

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

### Planning Committee

Date: **Wednesday, 16th December, 2020**

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Time: **10.00 am**

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

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For any further information please contact:

**Lynn Cain**

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

01623 457317

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# **PLANNING COMMITTEE**

## **Membership**

**Chairman:** Councillor Sarah Madigan

**Vice-Chairman:** Councillor Ciaran Brown

**Councillors:**

Chris Baron

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 25 November 2020. 5 - 10
4. To receive and consider the attached planning applications. 11 - 32

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## PLANNING COMMITTEE

Virtual Meeting held on Wednesday, 25th November, 2020 at 10.00 am

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

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

**Apology for Absence:** Councillor Lauren Mitchell.

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

**P.19 Declarations of Disclosable Pecuniary or Personal Interests  
and Non Disclosable Pecuniary/Other Interests**

Councillor Jason Zadrozny declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2020/0371, Mr A Cash, Temporary Siting of Mobile Home, Land on the West Side of Brickyard, Brickyard Drive, Hucknall. His interest arose from the fact that he had previously met and spoken to the Applicant but in doing so had not expressed an opinion at any point.

Councillor Jason Zadrozny also declared Non Disclosable Pecuniary/Other Interests on behalf of himself and Councillors Samantha Deakin, Rachel Madden, Helen-Ann Smith and Daniel Williamson (as Cabinet Members sitting on the Planning Committee) in respect of Application V/2018/0783, Gleeson Regeneration Ltd, 206 Dwellings and Associated Infrastructure, Land off Gilcroft Street / Vere Avenue, Skegby. Their interests arose from the fact that they had previously voted for the application in principle but would be coming to the meeting today to hear the new application with open minds.

**P.20 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 21 October 2020, be received and approved as a correct record.

For clarity, the Assistant Director, Planning and Regulatory Services advised that in relation to the Broomhill Farm Application (V/2019/0483), there had been a typographic error in relation to the cited figure for S106 Secondary Education funding. The correct figure was £835,625 (35 places x £23,875), and this had been reflected within the body of the minutes.

**P.21 Town and Country Planning Act 1990:  
Town Planning Applications Requiring Decisions**

Prior to consideration of the applications, the Assistant Director, Planning and Regulatory Services advised that officers wished to withdraw Application V/2020/0541, Mr C Quickfall, 60 Portland Road, Selston to obtain further clarity from the Highways Authority. Members of the Committee concurred with this course of action.

**1. V/2020/0371, Mr A Cash, Temporary Siting of Mobile Home, Land on the West Side of Brickyard, Brickyard Drive, Hucknall**

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Jason Zadrozny had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this application. His interest was such that he stayed in the meeting and took part in the discussion and voting thereon.)

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

**2. V/2020/0654, Ashfield District Council, Demolition of Community Centre and Construction of 2 Bungalows, The Beeches Community Centre, Beech Street, Skegby**

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

**3. V/2018/0783, Gleeson Regeneration Ltd, 206 Dwellings and Associated Infrastructure, Land Off Gilcroft Street / Vere Avenue, Skegby**

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillors Samantha Deakin, Rachel Madden, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny had previously declared Non Disclosable Pecuniary/Other Interests in respect of this application. Their interests were such that they 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:-

Applicant

A letter had been received from the applicant, Gleeson Homes, in support of the application. They considered that the substantive issues of highways and ecology had been resolved and were surprised to see the scheme recommended for refusal. The letter set out the benefits of the scheme including:

- The Highways Authority were happier with this access and internal arrangement than the approved scheme. A significant amount of off-site highways improvement works were also now proposed.
- An ecological mitigation package was provided that included a large area of wildlife and open space, which was to be maintained by a management company rather than the Council (as with the other approved scheme).
- Gleeson offered low cost housing to first time buyers. The approved scheme contained larger homes that would be more expensive.
- Gleeson did not sell to landlords or allow their properties to be rented out.

They considered the scheme to represent an improvement on the previous application and they would either build out the other scheme, or seek an appeal. If Members signalled that they wanted to avoid these scenarios, Gleeson would be happy for a deferral to see if a MUGA could be accommodated and to look at the space standards for the dwellings.

