
- Policy EV6: Local Nature Reserves and Sites of Importance for Nature Conservation and Geological Significance (Now known as Local Wildlife Sites).
- Policy EV8: Trees and woodlands.
- Policy HG3: Housing density.
- Policy HG4: Affordable Housing.
- Policy HG5: New residential development.
- Policy HG6: Open space in residential developments.
- Policy TR2 Cycling provision in new developments.
- Policy TR3 Pedestrians and People with limited mobility.
- Policy TR6 Developer contributions to transport improvements.
- Policy RC8: Recreational routes.

Teversal, Stanton Hill and Skegby Neighbourhood Plan, 2016-2031 (TSSNP)

- NP1: Sustainable Development.
- NP2: Design Principles for Residential Development.
- NP3: Housing Type.
- NP4: Protecting the Landscape Character.
- NP5: Protecting and Enhancing Heritage Assets.
- NP6: Improving Access to the Countryside.
- NP8: Improving Digital Connectivity

National Planning Policy Framework, paragraph 30 identifies the relationship between the neighbourhood Plan and the ALPR.

Material considerations

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

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

Supplementary Planning Documents

- National Design Guide 2019
- Residential Design Guide SPD 2014
- Residential Car Parking Standards 2014
- Nottinghamshire Highways Design Guide

Legislation

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that special regard should be paid to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development.

Relevant Planning History

- **V/1975/0839** – Site for residential development. Refused. 15/01/1976
- **V/1992/0366** – Site for residential development. Refused. 16/07/1992
- **V/1994/0720** – Site for residential development. Refused. 05/01/1995
- **V/2011/0503** – Outline application for residential development for a maximum of 230 dwellings including access and associated development. Planning Appeal Allowed.

The Council gave 7 separate reasons for refusing the application, these are summarised below:

- The proposal being inappropriate development and contrary to the Local Plan.
- The development having an adverse impact on the character and appearance of the area.
- The proposal failing to provide good quality housing, a good mix of housing, the site being unsuitable for housing and an inefficient use of land.
- The development being detrimental to the setting of the Heritage Asset Skegby Hall Historic Park and Garden.
- Insufficient information being supplied to demonstrate that an appropriate design can be accommodated on the site at the density proposed.
- Insufficient information to satisfy the Local Planning Authority in relation to drainage, flooding and the impact on Nightjars and Woodlarks.

The application was considered by the Planning Inspector, at a public inquiry, and recommended that the appeal should be allowed. The appeal was recovered by the

Secretary of State for Communities; with the Secretary of State agreeing with the Inspector's conclusions and recommendations. The appeal was allowed on the 7th March 2013.

As the relevant LP policies are out of date, the Secretary of State gave significant weight to the fact that the Framework indicates that, in the absence of a 5-year housing land supply - in an up-to-date, adopted development plan - planning permission should be granted for the proposal.

He was satisfied that the appeal site is in a sustainable location for housing development and that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. Therefore, he did not consider that there are any material considerations of sufficient weight to justify refusing planning permission.

- **V/2015/0511** – Application to vary conditions attached to planning approval V/2011/0503. Withdrawn.
- **V/2016/0169** – Reserved matters application of planning permission V/2011/0503 for 177 dwellings including access and associated development. Reserved Matters Consent.

Condition Discharge Applications

The following applications have been submitted to discharge conditions:

- **V/2019/0025** - Application for Approval of Details Reserved by Condition 2- Construction Management and 4 - Landscape Details of Planning Permission V/2016/0169.
- **V/2019/0027** - Application for Approval of Details Reserved by Conditions 6 - Speed/Traffic Management Scheme, 10 -Nesting Boxes, 11 - Access for Bats, 13 - Phase 1Habitat Survey, 14 - Protected Species Survey, 18 - Boundary Treatment, 22 - Materials and Finishes, 23 - Coal Mining Risk Assessment, 24 - Air Quality Assessment, 25 - Environmental Studies of Planning Permission V/2011/0503 Approved by Appeal Reference APP/W3005/A/12/2179635.
- **V/2019/0078** - Application for Approval of Details Reserved by Conditions 8 - SINC Quarry Protection, 12 – Tree Removal, 19 - Parking, Turning, Access, Drainage and Associated Highway Works and 20 - Drainage of Surface Water of Planning Permission V/2011/0503.

Duplicate applications have been submitted in respect of the above three applications, with the reference numbers: V/2018/0164, V/2018/0165 and V/2018/0166.

Environmental Assessment

On the previous appeal decision, in 2013, it was directed by the Secretary of State that the development is not Environmental Impact Assessment (EIA) development. As part of this application a new screening exercise has been undertaken, and it is considered the proposals remain to be seen as non EIA development.

The Site

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

1. Principle of Development
2. Impact upon the Landscape Character
3. Design – Layout, Appearance and Scale
4. Housing Density and Mix
5. Residential Amenity
6. Residential Amenity
7. Highways Safety
8. Historic Environment and Archaeology
9. Drainage and Flooding
10. Land Contamination and Stability
11. Biodiversity and Ecology
12. Footpath
13. Other Issues
14. Planning Obligations and CIL Compliance
15. Viability
16. Planning Balance and Conclusions.

1. Principle of Development

The Previous Application

The site received Outline Consent, on appeal. The applicant has submitted applications to discharge the relevant pre-commencement conditions and made a start on the site. However, Condition Discharge Application V/2019/0078 was called-in to Planning Committee and the relevant pre-commencement conditions are yet to be fully discharged.

Case law provides that works undertaken prior to a formal approval may lawfully commence a development, where an application is made before the expiry of the relevant planning permission. Therefore, should the relevant conditions be successfully be discharged, then the permission is extant. This is a material consideration. However, this is a separate full planning application and therefore must be assessed on its own individual planning merits and on the basis of the information provided.

The Development Plan and NPPF

Legislation requires that the application be determined in accordance with the statutory development plan, unless material planning considerations indicate otherwise. The statutory development plan comprises the Ashfield Local Plan Review (ALPR) adopted in 2002.

The NPPF sets out the governments planning policies and is a material consideration in planning decisions. The NPPF does not change the statutory status of the development plan for decision-making, but provides guidance for decision takers in determining planning applications. The NPPF stresses, in paragraph 213, that due weight should be attached to development plan policies dependent upon their alignment with the NPPF.

The application site is located outside the development boundary of Skegby/Sutton in Ashfield. The most relevant policies are ST4 and EV2 of the Ashfield Local Plan Review (2002) (ALPR). Policy ST4 is restrictive of development outside the main urban areas and named settlements. In this regard it lacks the balancing exercise required by the NPPF.

The application site is located on land designated as Countryside under Policy EV2. This policy sets out the types of development considered appropriate in the countryside. None of the criteria apply to the proposal. However, Policy EV2, when read as a whole, is not fully consistent with the NPPF as it arbitrarily restricts proposals to various forms of development that meet certain specific criteria. This is contrary to the more balanced approach within the NPPF. As a result, limited weight must be given to any conflict with Policy EV2 of the Development Plan.

The Teversal, Stanton Hill and Skegby Neighbourhood Plan (NP) 2016 – 2031 boundary runs through the site. A substantial part of the proposed residential area off Vere Avenue is not within the NP Area. Policy NP1 seeks to ensure that development is sustainable by reference to economic, social and environmental matters, high quality design and housing meeting identified local need. The text of the NP suggests that development on the edge of settlement is anticipated and the aspiration is that such development be well integrated with that existing. Though, it is noted that the NP was adopted after the appeal decision on the outline application.

Housing Land Supply and Delivery Test

The NPPF identifies that the Government's objective is to significantly boost the supply of homes. The Council is required to identify a 5 years supply of deliverable housing sites, but currently has only 2.53 years.

The titled balance of paragraph 11 of the NPPF is therefore engaged. In this case, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against

the policies in the NPPF as a whole. The position on the 5-year housing supply will also apply to policies within the Neighbourhood Plan.

2. Impact upon the Landscape Character

Paragraph 170 the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognizing the intrinsic character and beauty of the countryside. Policy EV2 of the Ashfield Local Plan Review sets out protection for the character of the countryside and its openness. The application site is located in a mature landscape area set out in ALPR Policy EV4. The land forming the application site also falls within Zone NC08 River Meden Valley in the Greater Nottingham Landscape Character Assessment (LCA) 2009. The land is not subject to any national landscape designation.

The proposal is located within the Countryside and forms part a Mature Landscape Area – albeit described as having a moderate strength within the LCA. In terms of broad landscape characteristics, the site comprises undeveloped agricultural fields, divided by hedges, with the central area of open space containing a stream running through the middle. From the representations received, it is clear that local residents attach value to the landscape. However it is heavily influenced by the urban fringe, especially where the areas of housing are to be positioned. For this reason, the site is considered to be a medium landscape value and not a valued landscape for the purposes of the NPPF.

The impact of development on the character and appearance of the area was assessed as part of the planning appeal in 2013. The Inspector concluded that the development would not have a significant impact on the character of the landscape generally and that neither the impact of lighting, nor vehicular and pedestrian movement be significant as to be harmful to the character of the area.

The Inspector did, however, identify that the development shown on the illustrative plans would result in significant harm and accordingly chose not to specify the number of dwellings. This was due to the indicative layout plan showing a harsh boundary on the southern development section adjacent to the stream. The submitted plans now show an open strip, which will require landscaping. The Inspector also had concerns surrounding a hard boundary on the northern development section. To overcome this, the latest housing layout provides variation to its orientation– with some housing now fronting onto the open space.

Clearly, however, the development would result in some harm to the landscape, through the provision of built form on currently open Greenfields. Particularly, there would still be harmful impacts on views from the public footpath to the east and from the central area of public open space. There would be further harmful impacts from where the southern section abruptly abuts the central area of open space, however the hedgerow being retained softens the impact. The new access road does result

in harm to the landscape – however given the previous decision by the Inspectorate and Secretary of State on this aspect, it is considered that it would be difficult to refuse the application on this basis.

The NP in Policy NP4 and the supporting text emphasises the importance of the green corridor between Stanton Hill and Sutton in Ashfield. The development proposal would erode the edges of the two settlements. However, the housing would be located adjacent to the settlement boundary. There would be a significant area of open space between the two areas of housing, retaining the separation between Skegby and Sutton-in-Ashfield. Moreover, the map, shown on page 50 of the NP, identifies the areas of housing as being granted on appeal. The proposal would therefore not result in undue erosion of the green corridor.

Overall, there would be some harmful effects on the character appearance of the landscape. In this respect there would be a degree of conflict with Policies EV2 and EV4Rn of the ALPR and Policy NP4 of the NP, in so much as they seek to protect landscape character. Lastly, there would be conflict with the framework which recognises the intrinsic character and beauty of the countryside and to ensure decisions contribution to and enhance the natural environment.

3. Design – Layout, Appearance and Scale

The Local Plan sets out policies on design aspect in Policies ST1 and HG5. The TSSNP sets out in Policy NP2 Design Principles for residential development which includes specific design characteristics related to Skegby and emphasizes the need for creating and improving connections and to maintain visual openness to the countryside. The policies within the development plan are supported by the provisions of the NPPF part 12. A National Design Guide has also been published since the submission of the application. The application is supported by a building for life assessment in accordance with the guidance in the NP.

The scheme includes a mix of 2, 3 and 4 bedrooms, two storey dwellings. The development site to the north is of a higher density than the southern section. The general road layout, of the southern section, is similar to that which received reserved matters consent in 2017 (Ref: V/2016/0169). The road layout consists of two main branches heading from north to south and a small cul de sac serving the cluster of houses in the north east. The two main branches are linked in the centre by a band of greenspace. There are no significant concerns regarding the layout of the southern section.

In terms of the layout of the northern section, a loop connects the two access points, with a series of cul de sacs branching from a road running east to west. However, there are concerns that the proposed layout no longer includes the wider looped road system, with a central green walk leading to a kick-about area. This has been replaced with the series of four cul-de-sacs and the kick-about area has been

removed. Though, it is noted that one significant benefit of the currently proposed northern layout, is the provision for a future access to the land to the west.