#### Report Correction

A correction was required on page 62 of the Agenda report. The table should have included a further two bedroom house type which met the local standard, but the overall housing numbers still equated to 78% not being compliant with local standards. As such, there remained substantive concerns about the schemes acceptability, when assessed against both local and national housing standards.

#### Additional Letters of Objection

Four further letters of objection had been received from residents but no new issues were raised. Thus a total of 188 letters of objection had been received.

#### Comment from the NP forum

Teversal Stanton Hill & Skegby Neighbourhood Forum reiterated their concerns over two established footpaths that were subject to application to Nottinghamshire County Council for them to be dedicated as rights of way and had further concerns that the surface of the proposed footpaths were contrary to NP Policy 6.

#### Nottinghamshire County Council (NCC) Rights of Way

NCC Public Rights of Way confirmed there would be opportunity to divert a footpath onto the proposed access road and they welcomed the pedestrian access linking into the Park and Gardens. They further recommended other paths were dedicated as rights of way.

#### Officer Response to the Footpath Issue

A new stone chipping footpath was proposed to be created running adjacent to the stream which linked into the access to the south of the park and gardens. It would be recommended that this path was dedicated as a public right of way. If the footpath running along the rear of houses on Hall Street/Gilcroft Street was added to the definitive map, an application for its diversion would be required.

Steve Gamble, for the Applicant, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submission as required.

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

(Prior to voting on this application, Councillor Daniel Williamson left the meeting at 10.52am)

**4. V/2020/0411, Minster Developments Ltd, 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**

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

**5. V/2020/0653, Ashfield District Council, Demolition of Community Centre and Construction of 2 Bungalows, The Poplars Community Centre, Charles Street, Sutton in Ashfield**

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

(Prior to consideration of the last application, Councillor Daniel Williamson returned to the meeting at 11.12am.)

**6. V/2020/0669, Ashfield District Council, 2no. Two Storey Dwellings and 3no. Two and a Half Storey Dwellings, Car Park, Stoney Street, Sutton in Ashfield**

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

One further letter of objection has been received from a local resident raising concerns which were already covered in the report. This took the total number of objections received to three. They also claimed they were not notified of the application.

Officer Response

Letters were sent to all properties directly adjacent to the site and a site notice was erected adjacent to the car park access. The consultation therefore exceeded the Council's statement of community involvement and statutory requirements in this case.

Stacey Clifford, an Objector, 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 submission as required.



It was moved and seconded that conditional consent be granted as per officer's recommendation subject to an additional condition and informative as follows:-

Condition

No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This should include details of working hours, parking for site operatives and visitors, loading and unloading areas, the storage of plant and machinery, and how access to the rear of properties on Stoney Street and Chatsworth Street is to be maintained.

Informative

There are current traffic regulation orders on Stoney Street which require further investigation by the applicant and improved where necessary at the applicants expense following consultation with local residents and business owners. Any improvement should be sought before development commences.

**P.22 Tree Preservation Order - Land off Beck Lane, Skegby, Sutton in Ashfield**

Members were advised of an objection received in response to the making of a Tree Preservation Order on land off Beck Lane, Skegby, Sutton in Ashfield and notwithstanding the objection, were asked to confirm approval accordingly.

RESOLVED

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

**P.23 Planning Appeal Decisions**

Members were asked to note the recent planning appeal decisions as outlined in the report.

RESOLVED

that the report be received and noted.

The meeting closed at 11.43 am

Chairman.

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

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

The background papers forming the planning application file include:

- A Planning Application file, incorporating consultation records, site appraisal and records of meetings and telephone conversations.
- B Planning Policy
- C Local Resident Comments
- D Highway Authority Consultation
- E Environmental Health (ADC)
- F Severn Trent Water plc/Environment Agency
- G Parish Council
- H Local Societies
- I Government Circulars/PPGs
- J Listed Building Consultees
- K Other
- 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 Assistant Director Planning and Regulatory Services by 5pm 10th December 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

Tel: 01623 457365

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

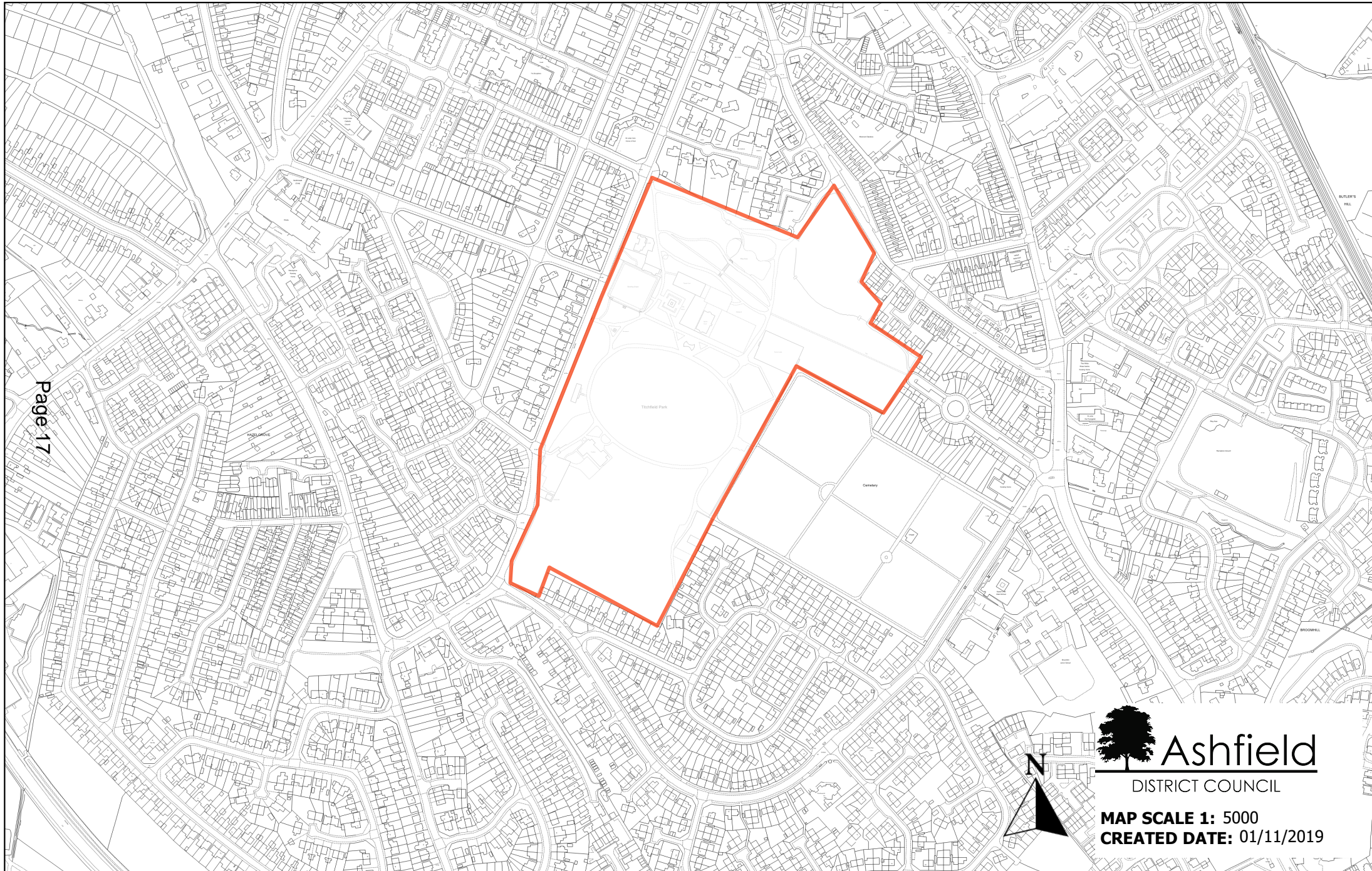
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## PLANNING COMMITTEE – 16<sup>th</sup> December 2020

| Page                  | App No      | Applicant                 | Recommendation | Proposal  | Location   |
|-----------------------|-------------|---------------------------|----------------|---|--|
| <b>Hucknall South</b> |             |                           |                |   |  |
| 17-26                 | V/2019/0734 | Ashfield District Council | Approve        | Restoration of Titchfield Park Brook  | Titchfield Park<br>Park Drive<br>Hucknall                |
| <b>Selston</b>        |             |                           |                |   |  |
| 27-32                 | V/2020/0471 | Wren Hall Nursing Home    | Approve        | Application for Works to Trees<br>Subject to Tree Preservation Order<br>60 - Fell 1 Beech and 2 Sycamore<br>Trees | Wren Hall Nursing Home<br>234 Nottingham Road<br>Selston |