The kick-about area's inclusion within this scheme has been specifically requested by the Council Localities Team. However, the applicant considers this to be unnecessary, as the proposed development is located within the catchment of two other recreation grounds - Healdswood Park to the north and Stoneyford Road/Stamper Crescent to the south. The applicant has also stated the development involves leaving a substantial area of policy compliant open space, which will be managed and maintained. In addition, that the previous location of the kick-about area would also entail fairly significant retaining wall along the southern boundary of the development parcel off Gilcroft Street.

However, the Councils Places and Localities team maintain that a flat area of usable public open space is essential for amenity. The existing POS provision is on a very steep slope and therefore of limited value for everyday use. Although, the two proposed housing areas are covered by the catchment of Healdswood and Stoneyford Recreation Grounds, children living in the new development need safe access to usable space close to home. Accessing Healdswood Recreation ground also requires navigating the busy Mansfield Road.

The kick-about area was something considered specifically by the Inspector in approving the previous outline scheme. The lack of kick-about area and central green walk therefore result in a less attractive form of development than previously approved. It is also noted their removal from the scheme has resulted in a higher density of development being achieved on the northern parcel.

The proposed dwellings would be all two storeys and of brick construction. They are part of Gleasons standard house type range. They would be of an typical modern design and would not appear as unduly out of character with other residential dwellings nearby. The proposed dwellings do not foster a sense of place, sustaining a refusal on this reason may be difficult to substantiate or evidence.

Finally, it is accepted, that the development features a high level of pedestrian connectivity into the wider settlement. The northern section features footpaths into Skegby Hall Historic Park and Gardens, the open space to the south and fields to the west; with the southern section also containing paths linking into the adjacent public footpath to the east. Footbridges have also been included over stream to enhance connectivity and its desirability for leisure use.

In summary, although the development provides a high level of connectivity and future linkages – there are concerns over the loss of the kick-about area and a central green walk previously seen on the reserved matters approval. Accordingly, there is some degree of conflict with the relevant policies contained with the NP, ALPR and the NPPF.

4. Housing Density and Mix

Saved Policy HG3 sets out a minimum density requirement of 30 dwellings per hectare for a site in this location. The developable area – excluding the wider area of open space – amounts to circa 28 dwellings per hectare. This marginally lower level of density is considered acceptable in this location, having due regard to the countryside characteristics of the site. Such allowance for a lower density is set out within the supporting text accompanying Policy HG3 of the ALPR (paragraph 5.56). The proposed mix of dwellings as set out in the opening section of the report is considered to be acceptable.

5. Residential Amenity

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

Existing Residents

The proposed development would retain adequate separation distances to all neighboring properties, which comply with the Councils Residential Design Guide (2014). This would ensure there would be no harm to nearby residents through any loss of privacy, or loss of light. Details of finished floor levels would need to be secured through an appropriately worded condition to ensure an adequate relationship to surrounding properties.

Future Residents

The Councils Residential Design Guide SPD (2014) sets out minimum garden size standards. All of the proposed dwellings would meet the minimum requirement.

The national Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings. However, Planning Practice Guidance is clear in stating that if an LPA "wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard.". In the case of ADC, we have not adopted the national space standards; however, there is a Residential Design SPD, which contains the relevant local standards.

The Councils Residential Design SPD sets out that order to protect the amenity and well-being of the future occupants, each dwelling should be adequate for the family or household which is likely to occupy it. New housing is expected to be big enough

to meet the needs of the occupants for living, cooking, dining, sleeping, washing and storage of household goods with convenient access to adequate amenity space.

The relevant floor space standards are each based on the number of bedrooms and bed spaces (persons). No furniture is shown on the submitted layout – so it is unclear on bedspaces proposed in each dwelling. For the purposes of the assessment below, the housetypes have been assessed against the lower amount of bedspaces. Although, this in reality maybe higher, it gives a clear indication of the schemes shortfall.

| House Type | No. of Beds | Floor Space (M2) | National Standard (M2) | Local Standard (M2) |
|------------|-------------|------------------|------------------------|---------------------|
| 201 | 2 | 60.48 | 70 | 62 |
| 212 | 2 | 62.37 | 70 | 62 |
| 301 | 3 | 70.56 | 84 | 77 |
| 304 | 3 | 71.71 | 84 | 77 |
| 307 | 3 | 75.00 | 84 | 77 |
| 309 | 3 | 73.24 | 84 | 77 |
| 310 | 3 | 73.24 | 84 | 77 |
| 311 | 3 | 70.56 | 84 | 77 |
| 313 | 3 | 75.31 | 84 | 77 |
| 314 | 3 | 75.31 | 84 | 77 |
| 401 | 4 | 99.00 | 97 | 93 |
| 403 | 4 | 97.36 | 97 | 93 |
| 405 | 4 | 108.89 | 97 | 93 |

Apart from the four bedroom dwellings, which even then have been assessed against the lowest bedspace threshold, all of the others fail to meet the National Space Standards. Likewise, with the standards contained within the Councils Residential design SPD, apart from one two bedroom house type and the four bed properties. all of them also fail to meet the standards. The overall scheme therefore shows a significant shortfall when assessed against both the national and local housing space standards.

Officers are mindful that these are product types which are known to sell and that there is an argument to say that the smaller units present the opportunity for being more affordable, even at the market rate which may be appealing to first time buyers and smaller families. Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to national housebuilder product sales. This must be weighted in the overall planning balance and with emerging guidance.

There is a growing body of evidence to support the case that new build housing should meet minimum required standards. The Building Better, Building Beautiful Commission is clear that 'we believe that all homes – new build or conversions - should meet minimum standards for space, amenity and comfort, as well as the

safety of the people that live there.’ A recent government announcement also set out that all new housing delivered under permitted development rights must meet the national space standard. It is clear there is push towards building a better quality and standard of housing in Britain.

6. Locational Accessibility

Paragraph 103 of the NPPF, states that the planning system should actively manage patterns of growth, with significant development focused on locations, which are or can be made sustainable, through limiting the need to travel and offering a choice of transport modes. A number of residents have voiced concerns regarding the locational sustainability of the site and lack of public transport.

The areas of housing are located on the edge of, and well connected to, the nearby settlements. Nottinghamshire Travel and Transport have advised that although the walking distances to the centre part of the development site exceeds the guidance of 400m to a bus stop, it is still considered acceptable. The Secretary of State also concluded, on the 2013 appeal, that he is satisfied that the appeal site is in a sustainable location for housing development.

However, it is noted that the Spira Service recently discontinued; this was service running to Chesterfield and was found to not be commercially viable. However, there are still bus services, within a reasonable walking distance, that connect the development into larger settlements.

The Highways Authority have noted that in addition to the £118,400 paid under the extant outline planning permission an additional contribution of £21,600 will be made. This will be used towards public transport enhancements. The applicant has also agreed to provide 2 improved toucan pedestrian/cyclist facilities at Quarrydale/Stoneyford Rd junction and near Mansfield Rd/Buttery Lane junction. This helps enhance the sites overall accessibility.

7. Highways Safety

The Ashfield Local Plan Review (2002) Policy ST1, set out that, amongst other matters, development will be permitted where it (c) does not adversely affect highway safety, or the capacity of the transport system. In a similar vein, the NPPF (paragraph 109) states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

The impact of the development on the surrounding road network has been assessed through the relevant Transport Assessment work. This includes assessment of other committed development in the vicinity (Brand Lane and Stoneyford Road). Along with modelling of relevant junctions. The applicant has agreed upgrades at the junctions of Mansfield Road/Priestsic Road/Downing Street and Mansfield Road/

Dalestorth Street/Outram Street to mitigate the impact of the development trips. The Highways Authority have not objected to the development and therefore a refusal of planning permission would be difficult to sustain as regards to impact on network capacity.

The southern development parcel would be accessed via a new vehicular road onto Stoneyford Road. This has been designed to meet with the requirements of the geometric requirements of the Highways Authority and will incorporate pedestrian refuges and a dedicated right turn lane on Stoneyford Road. The northern development parcel is to be accessed from the ends of Gilcroft Street and St Andrews Street. Where the ends of these streets meet Mansfield Road, new pedestrian refuges are proposed. The Highways Authority have not raised any objections regarding access to the site.

In terms of the internal layout and parking, the Highways Authority have raised an issue of an over reliance on tandem parking arrangements. However, generally, the site proposes a good mix of frontage and tandem parking and it is considered this would not lead to undue safety concerns. The properties are also each provided with sufficient parking spaces in accordance with the Councils Residential Parking SPD (2014).

In accordance with the advice received from the Highways Authority, it is considered that the development, subject to appropriate planning conditions, would not lead to an adverse impact on highways safety.

8. Historic Environment and Archaeology

Skegby Hall Historic Park and Garden is located adjacent to the northern part of the application site. ALPR Policy EV14 identifies that development will not be permitted where it would adversely affect historic parks and gardens and includes Skegby Hall Park and Gardens. Similarly, Policy NP5 of the TSSNP sets out the desirability of preserving the setting of the Gardens. Skegby Hall Gardens are not designated gardens under the Register of Historic Park and Gardens.

Under the NPPF the Gardens are classified as a non-designated heritage asset. The NPPF paragraph 197 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Skegby Hall Gardens are an 18th century garden, which once served the adjoining Skegby Hall (Grade II listed). This is from where their significance derives. The housing would be visible in the same vista as the Historic Park and Garden when viewed from the high point on Public Footpath 142. However, the northern development site is well screened with trees along its eastern boundary. Greater

legibility would also be provided, with the provision of pedestrian links, footbridges and an access gate for maintenance vehicles. There would be no direct loss of the heritage asset, rather the development would effect the setting when viewed from certain vantage points. This harm is considered to be fairly limited and in terms of the balanced judgement required by the NPPF would not warrant a reason a refusal of planning permission.

The application is supported by a Heritage Statement, which assesses the impacts of the development on designated heritage assets. The report identifies that the development would be unlikely to affect the heritage significance of the assets and would not be considered harmful within the means of the NPPF. The application and accompanying information have been assessed by Historic England and the Council's Conservation Officer, both of whom have raised no objections.

An Archaeological Desk Based Assessment has been submitted with the application. This concludes that based on the archaeological evidence and the potential for unknown remains to survive buried within the site - little impact is likely to occur from the proposed residential housing scheme.

9. Drainage and Flooding

A number of concerns have been received, through local representation, about flooding issues in the area. The application is supported by a site specific flood risk assessment. This sets out that the application site is located in flood zone 1 and there is no evidence of the site having been affected by flooding in the past. The Local Lead Flood Authority have assessed the submitted information and raised no objections. As a result, it is considered that refusing the application on the grounds of flooding and flood risk would be difficult to substantiate.

Concerns have been raised in regards to sewage overflow at Skegby Brook. Severn Trent Water have been consulted and raised no specific objections, subject to a condition requiring details of the surface and foul water system. Likewise, the Environment Agency have raised no objections. To mitigate against this issue a condition is recommended to include the requirement for a hydraulic modelling study on the combined sewer overflow to the north east of the site. This is in order to determine if the proposed flows can be accommodated in the existing system, or if improvements are required.

10. Land Contamination and Stability

The Coal Authority highlight that within the site, and surrounding area, there are coal mining features and hazards, which need to be considered. The applicant has submitted site investigation reports, which have been assessed by the Coal Authority, whom have raised no objections, subject to the imposition of a condition ensuring mitigation measures are undertaken.

In terms of land contamination, site investigations have been submitted for the central quarry area, northern and southern development site. These reports have been assessed by the Councils Environmental, whom have raised no objections to the development of the site from a land contamination perspective.

11. Biodiversity and Ecology

The NPPF at paragraphs 170 (d), 171, 174 and 175 sets out protection for biodiversity. Policy EV6 of the Local Plan, amongst other matters, seeks to protect local nature reserves and site of importance for nature conservation. National Planning Policy Guidance on the natural environment was also updated in July 2019 and now includes new guidance on biodiversity net gain, Nature Recovery Networks and mapping Local Sites.

Land relevant to this application contains the Skegby Disused Quarry II and the Stanton Hill Grasslands. These are non-statutory local designated nature conservation sites. An access road would be formed through these Local Wildlife Sites (LWS). To the north east of the development site lies the Skegby Riparian Woodland LWS.

It is noted that the site lies within the buffer zone for the possible Sherwood Forests potential Special Protection Area (pSPA). However, Natural England have assessed the application and advised there would be no significant impact on statutorily protected sites. Please note that Local Wildlife Sites are not protected by law, and Natural England's comments do not apply to them.