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 **Ashfield**  
DISTRICT COUNCIL

**MAP SCALE 1: 5000**  
**CREATED DATE: 01/11/2019**

**COMMITTEE DATE**    18/12/2019                      **WARD**            Hucknall South

**APP REF**                      V/2019/0734

**APPLICANT**                      Ashfield District Council

**PROPOSAL**                      Restoration of Titchfield Park Brook

**LOCATION**                      Titchfield Park, Park Drive, Hucknall, Notts, NG15 7RF

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.0300334,-1.1997434,17z>

**BACKGROUND PAPERS**    A, E, F, K

App Registered: 20/11/2019                      Expiry Date: 31/12/2020

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

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

**The Application**

This is an application which seeks planning consent to restore and realign the existing brook which runs through Titchfield Park in Hucknall, to help alleviate existing problems with intermittently blocked culverts and subsequent flooding.

The works to be undertaken as part of the scheme include de-culverting parts of the existing culverted brook, re-aligning the brook so that it is re-directed through the park away from the sites boundaries, re-locating the children’s play equipment elsewhere within the park to create an attenuation basin adjacent to the brook, earth modelling works and the re-wilding of the brook and its surrounds.

**Consultations**

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

The following comments have been received:

***ADC Landscaping:***

The proposal should be carried out in accordance with the submitted landscaping scheme. All new trees should be extra heavy standards, and should be planted with stakes and guy wires, as per the submitted details.

***ADC Environmental Health:***

No objections in regards to the proposed development.

***Local Lead Flood Authority:***

No objections raised, and recommend approval of the application.

***Environment Agency:***

Concerns initially raised regarding the proposal and the lack of a Flood Risk Assessment to substantiate the proposed works.

Following receipt of a Modelling Report and *amended* plans, the Environment Agency are satisfied that their previous concerns have been overcome and withdraw their holding objection. Although it is noted that the Modelling Report is not a Flood Risk Assessment as such, the Environment Agency are satisfied from a flood risk perspective, provided that any grant of permission is conditioned to be carried out in accordance with the submitted Modelling Report and Appendix A, to ensure that the flood alleviation scheme operates as described in the Modelling Report and does not increase flood risk elsewhere.

***Historic England:***

No comments to make on the application.

**Policy**

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

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

Part 8 – Promoting Healthy and Safe Communities

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

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

ST1 – Development

ST2 – Main Urban Area

EV8 – Trees and Woodlands

RC3 – Formal Open Space

**Relevant Planning History**

None.

**Comment:**

The application site comprises of the northern portion of Titchfield Park, Hucknall, extending from the north-western corner of the site adjacent to Park Drive and Woodford Road, to the north-eastern corner of the site adjacent to Park View and Brookside. The site forms part of one of the Districts destination facilities which

includes bowls, tennis, and cricket facilities, a pavilion, play areas, a skate park, and heritage features all within a landscaped setting.

The application site is located in an area identified as formal open space. The site also comprises of a locally listed heritage asset, and there are a number of listed buildings located within the vicinity of the application site. The site lies within Flood Zones 2 and 3.

Residential development bounds the application site to the north, east and west, whilst the wider Titchfield Park site extends to the south of the site.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on flood risk, ecology and the historic environment, as well as the impact upon visual and residential amenity.

***Principle of 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 application site is located within an area designated as formal open space. Under the requirements of policy RC3 of the ALPR 2002, development which leads to the loss of formal open space will only be permitted where, amongst other things, it would assist in the retention and enhancement of the recreational use of the site and the development proposed would make a significant improvement to the overall quality of recreation provision in the locality.

Although the proposal will not lead to the loss of formal open space, the de-culverting of part of the brook within the western portion of the site, would marginally reduce the area of useable open space within the park to the public. Having said this, the scheme proposed will improve the overall quality of the recreation provision by providing a new feature within the public open space, and the scheme also seeks to re-wild parts of the brook to improve the offering of biodiversity within the park.

The proposed re-aligned and de-culverted brook is proposed to run through a basin, which until recently, was occupied by children's play equipment. This play equipment has since been removed from within the application site, and re-located to the south within the wider Titchfield Park site adjacent to the existing MUGA and skate park. The proposed scheme therefore will not result in the loss of existing recreational facilities.

The principle of the proposed development is therefore considered acceptable provided all other material planning considerations can be appropriately satisfied.

**Flood Risk:**

The Environment Agency's mapping system identifies the site as lying in Flood Zones 2 and 3, due to the existence of the brook within the site which runs west to east, which is a tributary to the River Leen.

Paragraph 163 of the NPPF 2019 stipulates that when determining planning applications, local authorities should ensure that flood risk is not increased elsewhere, and where appropriate, application should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding if it can be demonstrated that, amongst other things, the development is appropriately flood resistant and resilient, and that any residual risk can be safely managed.

The development scheme is split into three sections:

Section 1: The removal of 120m of the culverted watercourse, directing the surface water flows into the parkland above ground level through a newly formed channel. The channel will be directed through an area previously occupied by play equipment which is to be formed into a native grass meadow, which will become an attenuation basin, to attenuate water during peak flows and inclement weather, before re-joining the brook to the east.

Section 2: The remodeling of the semi improved grassland around the northern side of the brook increasing the area in height by approximately 1m, to create a second attenuation basin which can be utilised during storm events.

Section 3: The realignment of the existing brook away from the residential properties along the northern boundary (Park View). Realigning the brook further into the park will allow for the ground to be stabilised to the adjoining properties and improve the maintenances access to the boundary walls and fences. The brook will be re-profiled creating shallow banks, creating small gains in attenuating surface water flows and providing appropriate water margin planting.

The works proposed to the brook are fundamentally required as the culverted channel has low surface water flows and subsequently becomes intermittently blocked resulting in incidences of flooding within and outside of Titchfield Park. It is thought that the blockages are caused by a combination of deteriorating culvert walls, sediment, suspended solids and tree roots encroaching the culvert.

A Modelling Report has been submitted to accompany the application as well as amended plans regarding the proposed landscaping, earthworks and construction plan, to substantiate that the proposal is flood resistant and resilient, that any residual risk can be safely managed, and that the proposal will not result in increased flood risk elsewhere.

The Environment Agency have reviewed the submitted details and although it is noted that the Modelling Report is not a Flood Risk Assessment, they have confirmed that they have no objections to the proposed development scheme and are satisfied from a flood risk perspective. This is however on the proviso that any grant of permission conditions the development to be undertaken in accordance with the details contained within the Modelling Report and plans submitted, and maintained thereafter, to ensure that the flood alleviation scheme operates as described in the Modelling Report and does not increase flood risk elsewhere. Comments received from the Local Lead Flood Authority also raise no objections to the proposed development.

It is therefore considered that from a flood risk perspective, the proposed scheme will aid significantly in alleviating current incidences of flooding within and outside of the application site due to obstructions to the current culverted brook. The proposal is subsequently considered to be compliant with Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change of the NPPF 2019.

***Ecology:***

At present, 32% of the existing brook through Titchfield Park is culverted providing low or no ecological value, whilst a further 37% of the brook consist of an open, concrete channel comprising of shallow grass, bounded by steep banks. The brook is currently heavily modified with low ecological value due to the engineered form of the channel.

The improvement works proposed include the re-profiling of the banks to the open culverted section (section 3 of the scheme) and the introduction of new margin and wetland plant species. The upper/western section of the brook which is currently culverted will be opened out and a new vegetated channel will be established (section 1 of the scheme). The area of semi improved grassland through section 2 of the development will be cultivated and the topsoil stripped prior to remodelling works. The seed rich top soil will be re-used to regrade the area on completion. It is therefore considered that betterment will be achieved through the development, resulting in a net gains for biodiversity in this location.

Where the existing brook is to be realigned, the work will be phased to allow for the migration of any invertebrate species into the new channel before the old brook is infilled with material, in accordance with paragraph 170 of the Framework.