Impact on Local Wildlife Site and Habitats.

The formation of the access road and creation of SuDs would result in direct habitat loss within the Local Wildlife Sites (Skegby Disused Quarry II and the Stanton Hill Grasslands), with their also being potential for indirect habitat damage during construction and inadvertent pollution events into the adjacent streams. The NWT have also identified further potential impacts upon the LWS through increased visitor pressures, especially where there are paths formed to connect the developments.

The proposal would also involve the loss of some trees and hedgerow. These are identified in the submitted Ecological Impact Assessment and Tree Survey. It would therefore involve the loss of 'BAP Habitat' (Biodiversity Action Plan).

The applicant has set out a compensation and mitigation strategy. They advise that the mitigation includes routing the access road through the areas of lower ecological value, strict construction protocols and a lighting strategy. This also includes the SuDs area being located within an area of low grassland value. The compensation and enhancement includes habitat management and creation- through additional hedgerow and tree planting, wildflower seeding and habitat woodpiles. The habitat

creation and management measures shall be implemented through an over-arching management plan.

An objection has been received from the Nottinghamshire Wildlife Trust (NWT) as they consider that the proposal will result in unacceptable loss and fragmentation of the Local Wildlife Sites (LWS) contrary to saved policies in the Ashfield Local Plan, National Planning Policy Framework and Planning Practice Guidance. They also dispute the biodiversity Metric data and whether a Net Biodiversity Gain can be achieved

As there are competing views from NWT and the applicants ecologist over the impact, the Council felt it prudent to gain an independent review of the ecological information. The comments of these are summarised earlier in the report. Amongst other matters, the independent advice recommended that a National Vegetation Classification survey be carried out to ensure that the correct value is being assigned to the grassland habitats.

The applicant has since carried out an NVC Survey and the biodiversity metric calculator (Warwickshire pilot metric model) has been updated with the results. The result indicates a post development increase of 10.54 units, or a net gain of 11.9%. Though the model differs from that recommended by the independent consultant, the results of the metric clearly indicate a net-gain being achieved. This gain is consistent with the 10% muted in the new Environment Bill. Furthermore, the applicant has noted a commitment to long term maintenance of the habitats – through a Section 106 – and this will help to ensure a net-gain can be achieved.

Nottinghamshire Wildlife Trust have objected to the application on the grounds of the harm to the LWS; however, the issue of the road through this area was considered by the Inspector as part of the previous planning approval. Though, it is noted this current scheme now features the proposed SUDs area in the LWS – this is located on an area of low grassland value. The evidence, submitted by the applicant, currently shows a biodiversity net-gain of 11.9% and longer term management of the LWS and relevant habitats will be secured through a Section 106.

Impact on Protect Species

A suite of ecological surveys was undertaken between April and September 2018, comprising an extended phase 1 habitat survey, breeding bird survey, bat activity survey, reptile presence/absence survey and badger survey. A great crested newt survey was undertaken between March and May 2019, and a water vole survey in June and July 2020. Additionally, a general update walkover survey of the site was completed in July 2020. The applicants Ecologist has confirmed that all the survey information is considered to be valid.

The results of the protected species have indicated an outlier badger sett with low level of badger use. The sett is located outside development site and will not be

directly affected. However, given that new sets can be dug at any time of the year, a re-survey for badgers will need to be carried out prior to construction. There will also need to be measures in place to ensure that the construction phase of the development does not affect badgers.

In terms of water vole, the results of the surveys indicate that water vole may occur with two streams on a sporadic basis, but that a stable water vole population is not present. The applicant's ecologist recommends that a repeat water vole survey is undertaken prior to the carrying out of works that may affect either stream.

No great crested newt were recorded during the surveys undertaken in Spring 2019. The ponds surveyed were assessed as being of poor suitability for GCN and given the lack of GCN recorded within ponds within dispersal distances of the Site - it is concluded that GCN are extremely unlikely to occur.

In terms of birds, a number of Red and Amber Listed Birds of Conservation Concern were recorded, although the bird assemblage overall was considered to represent a reasonably typical, rather than an exceptional, urban-fringe assemblage. In particular, the presence of the Willow Tit is notable and encouraging the species is desirable. The habitat along the stream and the areas of woodland at either end provide good quality habitat for this species. The applicant's ecologist therefore recommends provision of five willow tit nest boxes along the stream corridor.

A resident has raised concerns that a barn owl has been spotted on the site. NWT have therefore identified that specific measures should be included within the mitigation/compensation strategy. A barn owl was observed flying over the site during the 2018 survey. The applicant's ecologist has noted that Skegby Disused Quarry LWS does have suitable hunting habitat for this species, but does not contain suitable breeding habitat and that the long-term management of the grasslands and scrub would favour suitable hunting conditions.

12. Footpath

The NP forum has written in raising concerns over the loss of well used footpaths. There is currently a Modification Order Application to add 2 routes to the Definitive Map, submitted by the NP forum. Should the Order be successful, then the applicant will be required to submit an application – either under the Town and Country Planning Act (1990), or Highways Act (1980) to modify the line of the path. An informative note needs adding to the decision so this is made clear to the applicant.

13. Other Issues

Air Quality

An Air Quality Assessment has been submitted with the application, this concludes that the additional traffic flows associated with the operation of the development are

considered to result insignificant effect on air quality when assessed against the guidance. It is however identified that mitigation measures should be used during the construction phase to reduce the potential for dust particles.

Light Pollution

Given the extent of development an increase in light pollution is inevitable. However, a condition requiring the submission of a lighting strategy could ensure the impacts are minimized. This would be in the interests of protecting both landscape character and ecology.

Lack of Consultation

A concern has been raised by the NP forum over a lack of consultation undertaken with residents. A site notice and press notice have been posted, together with individual notification of adjacent residents. The consultation has therefore been carried out in accordance relevant legislation and the Councils Statement of Community Involvement.

Minerals

NCC have noted that the site lies within the Mineral Safeguarding and Consultation Area for limestone. The applicant must therefore consider prior extraction of limestone. In response, the applicant notes that any extraction works would inevitably cause harm to biodiversity, the cost of the extraction would be prohibitive and that the principle of residential development has been previously established. These are considered to be reasonable arguments and that a refusal on the grounds of stifling future mineral extraction would be difficult to substantiate.

14. Planning Obligations and CIL Compliance

CIL Regulation 122 sets out that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. In this case, a number of contributions have been requested by various parties. These are set out below:

Education

NCC have requested a primary education contribution of £819,064 (£19,048 x 43), The calculation has been made based on the planning area of a cluster of primary schools and seeks a contribution of facilities directly stemming from the likely school age children living at the development site. This would meet the tests set out above.

A contribution of £585,849 (33 places x £17,753 per place) has been requested towards secondary education. The data also shows that there is a predicted deficit in

the number of secondary places within the secondary planning area, when factoring in proposed developments. Particularly, there is a significant shortfall at Quarrydale Academy. Accordingly, a contribution is required to make up the shortfall.

Public Open Space

A Public Open Space contribution has been sought from the Councils localities team comprising of £217,000. This would be broken down as follows:

- Tarmac scooter/ skate track for Healdswood Rec - £73k
- Additional play equipment at Healdswood Rec - £48k
- Additional play equipment at Stoneyford Road Rec - £48k
- Additional activity equipment for young people at Stoneyford Road Rec - £48k
- These figures include an allowance to maintain the equipment for a period of 15 years.

Saved Policy HG6 of the ALPR sets out that residential development will only be permitted where 10% open space is provided on sites of two hectares. Although where this is not appropriate a planning obligation can be negotiated. The wider site would provide some 28 acres of general open space. However, no formal space would be provided. The residents are highly likely to utilise these nearby formal recreation grounds. The requested contribution therefore meets the tests.

Healthcare

The proposal would generate a requirement for healthcare provision for residents of the development. It is therefore directly related. The Clinical Commissioning Group have set out the calculation of contributions towards improving or enhancing facilities in the locality. Based on 206 dwellings this amounts to £111,625. This is considered to be necessary to make the development acceptable, and is fairly related in scale and kind.

Waste

The housing growth in the area means it will be necessary to build a new split-level Recycling Centre. In order to meet growing demand a financial contribution of £11,672.28 is sought. The contribution is directly related to the development and the submitted formula by NCC shows this to be of a proportionate level.

Travel and Transport

In light of the withdrawal of the Spira Service, and the additional demand arising from this development, a Bus Service Contribution of £100,000 has been requested from NCC to provide additional bus service and/or community transport facilities to serve

the development. The rationale and formula behind the request is set out within the response from NCC. This contribution meets the tests.

A contribution of £40,000 has also been sought for bus stop improvements nearest the site (located on St. Andrews Street and Stoneyford Road). The current level of facilities at the closest bus stops are not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve an acceptable standard to promote sustainable travel. This contribution meets the tests.

Affordable Housing

In accordance with the NPPF paragraph 64 at least 10% of the homes should be available for affordable housing.

15. Viability

As per Planning Practice Guidance all Viability information pursuant to this application has been published on the Council's website and is contained in the background papers to this agenda report.

The application has been supported by a Viability Appraisal, which has been assessed by an Independent Expert. The Independent Appraisal has agreed that the scheme is unable to support the full contribution requirements as detailed in the section above. This equates to £1,885,210 along with 10% affordable housing.

For the purposes of a viability assessment it is necessary to establish the "benchmark land value" ('BLV'). This can be described as being the minimum land price deemed suitable for an average, hypothetical landowner to release the land for development. If the appraisal returns a residual land value above the BLV, the site is deemed to be viable, if it falls below the BLV the site is considered to be unviable.

It is considered that a benchmark land value of £1,588,300 - of just over 9 times the existing use value - is considered to be acceptable for the site. A policy complaint scheme incorporating 10% on-site affordable dwellings and S106 costs totaling £1.9m returns a land value of just over £200,000 (significantly below the benchmark value). On this basis, the level of contribution requested is deemed to be unviable.

To ensure the scheme is viable, the Section 106 'pot' of contributions would need to be reduced. In this regard, Gleeson's have made two offers: Option 1 is a contribution of £838,112 and 10% Affordable Housing, with Option 2 being a contribution of £1,423,961, with no affordable housing. Both of these offers includes a contribution of £118,400, which has been paid for as part of a Transport Contribution pursuant to the previous approval.

These offers have been checked by an Independent Expert. Option 1 would equate to a developer profit of 18.4% on revenue, with Option 2 equating to 16.91% profit on revenue. Both therefore fall within an acceptable range of developer profit in

accordance with Planning Practice Guidance for making Local Plans. The County Council have been consulted with the updated information and have advised that their preference would be for Option 2.

Although, the Viability information has been assessed and demonstrated the scheme cannot viably support the full policy requirements. Without the scheme substantially meeting these requirements, there are significant reservations about the schemes sustainability. Option 1 from Gleeson would comprise a primary education contribution of £719,712, which does not meet the minimum required –nor provide any secondary education, healthcare, or public open space contributions.

In terms of the Option 2 offer, this would meet the full primary education contribution required – but would only provide £467,449 towards secondary education. In this case, no affordable homes would be provided, nor any contribution towards healthcare, or public open space. Given the shortfall of affordable homes in the district, this is considered to raise significant concern.

Particularly, in terms of viability, there is need to take into account the previous planning appeal at the site – where the applicant stated the scheme was viable. The final scheme included a development of 177 dwellings, significantly below the 206 homes proposed here. As part of this permission, there was a signed Unilateral Undertaking with Section 106 receipts totaling £672,034 along with 10% affordable homes. These receipts are adjusted for inflation.

Notwithstanding the viability evidence, the Council are being asked to accept a scheme with an increase of 29 dwellings with a very minimal increase in overall Section 106 receipts. This is also on the basis of them not providing a kick-about area, albeit management of the open space area would fall onto the applicant. It is also noted that the previous Section 106 does not include any contributions towards healthcare, or school places.

At the previous appeal, the applicant assured the Inspector that the scheme was viable and subsequently submitted a detailed scheme – where the issue of viability was again not raised. It is also understood Gleeson wish to utilise the scheme as a fall-back position; however, it is clear they do not necessarily want to implement the scheme given this current application.