***Historic Environment:***

As previously mentioned, there are a number of listed buildings both within and surrounding the park, including the Grade II listed Hucknall War Memorial and Drinking Fountain to the south of the site and the Grade II listed Houses of Rest for Miners to the north-west of the site on Park Drive. In addition to the listed buildings, Titchfield Park itself is a locally listed heritage asset.

Paragraph 193 of the NPPF 2019 stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be, irrespective of whether the potential harm amounts to substantial harm or less than substantial harm to its significance. Paragraph 197 of the Framework also states that a balanced judgement will be required, having regard to the scale of any harm or loss to the significance of any non-designated heritage assets.

The proposed flood alleviation scheme does not fall within the listed building buffer of any of the three aforementioned listed buildings. Nevertheless, it is considered that the western portion of the application site does fall within the setting of the Grade II listed Hucknall War Memorial. It is however considered that the proposal will improve the setting of this listed building, by removing the existing unattractive rubber crumb and tarmac surface previously occupied by the play equipment in this location, and replacing it with a landscaped environment, resulting in no harm to the setting of the listed building.

It is further considered that as the proposal does not unduly change the overall appearance of the park. The proposal would subsequently not result in any detriment to the setting or significance of the locally listed heritage asset, in accordance with paragraph 197 of the Framework.

***Visual Amenity:***

A landscaping scheme has been provided as part of the proposal to demonstrate how the proposed works will assimilate into the surrounding park setting.

To ensure that the proposed de-culverted and re-aligned parts of the brook appear established from the out-set, these areas are to be lined with pre-established coir roll to provide immediate marginal vegetation within the park. In addition to this, new areas of wild flower turf and seeding are to be laid within sections 2 and 3 of the scheme to create a new landscaped meadow environment, whilst section 1 will be landscaped with amenity turf. Additional shrub and tree planting is also proposed throughout the scheme, with 38 new trees to be planted and five new areas of shrub planting.

It is therefore considered that the ground remodeling and brook restoration works will add to the overall landscape character of the open space, resulting in no detrimental impact upon the visual amenity of the area.

***Residential Amenity:***

Although the proposed flood alleviation scheme will take place within close proximity to nearby residents to the north and east of the site, it is considered that the proposed works will not result in any undue impact upon the amenity of neighbouring residents, by virtue of massing, overshadowing or overlooking.

### **Conclusion:**

The proposed restoration and realignment of Titchfield Park Brook will facilitate in alleviating current incidences of flooding within and outside of the application site without increasing flood risk elsewhere. The proposal will also result in a net gain in biodiversity within the surrounding locality, following the creation of new landscaped meadow environments and the planting of new trees and shrubs.

The proposal is considered to comprise of appropriate development within an area of formal open space, without having any significant detriment to the setting of the surrounding historic environment. In addition, the scheme does not raise any significant concerns in regards to the impact upon the visual amenity of the local area, or on the amenity of nearby residents.

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

### **Recommendation: Full Application – Conditional Consent**

#### **CONDITIONS**

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
  
- 2. This permission shall be read in accordance with the following plans:**
  - **Site Location Plan Scale 1:500, Received 18/11/19;**
  - **Proposed Layout, Drawing No. P&E/TPB/2019/001, Received 18/11/19;**
  - **Flood Storage & Brook Alignment, Drawing No. P&E/TPB/2019/001, Received 18/11/19;**
  - **Section Detail/Flood Storage, Drawing No. P&E/TPB/2019/002, Received 18/11/19;**
  - **Section Detail/Flood Storage, Drawing No. P&E/TPB/2019/003, Received 18/11/19;**
  - **Landscaping Plan, Drawing No. P&E/TPB/2019/001 Rev A, Received 28/10/20;**
  - **Earthworks & Construction Plan, Drawing No. P&E/TPB/2019/003 Rev A, Received 28/10/20;**
  - **Play Area Relocation Plan, Drawing No. PLAYSTRAT/Yr2/H/TFP/PAR/OV, Received 18/11/19;**
  - **Play Area Relocation Plan, Drawing No. PLAYSTRAT/Yr2/H/TFP/PAR/CW, Received 18/11/19;**
  - **Play Area Relocation Plan, Drawing No. PLAYSTRAT/Yr2/H/TFP/PAR/HW, Received 18/11/19.**



The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. The hereby permitted development shall be carried out in accordance with the submitted Titchfield Park Modelling Report (dated 12/10/2020) and the 'Flood Storage Technical Drawing' shown in Appendix A (drawing no. P&E/TPB/2019/001). These mitigation measures shall be fully implemented with the schemes timing/phasing arrangements, and the measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure that the flood alleviation scheme operates as and does not increase flood risk elsewhere.