Many of the local residents have voiced concerns over the ability of services and infrastructure to cope with the development. The NP also sets out in paragraph 125 that the existing capacity of doctors and schools was raised throughout the process. It is clear therefore there is significant concern amongst the local community.

The evidence and correspondence received also supports this position, setting out a clear a requirement for school places (secondary and primary), healthcare provision, transport as well as affordable housing. The proposed development does not appear capable of meeting its full requirements and would therefore place undue pressure on existing services.

Accordingly, it is considered that the proposals do not represent a sustainable form of development. In this regard, there is conflict with Policy NP1 and community objective 3 of the NP. The proposal would also fail to meet the criteria for sustainable development set out with the National Planning Policy Framework.

16. Planning Balance and Conclusions

Legislation dictates that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council cannot currently demonstrate a 5-year housing land supply with a significant shortfall of 2.53 years. Accordingly, the titled balance is engaged. This is a case where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Firstly, the application site is located outside the development boundary of Skegby/Sutton in Ashfield. The proposal would therefore be contrary to Policies ST4 and EV2 of the ALPR. However, these policies are considered to be not entirely consistent with the NPPF. In addition, the application site has been subject to planning appeal – where outline consent was granted. A refusal on the grounds of the principle of development could therefore not be sustained.

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, there would be benefit from the provision of 206 new homes, these would be an appropriate mix of 2, 3 and 4 bed properties. This holds significant weight in favour of granting planning permission. The proposal also features a high level of pedestrian connectivity into the wider settlement. However, there are concerns over the proposed design, layout and erosion of the benefits from the original outline approval, particularly the lack of kick-about area being provided. The majority of the proposed dwellings also fail to meet both the national and local space standards. It is also unclear as to the contribution this scheme will make to improving place, where there are standard house types within a highly visible location on the urban fringe.

Furthermore, it is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. However, the development would result in a shortfall of the required contributions towards healthcare, education, public open space and affordable housing. Albeit, it is recognised that the viability information has shown that the development cannot viably support the full level of contributions required.

In economic terms, construction works would create employment opportunities and the provision of housing would increase local spending and tax receipts, all of which would contribute towards the local economy. This is of moderate weight. However, there would be implications on the local authority to meet the gap in funding for the relevant services required by the proposals.

In environmental terms, the proposal would the formation of the access road and creation of SuDs would result in direct habitat loss within the Skegby Disused Quarry II and the Stanton Hill Grasslands Local Wildlife Sites. There would also be the loss of habitats in the form of trees and hedgerows. However, the applicant has set out a comprehensive compensation and mitigation strategy. With the biodiversity metric showing a net-gain of 11.9%.

There would be harm to the landscape, as detailed within the body of the report. However, based on the previous appeal decision at the site, which was subject to a call-in by the Secretary of State, a refusal on the basis would be difficult to justify. A number of residents have also voiced concerns over flooding and drainage. Particularly, around a sewage overflow at Skegby Brook. However, Severn Trent, The Local Lead Flood Authority and the Environment Agency have all been consulted – without any raising objections. Again, a reason for refusal would be difficult to substantiate on this basis.

Overall, however, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It is therefore recommended that, on balance, the application be refused, for the reasons set out below:

Recommendation: Refuse Planning Permission

It is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The proposals therefore do not represent a sustainable form of development, namely where:

1. The design and layout of the development is considered to be unacceptable, particularly where no kick-about area is being provided. The proposals also do not contribute sufficiently to improving place. This is contrary Part 12 of the National Planning Policy Framework, Policies ST1 and HG5 of the Ashfield Local Plan Review and Policy NP2 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan, 2016-2031 (TSSNP)
2. The gross internal floor area of the majority of the proposed dwellings fails to meet both National Described Space Standard and local space standards contained within the Councils Residential Design SPD. The housing would therefore be of an insufficient standard for future occupiers.
3. The proposal does not constitute sustainable development as it does not provide the detailed infrastructure needs arising from the development. The proposal fails to provide an appropriate level of contributions towards education, healthcare, public open space as well as sufficient affordable housing. This is contrary to the National Planning Policy Framework, as well as Teversal, Stanton Hill and Skegby Neighbourhood Plan, 2016-2031 (TSSNP) Policy NP1.

Appendix A – Final Plans and Document List

The **final plans** for consideration are as follows:

Layout

- 428-5 2W 3R Combined
- 428-5 2W
- 428-5 3R

Housing Type

- 201 Type drawing 201/1G
- 202 Type drawing 202/1F
- 212 Type drawing 212/1-
- 301 Type drawing 301/1H
- 304 Type drawing 304/1E
- 307 Type drawing 307/1B
- 309 Type drawing 309/1E
- 310 Type drawing 310/1D
- 311 Type drawing 311/1B
- 313 Type drawing 313/1-
- 314 Type drawing 314/1-
- 315 Type drawing 315/1A
- 401 Type drawing 401/1G
- 403 Type drawing 403/1J
- 405 Type drawing 405/1E
- SD700C – Detached single garage (standard)
- SD701D – Detached double garage (standard)
- SD1700 – Detached single garage (parking compliant)
- SD1701 – Detached double garage (parking compliant)

Other

- Topo Sheet 1 – MJG/SK/15 Sheet 1 of 3 rev A
- Topo Sheet 2 – MJG/SK/15 Sheet 2 of 3 rev A
- Topo Sheet 3 – MJG/SK/15 Sheet 3 of 3 rev A
- Location Plan – LP/01

The **final documents** key for consideration are as follows:

- Building for Life Assessment Report sent 08.09.2020
- Design and Access Statement Dec 2018
- Planning Statement Dec 2018
- Limestone Extraction statement 20th Jan 2020
- Air Quality Assessment – 410.03044.00103 Sept 2018
- Heritage Statement – 406.03044.00118 Jan 2019

- Archaeological Desk Based Assessment 406.03044.00118 June 2019
- Flood Risk Assessment – 15/031.01 rev 00 July 2018

Viability

- EVA Report 15 March 2019
- S106 Offer Statement – issued by Helen Randerson 29/07/2019

Ecology Reports

- Land off Gilcroft Street, Skegby: Ecological Impact Assessment (EclA) v3, SLR Consulting, December 2018 (SLR ref 424.03044.00096);
- Land off Gilcroft Street, Skegby: Update Ecological Baseline Report v1, SLR Consulting, February 2019 (SLR ref 424.03044.00096);
- Land off Gilcroft Street, Skegby: Great Crested Newts Presence/Absence Survey Report, July 2020 (SLR REF: 424.03044.001117)
- Land off Stoneyford Road, Skegby: Results of NVC Classification and Water Vole Surveys v2, SLR Consulting, September 2020 (SLR ref 424.03044.00170); and
- Skegby - Information on Age of Ecological Survey Data and Update to Biodiversity Metric Calculator, SLR Consulting, 6th October 2020 (SLR ref 424.03044.00170).

Ground Investigation Reports

- Geotechnical and Geo-environmental Site Investigation: Land off Vere Avenue, Skegby Issue 2 – 42462-001(I2) October 2018
- Geotechnical and Geo-environmental Site Investigation: Land off Gilcroft Street, Skegby – 38949-001 Nov 2015
- Gas Risk Assessment: Land off Gilcroft Street, Skegby – 38949-002 April 2016

Drainage

- Skegby Drainage Summary document sent by Steve Gamble 26.08.2020
- Flood Risk Assessment – 15/031.01 rev 00 July 2018

Highways Reports

- Highway Response 18-279-005.01 April 2020
- Highway Response with Appendices 18-279-006.02 August 2020
- 18-279-ATR-009 Rev A Northern Visibility Splays
- 18-279-ATR-010 Rev A Southern Visibility Splays
- 18-279-ATR-011 Rev A Northern Refuse Vehicle Tracking
- 18-279-ATR-012 Rev A Southern Refuse Vehicle Tracking
- Transport Assessment Addendum – ref. 18-279-001.02 – Jan 2020
- Travel Plan P0404ZG – September 2018

Tree surveys:

- Arboricultural Impact Assessment 2583 Feb 2019

- Arboricultural Method Statement 2583 Feb 2019
- Tree Survey 2583 March 2018
- Existing trees on site drawing 2583-1 rev B
- Existing trees on site drawing 2583-2 rev B



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 11/11/2020

COMMITTEE DATE 25 November 2020 **WARD** Central and New Cross

APP REF V/2020/0411

APPLICANT Minster Developments Ltd

PROPOSAL Approval of Reserved Matters for Planning Permission V/2018/0262 For Maximum of 24 Apartments and Associated Works

LOCATION Land at Junction of Outram Street and Park Street Sutton in Ashfield Nottingham NG17 4BB

WEB-LINK <https://www.google.co.uk/maps/@53.1275873,-1.2580441,160m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, C, D, E, I

App Registered 03/07/2020

Expiry Date 02/10/2020

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

This application has been called in to be heard at planning committee on policy grounds by Councillor Zadrozny.

The Application

This is an application seeks approval of reserved matters consent, following the grant of planning permission V/2018/0262 for 24 flats with associated works. The application seeks approval of details relating to the appearance, landscaping, layout and scale of the development. The application proposes 7 no. of 1 bedroom flats and 17 no. of 2 bedroom flats.

Location of the Site

The site is located at the junction of Outram Street and Park Street close to the centre of Sutton in Ashfield. It lies immediately outside of the District Centre as identified by the Ashfield Local Plan Review 2002 but within the identified Outram Street Local Centre although the site has no previous history of retail use.

The site is currently vacant and has been so for some years. It is surrounded by close boarded fencing to Outram and Park Street, with an adjacent residential property to the north west. The fourth boundary, which is a public footpath/cycleway, is formed by galvanised steel fencing.

Consultations

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

ADC Drainage

No comments received.

ADC Landscaping

The parking bays and hard standing areas should be permeable to minimize surface water runoff.

The boundary treatment along the footpath between Outram Street and Priestic Road needs to be confirmed. The existing concrete pot and galvanized fencing is not acceptable. This should be replaced by an equivalent height vertical bar railing, finished in matt black. Footpath surface in alleyway to be made good following removal of concrete posts.

ADC Environmental Health

None received.

Nottinghamshire Constabulary

Nottinghamshire Police raise no objections. The applicant has declared commitment to following the Secured by Design principles. The proposed development is located within a high crime area and it is expected that the development complies with the Secured by Design Homes criteria. Secured by Design (SBD) is a minimum standard for security.

Nottinghamshire County Council Highways

The Highway Authority (HA) raises no objections.

The access into the site was approved at outline application stage V/2018/0262.

Nottinghamshire County Council Local Lead Flood Authority

Raise no objections subject to conditions

Severn Trent Water Authority

None received.

Community Representations

None received.

Policy

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

National Planning Policy Framework 2018

Part 2 – Achieving Sustainable Development
Part 5 – Delivering a Sufficient Supply of Homes
Part 7 – Ensuring the Vitality of Town Centres
Part 8 – Promoting Healthy & Safe Communities
Part 9 – Promoting Sustainable Transport
Part 11 – Making Effective Use of Land
Part 12 – Achieving Well-Designed Places

Ashfield Local Plan Review 2002 [Saved Policies]

EM5 - Protection of Existing Employment land and Buildings
HG3 - Housing Density
HG4 - Affordable Housing
HG5 - New Residential development
HG6 - Public Open Space
SH2 - Local Shopping Centre
ST1 - Development
ST2 - Main Urban Area

SPD Residential Design Guide

SPD Residential Car Parking Standards

6C's Design Guide

Relevant Planning History

V/2004/0653 : The development of site by the erection of 28 no flats with car parking – approved

V/2005/1073 : The development of site by the erection of 37 apartments – application refused, allowed on appeal

V/2016/0737 : Outline application for up to 24 apartments. Committee resolved to grant subject to conditions and the signing of a section 106 agreement at Committee on the 2nd March 2017. The applicant refused to reimburse the Council's costs to have their viability independently assessed by the District Valuer and hence refused to enter into the S106 Agreement. Accordingly, the matter was referred back to Members on 14th December 2017 and was Refused Permission.

V/2018/0262 – Outline application for a maximum of 24 apartments and associated works (except access) – approved.

V/2018/0408 : Erection of 4 five bedroom and 2 six bedroom dwelling units, (class C4) within a two storey block with ancillary car parking and new vehicular access. Application refused, on the grounds of its impact on the street scene and highway safety due to a lack of off-street car parking.

Comment:

The main issues for consideration in the determination of this application are as follows:

- Layout
- Scale
- Appearance and landscaping
- Residential amenity
- Climate change

Layout

The proposed building footprint is responsive to the existing street pattern, consisting of a part three, part four storey flat roof building which is situated towards the front of the site facing towards Outram Street and Park Street. Ground floor units 1 and 2 can be accessed off Outram Street and Park Street creating active frontages in the street scene.

Living spaces face the streets to benefit from natural day light. Upper floor apartments can be accessed through the communal entrances from the courtyard behind the building. Access to the courtyard for both pedestrians and vehicles will be via a gated entrance leading from Park Street. This arrangement to access the flats/building was developed alongside the Police Architectural Liaison Officer. A condition is recommended for the applicant to submit details showing the scheme meeting the Secured by Design principles.

Service areas such as plant, refuse storage and cycle parking is to be located within the courtyard. An external amenity space is to be located on a raised platform level, with 1.5m high balustrading which will serve as a communal outside amenity space area for future occupiers. Refuse storage is located directly adjacent to the site access to enable easy refuse collection. This location avoids the need for refuse vehicles to enter the site beyond the security gate.

The courtyard area benefits from natural surveillance from the public areas of the site and provides an appropriate amount of car parking spaces given the edge of town center location of the development site.

Car Parking

Policy ST1, states amongst other things, that development will be permitted where it will not affect highways safety, or the capacity of the transport system. Ashfield District Councils Residential Parking SPD (2014) sets out standards for parking. These require 2 spaces for 2/3 bedroom dwellings. However, paragraph 5.6 sets out

'developments in areas within close proximity to major transport nodes, such as railway and bus stations, may warrant a more flexible approach'. Paragraph 6.37 of the ALPR also recognises that developers should be expected to reduce parking standards below the expressed maximums in areas well served by public transport.

The courtyard includes 24 car parking spaces, including 6m reversing space between spaces. Parking spaces are approximately 2.4. x 5m. This accords with the guidance as set out in Manual for Streets. This amounts to one space per unit and is considered to be acceptable in this location. It was also the amount previously considered at planning committee.

The site is some 350m away from the town centre and is served by well-defined pedestrian routes and crossing facilities. Good public transport exists with a bus station in walking distance and bus stop close by. The site is also located within walking distances of shops, services and employment opportunities, meaning residents would not necessarily need to own a car for their day to day needs. Finally, the proposals make also ample use of cycle parking, with a large secure cycle parking area located on the ground floor.

No objections have been received to the application from the Highways Authority, or local residents. Officers are aware of residents on Park Street wishing for a resident park scheme. However, it is worth noting that there was an RPS in place for many years, until a petition in 2010 demanded that it be removed. This was assessed and eventually removed in 2012.

Scale

The proposed building fronts Outram Street and Park Street which is part 3 storey and part 4 storey. The drop down to three storeys ensures that the building is fairly consistent with the heights of buildings within the vicinity in the site and does not look unduly domineering. It is noted that at four storeys, the building sits higher than others in the vicinity; however, this is an edge of town centre location and previous approvals at the site have indicated a similar height building. It is also noted that the whole building is set back from the site boundaries along Outram Street and Park Street to enhance the pedestrian experience at pavement level.

Appearance and Landscaping

Along Outram Street there is limited consistency within the street scene. There is a range of building fabrics and colours used within the locality of the site, varying from render, red brick, buff brick, pebble dash and shop frontage. The proposal features a stepped front elevation facing Outram Street, including varying cladding materials, colours and texture palette which helps to reduce the appearance of the mass and bulk from the street scene.

To enhance the appearance of the development in prominent corner location, the proposal includes a number of detailed design/fenestration features. A low level brick wall along Outram Street to the corner of the building is proposed as well as

recessed mortar joint detailing at ground floor level throughout. Vertical metal railings with climbing planting fronting Outram Street will give the appearance of a 'green wall' while allowing views in and out of the parking courtyard. External materials include 2 brick colours that are sympathetic to the local character of existing buildings. The front elevation to Outram Street features stepped back elements of the building in order to break up the frontage. Grey aluminum frame windows and doors are set back to help modernize the appearance of the building. The elevation fronting Park Street at ground floor level features a 'hit and miss' brick detailing which adds a visual feature by adding texture to the fabric of the building. A community public art feature is also proposed fronting Outram Street at ground floor level. A condition is recommended for the applicant to submit details of the artwork and this will require engagement for local members and the community about what they want to see on the building.

In terms of landscaping, this is a high density scheme providing smaller 1 and 2 bed flats accommodation. As such there are limited opportunities within the site for landscaping, however the proposal includes planting within the central courtyard and along the street frontages to enhance the character of the development. It is considered that the proposed design features create interest and character to the benefit of the locality.

Residential Amenity

The proposed building is part 3 storey fronting Park Street and increases to 4 storeys fronting Outram Street. Neighbouring residential property 38 Park Street is separated from the proposed building by the pedestrian and vehicle access which is approximately 5.8m in width. This is a blank side elevation to neighbouring property 38 therefore there is limited loss of privacy concerns resulting from the proposed building. It should be noted that there is potential for overlooking of the rear garden area to 38 Park Street from windows on the north elevation of the proposed building, however it is considered that this is not a significant impact due to the separation distance and courtyard between which lessens the overall impact. Neighbouring property 43 Park Street is located approximately 13m to the north-east of the proposed building located on the opposite side of Park Street. At ground floor level in this location, this part of the building is a bin store which reduces any potential loss of privacy concerns. Shop frontages are located on the opposite corner of Park Street and along the opposite side of Outram Street which therefore reduces any loss of privacy impact. To the rear of the building includes a public footpath and open space to the west of the site.

The proposed 24 apartments include 1-2 bedroom flats which have meet the minimum internal national standards as contained within the Technical housing standards – nationally described space standard 2015. An elevated outside amenity space area is also proposed at first floor level which is approximately 39m² in floor space sited at the rear of the building which will be enclosed by 1.5m high balustrading. The amenity space area is set 14m separation distance from the rear garden area of 38 Park Street, however appropriate use of boundary treatment will

reduce any potential overlooking impact. A condition has been proposed requiring full details of boundary treatment to be submitted to and approved by the local planning authority.

The location of the building towards the front of the site results in its separation from the rear boundary with the adjacent end terraced property on Park Street such that there would be minimal impact on the amenities and privacy currently enjoyed by the residents. The scheme does however include on-site parking which would extend up to the boundary of this neighbouring property. It is considered that any adverse impacts due to the proximity of the parking could be successfully mitigated through the provision of a suitably designed boundary treatment.

Sustainability and Climate Change

The proposed development uses a low-carbon apartment 'fabric first' approach which comprises of a highly insulated development, airtightness detailing and thermal bridging reduced to a minimum. Dwellings achieve a 35-60% reduction in carbon dioxide emissions by using a 'fabric first' approach. This approach was designed to help future occupiers maximize energy savings. Cycle storage has been included and a condition has been proposed requiring a scheme of electric vehicle charging points is to be submitted to and approved by the local planning authority.

Other Matters

S106 Agreement

This application only relates to layout, scale, appearance and landscaping. A unilateral agreement was confirmed dated 12th March 2019 and a public realm contribution including the sum of £5,000 towards the Northern Bridge public realm improvements, Sutton in Ashfield, Nottinghamshire.

Conclusion

It is considered that the proposed development satisfies the Councils minimum requirements and represents a sustainable form of development, which is acceptable in terms of layout, scale, and appearance and landscaping. On-site car parking amounting to one space per unit and ample cycle storage is proposed.

The building features space for an artwork feature, which can be developed in connection with the local community and Members. The scheme has been assessed by the Police Architectural Liaison Officer, whom raises no objections. The proposed scheme also follows a 'fabric first' approach in reducing the impact of the development on climate change.

Finally, the location of the building within the site, fronting onto Outram Street and Park Street, reduces any impact on neighbouring amenity from massing and overshadowing.

Overall, it is considered that the proposed development is acceptable. It will provide an additional 24 dwellings within the District, supporting the Core Principles of the NPPF in re-using land that has previously been developed and Part 5 of the NPPF which seeks to boost housing delivery.

Recommendation: - Approve reserved matters details.

CONDITIONS

1. The development to which this approval relates shall be begun not later than whichever is the later of the following dates :
 - (a) The expiration of 5 years from the date of the outline planning permission;
 - (b) The expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. This permission shall be read in accordance with the following plans: existing site plan 1:100, site location plan 1:1250, proposed site plan and ground floor plan 1:100 No. No 20-2280-22-001 Rev. D, proposed first floor plan 1:100 No. No 20-2280-22-002 Rev. C, proposed second floor plan 1:100 No. 20-2280-22-003, proposed third floor plan 1:100 No. 20-2280-22-004, proposed roof plan 1:100 No. 20-2280-27-001 Rev. A, proposed roof plan 1:100 No. 20-2280-27-001 Rev. B, proposed elevations 1:100 No. 20-2280-21-001 Rev. B (received 5th November 2020). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The landscaping shall be carried out in accordance with the details shown on drawing titled: LANDSCAPE MASTERPLAN (Dwg No. OSS Rev A) and within the first available planting season following occupation of the development. The landscaping shall thereafter be maintained for the lifetime of the development.
4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
5. No development shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. The submitted information shall also include full details of the feature projecting brickwork zone. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.

6. The development shall not be occupied until full details of the artwork feature fronting onto Outram Street has been submitted to and approved, in writing, by the Local Planning Authority. The agreed details shall thereafter be implemented and within an agreed time frame.
7. The development shall not be occupied until a scheme detailing the developments adherence to Secured by Design principles has been submitted to and approved in writing. All measures detailed in the scheme shall thereafter be implemented and within an agreed timeframe.
8. No work shall commence until such time a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.
9. Notwithstanding the approved details, no development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:
 - (a) Full details of the proposed treatment of the site's boundaries.
 - (b) A phasing scheme for the implementation of the agreed boundary treatment.The boundary treatment shall be undertaken in accordance with the agreed details.
10. No part of the development shall be brought into use until the parking area is provided in accordance with the approved proposed site plan and ground floor plan 1:100 No. No 20-2280-22-001 Rev. D (received 5/11/20). The parking areas shall not be used for any other purpose other than parking/loading and unloading of vehicles.
11. No part of the hereby permitted development shall be brought into use, until details showing the provision of electrical vehicle charging points have been submitted to and approved in writing by the local planning authority. These shall thereafter be implemented in accordance with the approved detail.

REASONS

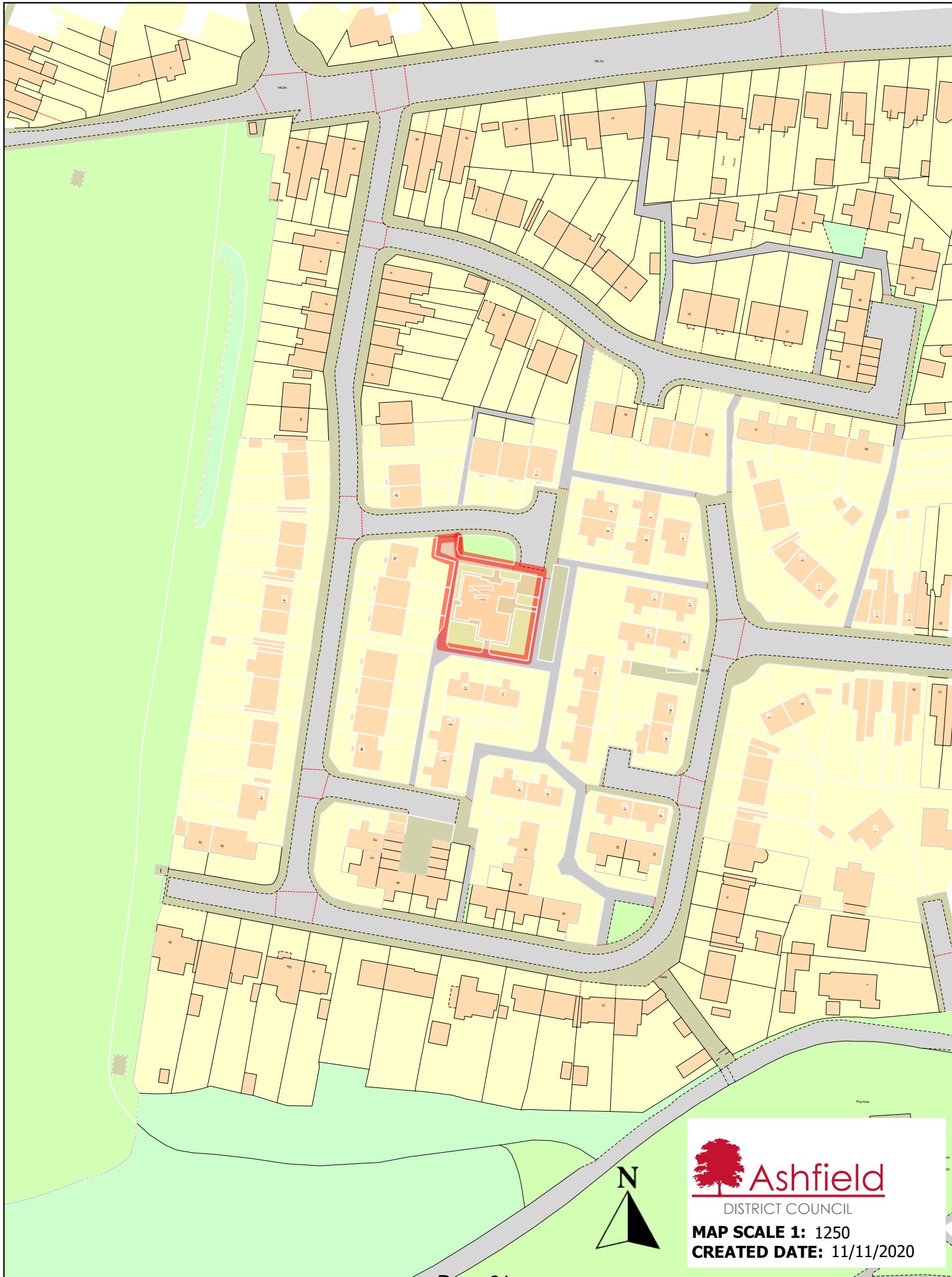
1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. In the interests of visual amenity.

4. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
5. To ensure the satisfactory appearance of the development.
6. To ensure the satisfactory appearance of the development.
7. To reduce the potential for crime.
8. To safeguard the visual amenity of the area.
9. To safeguard the amenities of residents living in the vicinity of the application site.
10. To ensure that adequate off-street car parking provision is made to reduce to reduce the possibilities of the proposed development leading to on-street parking in the area.
11. To future proof the development and in the interests of and in the interests of air quality.

INFORMATIVE

1. The applicant is reminded that the Outline Planning Permission is subject to a Unilateral Undertaking dated 12th March 2019.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 11/11/2020

COMMITTEE DATE 25/11/2020 **WARD** Central and New Cross

APP REF V/2020/0653

APPLICANT Ashfield District Council

PROPOSAL Demolition of Community Centre and Construction of 2 Bungalows

LOCATION The Poplars Community Centre, Charles Street, Sutton in Ashfield, Nottinghamshire, NG17 4LU

WEB-LINK <https://www.google.co.uk/maps/@53.127252,-1.2512835,17z>

BACKGROUND PAPERS A, D

App Registered: 02/10/2020

Expiry Date: 04/12/2020

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

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

The Application

This is an application that seeks full planning consent for the demolition of the existing Poplars community centre on Charles Street, and the construction of two single storey, semi-detached dwellings, with associated off-street parking and private amenity space, to be used for social housing. Each dwelling will comprise of two bedrooms.

Consultations

A site notices has been posted together with individual notification to surrounding residents.

The following responses have been received:

Nottinghamshire Highways Authority:

This application is for the construction of 2 bungalows with associated parking following demolition of the community centre. The two existing tarmac surfaced areas are to be used to provide 2 parking spaces per dwelling. It is noted that the existing adopted footway adjacent the parking spaces for Plot 2 has been included within the red line of the site layout plan, however, no works are required as the dropped kerb access is already in place. In view of this, there are no highway objections to this proposal.

Policy

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

National Planning Policy Framework (NPPF) 2019:

Part 5 – Delivering a Sufficient Supply of Homes

Part 11 – Making Effective Use of Land

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

EV8 – Trees and Woodland

HG5 – New Residential Development

SPD Residential Design Guide

SPD Residential Car Parking Standards

Relevant Planning History

None.

Comment:

The application site comprises of an existing single storey community centre, known as 'The Poplars', which is sited within a cul de sac off Charles Street, Sutton.

Existing residential development, some of which is presently owned by the Council, surrounds the application site to the north, south, east and west, and the area is subsequently residential in nature.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on visual and residential amenity, as well as highway safety.

Principle of Development:

The development site is located within the main urban area of Sutton in Ashfield, where the principle of development is considered acceptable, providing no other material planning considerations indicate otherwise.

The site comprises of the Poplars community centre which is proposed to be demolished as part of the development scheme. The community centre is understood to be frequented by a handful of local community groups.

Information received as part of the application indicates that the centre is however considerably underused, providing an income of circa. £9,000 per annum. When taken with the yearly cost of running the centre and the ongoing long term maintenance investment required to keep the centre operational, the Council are left

with a net loss of circa. £11,000 per annum. As such, the retention of the community centre is unviable due to its lack of use and required upkeep and maintenance.

Given that there are alternative community centres and public halls within the area which could be used by local community groups, it is considered the loss of the community centre would not be significantly detrimental to the local community.

As such the principle of the proposed demolition of the community centre and the subsequent construction of two dwellings, is considered to be acceptable.

Visual Amenity:

As previously mentioned, the area surrounding the application site is predominantly residential in nature. Properties within the vicinity of the site vary in terms of size, type and design, with examples of single storey and two storey dwellings, in both terraced and semi-detached form, found within the locality of the site.

The surrounding area and street scene is not dictated by any observed pattern of development.

The proposed development will comprise of a pair of single storey, semi-detached dwellings fronting onto Charles Street. The dwellings are to be constructed from red facing brick and grey roof tiles, and will incorporate stone cills and brick headers in to the design. Dwellings directly to the west of the site have been constructed from comparable materials, whilst the design features proposed to be incorporated into the scheme are visible on properties sited directly to the north of the site. In this respect, it is considered that the proposed development would assimilate well into the street scene.

Areas of private amenity space to the rear of the dwellings are proposed to be enclosed through the installation of 1.8m high timber fencing panels, gravel boards and concrete posts. Such boundary treatments are typical of the area. The area forward of the dwellings is proposed to consist of low level planting to further improve the appearance of the development.

The site comprises of a number of mature trees which are presently planted around the perimeter of the community centre, and are considered to offer a positive contribution to the visual amenity of the area. These trees are proposed to be retained due to their overall health and amenity value as part of the development, and an Arboricultural Method Statement and Tree Protection plan have been submitted with the application to demonstrate their protection during demolition and construction works.

Residential Amenity:

The proposed dwellings are to be sited approximately 12m from the nearest residential properties located to the south and west of the site. It is considered that

due to the siting and overall size and scale of the proposed dwellings, the proposal will not result in any undue overshadowing or massing impact on nearby residents.

In regards to the potential overlooking impact, the proposed development will have main aspect habitable room windows sited in the northern and southern elevations only (front and rear). The separation distance between the main aspect windows in the northern elevation (front) and those at 27-31 Charles Street exceeds the required separation distance of 21m stipulated in the Council's Residential Design Guide SPD 2014. The distance between the main aspect windows in the southern elevation (rear) and those at 91 and 93 Charles Street does however fall to approximately 14.5m. Having said this, the proposed installation of the 1.8m high boundary fence around the private amenity space to the rear of the development would significantly reduce any overlooking impact arising from the scheme, given that all windows are at ground level. It is subsequently considered that the proposal would not result in any substantial overlooking impact or loss of privacy to neighbouring residential occupiers.

In respect of future occupiers, each of the two dwellings provide an acceptable level of internal space to adequately accommodate the family of household which is likely to occupy it. In addition to this, each dwelling benefits from an area of outdoor amenity space which exceeds the minimum requirements outlined in the Council's Residential Design Guide SPD 2014.

Highway Safety:

The proposed dwellings will be accessed off Charles Street and each of the dwellings will be afforded two off-street parking spaces, in accordance with the Council's Residential Car Parking Standards SPD 2014.

The Highways Authority have confirmed that they have no objections to the proposed development scheme.

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

Conclusion:

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

The application site is located within a predominantly residential area, within close proximity to Sutton in Ashfield's town centre. The proposed development site offers the opportunity for the construction of two new dwellings in a sustainable, main urban area location, which will also contribute to the districts social housing stock

providing social benefits, as well as economic benefits during the construction of the dwellings and occupation thereafter.

The proposed development scheme does not raise any significant concerns with regards to the impact upon the visual amenity of the locality or upon the residential amenity of existing and future occupiers. Furthermore, each dwelling is afforded appropriate off-street parking provision, and the cumulative impact of an additional two dwellings on the highway network is deemed to be insignificant.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The materials and finishes to be used for the external elevations and roof of the hereby approved dwellings shall be 'Wienerberger Titan' red/multi facing bricks and 'Sandtoft Calderdale' roof tiles in slate grey as per the submitted information, unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan (dated October 2020).**
- 4. The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Ecological Impact Assessment (dated October 2020).**
- 5. The hereby permitted demolition works shall be carried out in accordance with the submitted Demolition Method Statement (dated 06/10/2020), unless any variation is given in writing by the Local Planning Authority.**
- 6. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.**

7. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the access driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
8. This permission shall be read in accordance with the following plans: Proposed Site Layout Plan, Drawing No. 31468 495 02 Rev B, Received 02/10/20; Proposed Floor Plans & Elevations, Drawing No. 31468 495 03 Rev B, Received 21/10/20; Proposed Drainage Layout, Drawing No. 31468 495 04 Rev B, Received 02/10/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

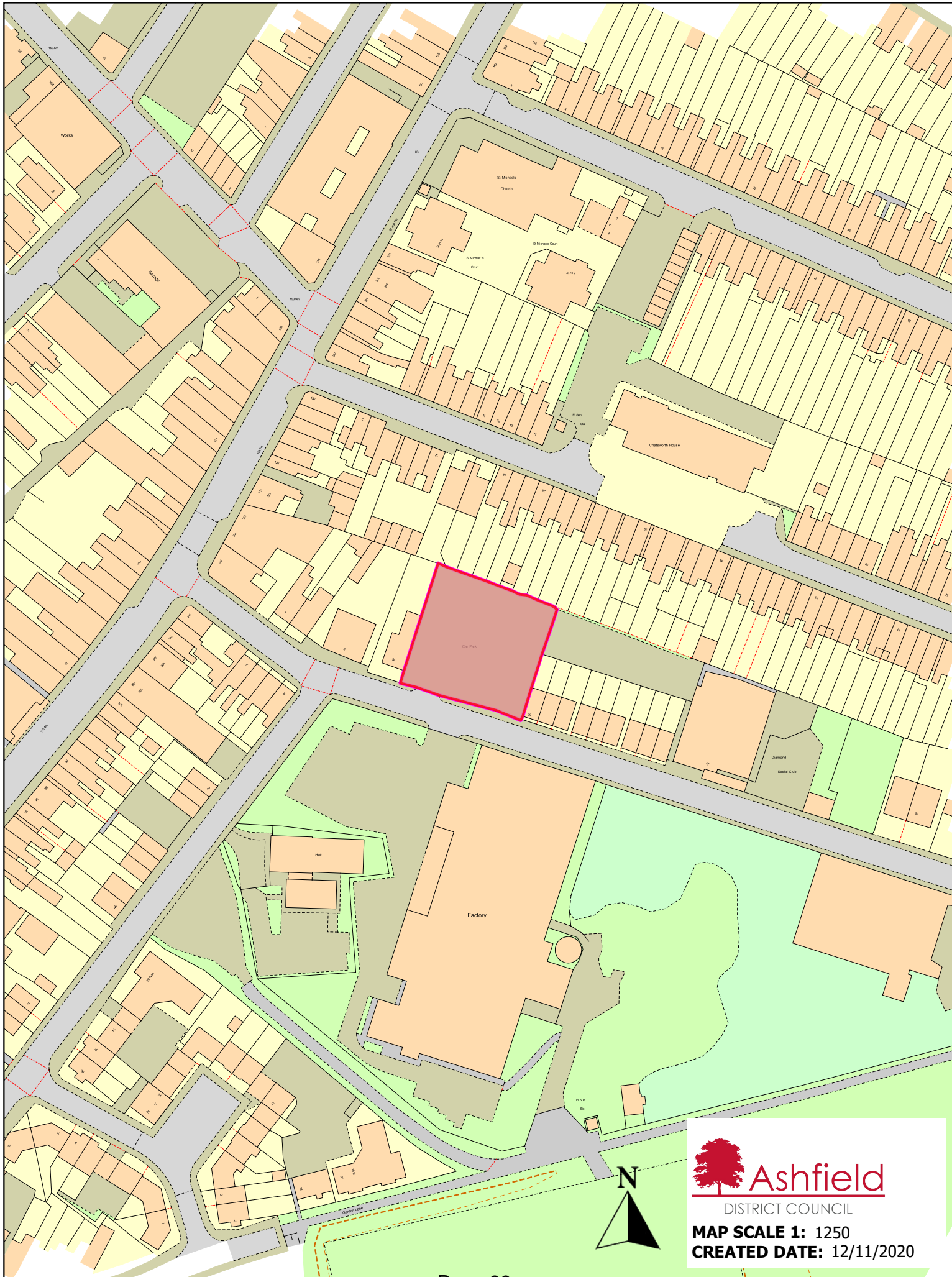
1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To safeguard the visual amenity of the area.
4. In the interests of ecology.
5. In order to minimise disturbance to surrounding properties, and ensure a satisfactory appearance of the site in the interim period between demolition and redevelopment.
6. In the interests of highway safety.
7. In the interests of highway safety.
8. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning

conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).

- 2. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.**



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 12/11/2020

COMMITTEE DATE 25/11/2020 **WARD** Central and New Cross

APP REF V/2020/0669

APPLICANT Ashfield District Council

PROPOSAL 2no. Two Storey Dwellings and 3no. Two and a Half Storey Dwellings

LOCATION Car Park, Stoney Street, Sutton in Ashfield, Nottinghamshire, NG17 4GH

WEB-LINK <https://www.google.co.uk/maps/@53.1287804,-1.2539079,18z>

BACKGROUND PAPERS A, C

App Registered: 05/10/2020

Expiry Date: 04/12/2020

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

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

The Application

This is an application that seeks full planning consent for the construction of two no. two storey dwellings, and three no. two and a half storey dwellings on land presently utilised as a Council car park off Stoney Street, Sutton in Ashfield. The proposed dwellings will comprise of two and three bedroom properties. Each dwelling will benefit from associated off-street parking and private amenity space.

Consultations

A site notice has been posted together with individual notification to surrounding residents.

The following responses have been received:

Resident Comments:

2x Letters of objection/concern have been received from neighbouring residents and businesses in respect of the following:

- Reduced access to neighbouring properties – both residential and commercial
- Increased traffic and obstructions along Stoney Street
- Loss of a car park – nowhere else for people to park
- Impact on business on Outram Street
- Noise and disruption during construction works

- No requirement for further housing in this location

Nottinghamshire Highways Authority:

The site is currently used as a car park with two vehicular accesses. The access to the east of the site is to serve this proposal. The access to the west will be required to be reinstated as footway with full height kerbs. There are a number of dwellings on Chatsworth Street which currently gain access to their rear driveways using the existing accesses for the car park. There is also a parking area at the rear of no's. 29-45 Stoney Street.

In accordance with the current Nottinghamshire Highway Design Guide, the required access width for the proposed number of dwellings, in addition to the number of dwellings currently gaining access from Stoney Street, is 4.8m. A further 0.5m should be added if the access is bounded by a wall, fence, hedge etc. Pedestrian visibility splays of 2m x 2m are required at the access point, and the access should benefit from suitable drainage measures to prevent the unregulated discharge of surface water from the driveway to the public highway.

Policy

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

National Planning Policy Framework (NPPF) 2019:

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

Ashfield Local Plan Review (ALPR) 2002:

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

- SPD Residential Design Guide**
- SPD Residential Car Parking Standards**

Relevant Planning History

None.

Comment:

The application site consist of an existing Council owned car park on Stoney Street, Sutton in Ashfield, which comprises of 37 car parking spaces for members of the public. The car park benefits from two accesses, and provides vehicular access to the rears of properties to the north of the site on Chatsworth Street, and properties to the east of the site on Stoney Street.

Existing residential development surrounds the application site to the north, east and west on Stoney Street and Chatsworth Street, whilst commercial development is sited directly opposite the site to the south.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on visual and residential amenity, as well as highway safety.

Principle of Development:

The development site is located within the main urban area of Sutton in Ashfield, where the principle of development is considered acceptable, providing no other material planning considerations indicate otherwise.

The site comprises of an existing pay and display public car park which is understood to be utilised by members of the public visiting shops and services on Outram Street and Sutton town centre, as well as by local residents who reside in nearby properties as additional parking space.

Information received as part of the application does however indicate that the car park is heavily underused by members of the public. Last year the car park generated circa £2,500 in income, but incurred a cost of £3,000 in non-domestic rates. This loss incurred does not include ongoing costs associated with the upkeep and maintenance of the car park. The losses incurred to the Council is also likely to increase given that the period of free parking was increased from one hour, to two hours in September. As such, the retention of the car park is unviable due to its lack of use and the costs associated with business rates and ongoing upkeep and maintenance.

Concerns have been raised by local residents in regards to the loss of the car park and its subsequent impact upon local businesses, particularly within the Outram Street area. As observed, Outram Street itself benefits from ample on-street parking provision, whilst a further public car park on New Cross Street, approximately 130m to the north-west of the site, offers free parking for around 70 vehicles. Given that the car park on Stoney Street is heavily underutilised, the displacement of the vehicles utilising the site could be accommodated at alternative car parks within the Sutton area.

As such the principle of the proposed development for five new dwellings on the existing public car park is considered to be acceptable in this instance.

Visual Amenity:

Residential properties within the vicinity of the site vary in terms of size, type and design, with examples of two and two and a half storey dwellings, in both terraced, semi-detached and detached form.

The proposed development will comprise of five terraced dwellings, which will be set back from the highway edge by approximately 2.5m, with areas of private amenity space and parking provision sited to the rear of the dwellings. This proposed site layout is reflective of the layout of the dwellings to the east of the site. As such, it is considered that the proposal would not appear out of keeping with the surrounding pattern of development.

The dwellings are to be constructed from red facing brick and grey roof tiles, and will incorporate stone cills and brick headers in to the design. Dwellings directly to the east of the site have been constructed from comparable materials, whilst the design features proposed to be incorporated into the scheme are visible on properties sited directly east and west of the site. In this respect, it is considered that the proposed development would assimilate well into the street scene.

Areas of private amenity space to the rear of the dwellings are proposed to be enclosed through the installation of 1.8m high timber fencing panels, gravel boards and concrete posts. Such boundary treatments are typical of the area. The area forward of the dwellings is proposed to consist of low level planting to further improve the appearance of the development.

Residential Amenity:

The proposed dwellings are to be sited approximately 2m off the boundary with 5a Stoney Street, 10m off the boundary with 29 Stoney Street, and 35m to the south of properties on Chatsworth Street.

The properties at 5a or 29 Stoney Street do not have windows in the side elevations facing the application site. The proposed development will be sited approximately 0.5m further forward than the property at 5a Stoney Street, but will not extend beyond the rear elevation of this property. Although the development will project approximately 3.5m further to the rear than properties to the east of the site on Stoney Street, the BRE 45 degree code is not breached in plan or elevation when assessing the impact on 29 Stoney Street, given the distance between this property and the proposal. It is as such considered that the proposal will not give rise to any significant detrimental massing or overshadowing impact on neighbouring residents.

In regards to the potential overlooking impact, the minimum separation distance of 21m is achieved between all main aspect windows to be installed in the proposed development, and those at properties to the north of the site on Chatsworth Street. Subsequently the proposal will not result in any undue loss of privacy or obtrusive overlooking on nearby residents.

In respect of future occupiers, each of the dwellings provide an acceptable level of internal space to adequately accommodate the family of household which is likely to occupy it. Whilst each of the dwellings is proposed to benefit from an area of outdoor amenity space to the rear, the provision provided for plots 2, 3 and 4 marginally falls below the requirement for two and three bedroom properties. Having said this, the

site is located just over 100m from a large area of public open space, known as Sutton Lawn, the site provides parking for the properties and access is maintained for the properties on Chatsworth Street, thus on balance, the under provision of amenity space is considered acceptable in this instance.

Highway Safety:

Concerns have been raised by local residents in respect of the proposed development and its subsequent impact upon access to the rears of properties on Chatsworth Street and Stoney Street, as well as an obstruction to local businesses. In addition to this, concerns are also raised in regards to increase on-street parking within the locality, as well as increased vehicular traffic.

The application site is presently used as a car park which is served by two vehicular accesses off Stoney Street. The access to the east is proposed to be retained to serve the proposed development, and the rears of surrounding residential properties, whilst the access to the west is to be closed off. The Highways Authority have confirmed that the existing dropped kerb serving this access will be required to be reinstated into a full height kerb. A condition to this affect would be attached to any approval of the application.

The proposed access driveway will measure 5m in width, and will include the provision of a 2m wide pedestrian footway, as well as a verge between the access driveway and 29 Stoney Street. The verge is to be planted with shrub planting and will allow for the maintenance of the neighbouring properties boundary. The Highways Authority have confirmed that the access is required to be a minimum of 4.8m in width. A further 0.5m in width is required if the driveway is to be bound by a wall, fence, hedgerow etc., however this is not the case. As such, the proposed access driveway is of sufficient width to serve the proposed development and surrounding properties, and therefore the proposal would not impact on local residents being able to access their private driveways and parking areas.

The Highways Authority have also requested details of the location of a bin storage collection point in association with the proposed development. Information received as part of the consultation process does however confirm that the Council's refuse lorries collect bins from the rear of properties on Chatsworth Street and Stoney Street. This arrangement would still be possible should the development be permitted, and as such, bins associated with the proposed development could also be collected from the rear of the proposed dwellings. As such, a bin collection point for future occupiers of the dwellings would not be required.

In regards to parking arrangements, each dwelling will be provided with two off-street parking spaces, in accordance with the Council's Residential Car Parking Standards SPD 2014. It is subsequently considered that the proposal would be unlikely to exacerbate on-street parking within the vicinity of the site, and therefore the obstruction to nearby business premises would also be unlikely.

Concerns have also been raised regarding disruption during construction works. Whilst it is acknowledged that there is the potential for disruption during construction works, this would be for a temporary period only, rather than long term.

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

Conclusion:

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

The application site is located within a predominantly residential area, within close proximity to Sutton in Ashfield's town centre. The proposed development site offers the opportunity for the construction of five new dwellings in a sustainable, main urban area location, which will contribute to the districts housing stock as well as economic benefits during the construction of the dwellings and occupation thereafter.

The proposed development scheme does not raise any significant concerns with regards to the impact upon the visual amenity of the locality or upon the residential amenity of existing and future occupiers. Furthermore, each dwelling is afforded appropriate off-street parking provision, whilst access is shown to be maintained to the surrounding properties and the cumulative impact of an additional five dwellings on the highway network is deemed to be insignificant.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The materials and finishes to be used for the external elevations and roof of the hereby approved dwellings shall be 'Wienerberger Titan' red/multi facing bricks and 'Sandtoft Calderdale' roof tiles in slate grey as per the submitted information, unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The area shown for car parking on the approved site layout plan shall be hard surfaced and the car parking spaces delineated, as shown on**

Drawing No. 31468 493 02 (proposed site layout plan), before the development hereby permitted is first occupied. The area shall not thereafter be used for any purpose other than the parking of vehicles.

4. No part of the development hereby permitted shall be brought into use until the access driveway/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
5. Pedestrian visibility splays of 2m by 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstructions over 0.6m above the carriageway level at all times.
6. No part of the development hereby permitted shall be brought into use until the kerbstones on the redundant dropped vehicular access are reinstated to full height, to the specification and standard of the Highway Authority.
7. This permission shall be read in accordance with the following plans: Proposed Site Layout Plan, Drawing No. 31468 493 02, Received 02/10/20; Proposed Elevations, Drawing No. 31468 493 04 Rev B, Received 21/10/20; Proposed Floor Plans, Drawing No. 31468 493 03, received 02/10/20; Proposed Drainage Layout, Drawing No. 31468 493 05, Received 02/10/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure adequate off-street car parking, in the interests of highway safety.
4. In the interests of highway safety.

5. To ensure that there is satisfactory visibility at the access point, in the interest of highway safety.
6. In the interests of highway safety.
7. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
3. The development makes it necessary to reinstate a pedestrian footway/verge within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, telephone: 0300 500 8080 to arrange for these works to be carried out.

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Agenda Item 5



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|----------------------------|---|--------------|-------------------|
| Report To: | PLANNING COMMITTEE | Date: | 25/11/2020 |
| Heading: | TREE PRESERVATION ORDER – LAND OFF BECK LANE, SKEGBY, SUTTON IN ASHFIELD | | |
| Portfolio Holder: | PLACE, PLANNING AND REGENERATION | | |
| Ward/s: | SKEGBY | | |
| Key Decision: | NO | | |
| Subject to Call-In: | NO | | |

Purpose Of Report

To advise Members of one objection received in response to the making of a Tree Preservation Order at land off Beck Lane, Skegby, Sutton in Ashfield.

Recommendation(s)

Having considered and notwithstanding the objection, the Council proceeds to confirm the Tree Preservation Order without modification, on terms outlined in the report.

Reasons for Recommendation(s)

The Tree Preservation Order is in respect of a woodland on land off Beck Lane, Skegby. The trees in question are considered to contribute to the visual amenity of the street scene and from numerous vantage points surrounding this area, and their removal would be detrimental to the character of the area. The trees have been inspected by the Council's Tree Officer and the trees have been considered worthy of TPO status due to their sound health and structural stability.

The removal of, or further uneven pruning works to the trees in question, would severely reduce the visual amenity benefit that the trees currently provide. If the trees are not protected there is no other statutory control other than the issuing of a felling license by the Forest Commission that could limit or control the removal of the trees in question.

It is considered that the placing of a Tree Preservation order on the woodland is in the interests of public amenity.

Alternative Options Considered (With Reasons Why Not Adopted)

A) To confirm the Tree Preservation Order subject to modifications; or

B) To refuse to confirm the Tree preservation Order.

The alternative options above are not recommended as they would not adequately protect the relevant trees and the visual amenity value within the area. All trees recommended for protection make a contribution to the amenity of Land off Beck Lane and numerous vantage points surrounding the woodland.

Detailed Information

On the 16th June 2020, a formal notice was provided to interested parties advising them that the Council had made a Tree Preservation Order in respect of all trees located within the TPO plan at land off Beck Lane, Skegby.

The legal power to make a Tree preservation order is drawn from the Town and Country Planning Act 1990, and in particular section 198(1) of the Act which states:

‘If it appears to a Local Planning Authority that it is expedient in the interest of amenity to make a provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order’.

Amenity:

Trees within the woodland area are prominent when viewed from Beck Lane and numerous vantage points along a right of way located to the south and west of the site. As a result, the trees are considered to have a high amenity value as they are a positive feature within the street scene and the wider surrounding area therefore affording great weight to the protection of these trees.

Letter of Objection:

The Council received one letter of objection on behalf of a number of local residents in relation to the extent of Tree Preservation Order being placed, and the issues raised are as follows:

- The making of a TPO on this land is very much welcomed, however we remain extremely concerned regarding the extent of the TPO boundary and that it has been considerably reduced from that originally planned.
- The objectors have commissioned Mark Smeeden (Chartered Landscape Architect) of Smeeden Foreman Ltd to undertake an assessment of the site and the provisional TPO boundary.
- The report comments that trees within the wider nursery site and not within the proposed TPO are seen over the roof tops of houses on Beck lane and

therefore have public amenity value.

- They contribute to the amenity of the residents of the dwellings on Beck Lane for whom they provide an attractive element to their view and also contribute to provide shelter from the prevailing wind. Furthermore, those trees appear to be high-quality and are threatened by development and building activity.
- It is therefore considered that the TPO boundary should be extended and therefore the TPO should be confirmed with a modification.

Officers Comments:

Site History

Planning permission has previously been granted for the demolition of a building and the erection of one replacement dwelling (v/2018/0673) and the erection of one garage (v/2019/0732) on land adjacent to 157b Beck Lane. Tree surveys have been submitted to the local planning authority that demonstrate trees sited adjacent to properties 157a and 157b Beck Lane are in poor condition as a result of dead or dying, severe storm damage and root/stem damage. An initial Tree Preservation Order (299), was placed on 16th December 2019 and reflected the urgency to ensure public visual amenity value was safeguarded from opportunistic tree felling. Since placing the Tree Preservation Order (299) a number of residents contacted the local planning authority raising a number of issues with the extent of the TPO boundary. Following an objection received, which raised concerns with the quality of some of the trees, the Order was not confirmed.

On 16th June 2020, a revised Tree Preservation Order was placed which excluded some lower quality trees sited adjacent to 157B and 157A Beck Lane. Trees located within this part of the woodland, adjacent to properties 157A and 157B Beck Lane have been reviewed by the Councils tree officer and deemed less worthy of protection as a number are structurally damaged and due to their location set away from the highway, make less of a contribution to the character and appearance of the street scene and wider area. The trees not included in the revised TPO boundary are sited at the end of a private drive between properties 157a and 157b Beck Lane and therefore are less publically visible.

In accordance with national guidance 'Tree Preservation Orders: A guide to the Law and Good Practice' Tree Preservation Orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The extent to which the trees or woodlands can be seen by the general public will inform the Local Planning Authorities assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances. The mere fact that a tree is publically visible however will not itself be sufficient to warrant a TPO.

The TPO requiring confirmation maintains the protection of trees that offer most significant public amenity benefit from views along the public footpath to the south-west and from Beck Lane. It is considered that the trees located in the TPO boundary offer high visual amenity value due to their large size and prominent location and therefore warrant protection under a TPO.

Options available to the Committee:

Members are reminded that they must properly consider the above issues before coming to a fully reasoned conclusion as to whether to:

- 1) Confirm the Tree Preservation Order without modification; or
- 2) To confirm the Tree Preservation Order as with modifications; or
- 3) To refuse the Tree Preservation Order.

In doing so, Members must clearly give reasons as to why they have reached their decision.

It should be noted that the Order cannot be modified to include further trees outside the boundary of the order as drawn. If consideration is required to be given to protecting further trees then a new order to cover those trees should be placed. The modification of the order can only exclude trees or draw the boundary smaller but it cannot increase it because the publicity and notification has not included any greater number of trees.

Implications

Corporate Plan:

To support the Council's place aspirations by using TPO legislation to proactively ensure the ingredients for a good quality of life are in place and ensure attractive neighbourhoods are protected.

Legal:

Legal issues are identified in the report.

Finance:

No financial implications resulting from this report.

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

Risk:

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

Human Resources:

No implications.

Equalities:

No implications.

Other Implications:

None.

Reason(s) for Urgency (if applicable):

None.

Background Papers

None.

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Theresa Hodgkinson

DIRECTOR – PLACE AND COMMUNITIES

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Agenda Item 6



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|----------------------------|--|--------------|-------------------------|
| Report To: | Planning Committee | Date: | 25 November 2020 |
| Heading: | PLANNING APPEAL DECISIONS | | |
| Portfolio Holder: | PLACE, PLANNING AND REGENERATION | | |
| Ward/s: | ASHFIELDS, CENTRAL AND NEW CROSS, HUCKNALL SOUTH, STANTON HILL & TEVERSAL, SUMMIT | | |
| Key Decision: | No | | |
| Subject to Call-In: | No | | |

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Appeal Decisions

Ashfields

Planning Application – V/2019/0638

Site – Land off the Avenue, Sutton in Ashfield, NG17 1GH

Proposal – Dwelling with Associated Access and Parking

Appeal Decision – Allowed

The Inspector concluded that the width of the access road would not lead to specific highway safety implications, and the current access arrangement was considered to not be unsafe or unsuitable as a result of its condition. Further, the Inspector was satisfied that the proposal would not place any significant maintenance or financial burden on

existing residents responsible for the up keep of the road. As such it was determined that the proposed development would not be detrimental to highway safety.

Central and New Cross

Planning Application – V/2019/0731

Site – 11-13 Chiltern Mills, Station Road, Sutton in Ashfield, NG17 5FF

Proposal – Vary Condition 5 (V/2019/0337) to Open Monday to Saturday 07:00 to 20:00 and on Sunday 09:00 to 17:00 and Condition 3 to Receive Deliveries Between 07.00 and 23.00 Monday to Saturday

Appeal Decision – Allowed

Application for Costs – Allowed

The Inspector considered that the extended trading and delivery hours proposed for Tool Station would largely coincide with activities associated with the adjacent takeaway. Despite the close proximity of a number of residential properties to the site, the Noise Assessment Report submitted with the application provides technical evidence to support the assertion that the proposal would not have an unacceptable impact on the living conditions of the nearest adjacent properties, or those residing in properties on Portland Street, in terms of noise and disturbance from extended trading and delivery hours.

An application for an award of costs was allowed by the Inspector on the grounds that the Council failed to present specific policies or a robust explanation to demonstrate how the proposal would unacceptably harm the living conditions of nearby occupiers to counter the findings of the Noise Assessment. In doing so the Inspector concluded that the Council had acted unreasonably in withholding planning permission which should clearly have been granted, resulting in the unnecessary expense of lodging the appeal.

Hucknall South

Planning Application – V/2019/0425

Site – Storage Unit, Land adj. Hucknall Lane, Hucknall, NG6 8AA

Proposal – Change of Use to C3 Dwelling from a B8 Storage Building

Appeal Decision – Dismissed

The Inspector agreed with the Council that the proposed development would comprise of inappropriate development in the Green Belt which would fail to preserve its openness. The site also lies in Flood Zone 3 and it was determined that the appeal site did not represent an appropriate location for residential use, and the applicant had failed to meet the necessary sequential test in regards to flooding. In addition, the proposal was deemed to result in severely sub-standard living conditions for any future occupiers.

Stanton Hill & Teversal

Planning Application – V/2019/0682

Site – Fackley Cottage, 3 The Park, Fackley, Sutton in Ashfield, NG17 3JW

Proposal – Porch to Front Elevation

Appeal Decision – Allowed

The Inspector concluded that the proposed porch extension would not have any significant impact on the visual amenity of the surrounding area, due to it being modest in scale and traditional in design. Further, the Inspector considered that the claims of historical significance were anecdotal and neither the minutes of the committee meeting nor the Council's decision notice offer any explanation of how the proposal would cause harm to the historical significance of the building. The Inspector therefore found that the proposal would not cause any harm or loss to any heritage significance which may exist.

Summit

Planning Application – V/2019/0682

Site – 21 Station Street, Kirkby in Ashfield, NG17 7AQ

Proposal – Application to Vary Condition 3 of Planning Permission V/2019/0130 - to Alter Opening Hours to 11:00am - 00:00am (Midnight) Sunday to Thursday and 11:00am -01:00am Friday and Saturday

Appeal Decision – Dismissed

The Inspector considered that the proposed extended opening hours would attract additional customers both on foot and by car, which coincided with nearby premises, would increase the number of people congregating in the street outside the appeal site. The premises delivery operations would also continue through the extended opening hours, and other vehicle movements related to the premises would also continue later into the night. The Inspector therefore concluded that the proposed extended opening hours would have a significant harmful effect on the living conditions of nearby residents with particular regard to noise disturbance.

Implications

Corporate Plan:

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

Legal:

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

Finance:

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

Risk: N/A

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

Human Resources:

No implications

Equalities:

(to be completed by the author)

None

Other Implications:

(if applicable)

None

Reason(s) for Urgency

(if applicable)

N/A

Reason(s) for Exemption

(if applicable)

N/A

Background Papers

(if applicable)

None

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