## **INFORMATIVE**

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

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 04/12/2020**

**COMMITTEE DATE** 16 December 2020      **WARD** Selston

**APP REF** V/2020/0471

**APPLICANT** Wren Hall Nursing Home

**PROPOSAL** Application for Works to Trees Subject to Tree Preservation Order 60 - Fell 1 Beech and 2 Sycamore Trees

**LOCATION** Wren Hall Nursing Home, 234 Nottingham Road, Selston, Nottingham, NG16 6AB

### **BACKGROUND PAPERS**

App Registered 19/08/2020

Expiry Date 13/10/2020

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

*This application has been referred to Planning Committee by Councillor Hankin on the grounds of the impact on public visual amenity.*

### **The Application**

This is an application requesting the felling of 1 Beech and 2 Sycamore Trees which are subject to Tree Preservation Order 60. The 3 trees are located on Nottingham Road frontage to the northwest of the access drive and 8 parking spaces serving Wren Hall. The trees are located in an enclosed area which is used as a play area by children attending the day nursery.

### **Consultations**

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

**Resident Comments:** 10 Letters of objection have been received from local residents raising the following:

- The trees are protected and shouldn't be felled
- There will be an adverse effect on biodiversity and bird nesting
- The nursing home is doing this so they can further develop the land
- There have been no proposals to replace any of the trees felled
- The existing trees block noise pollution coming from the care home

One letter of support has been received but only if the trees are in a poor condition and replacement planting is suggested.

**ADC Tree Officer:** It is agreed that the tree assessment submitted by the applicant fully supports the removal of the trees in question and therefore raises no objections to the removal of the trees in question

Kretzschmaria deusta has been identified which causes brittle failure of the trees stem. In particular as canopy die back is occurring the extent of the decay is considered as extensive. Pruning the trees in any way will actually hasten the demise of the trees. The reduction in moisture take up caused by extensive reduction will cause the decay to spread even more rapidly.

It is recommended that replacement planting occurs. The trees will need to be planted after the tree stumps have been ground out and the infected material removed. Once this has been achieved fresh soil will need to be imported into site and the trees planted in the newly formed tree pits. The trees should be 16 to 18 cm girth container grown stock and maintained for a period of 5 years to ensure satisfactory establishment. These trees will then also be formally protected with a TPO. It is suggested that replacement with Beech trees will provide more long term public visual amenity value and are naturally shade tolerant thus suited to the site location.

### **Policy**

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

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

- EV8 – Trees and Woodlands

#### **JUSt Neighbourhood Plan (2017 – 2032)**

- NP3 – Protecting the landscape character

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

- Part 15 – Conserving and Enhancing the Natural Environment

### **Relevant Planning History**

Application Reference: V/1989/0432

Application Description: Application to Fell 2 Beech Trees

Decision: Conditional Consent

Decision Date: 01/03/1990

Application Reference: V/2018/0021

Application Description: Change of use of existing dwelling to a care home (d1) and day nursery (d1) for use by members of the public.

Decision: Conditional Consent

Decision Date: 18/05/2018

**Comment**

The trees which are proposed to be felled are 3 mature trees, 1 Beech and 2 Sycamore, located in a prominent location in the area. There are other trees in the area and vicinity of the site which are also protected. It is accepted that the loss of these trees will have a significant adverse impact on the character and visual qualities of the area. The applicant has however clearly demonstrated that the trees in question are suffering from disease and are in a very poor physiological condition and are deteriorating. Alternative works have been assessed and discounted because any type of pruning work would only cause greater demise to these trees.

The council's tree officer recommends, because of safety implications, that consent be granted for the trees to be felled. A replacement planting scheme will be required to mitigate and lessen the impact on visual amenity.

The disease *Kretzschmaria deusta*, is a serious issue, is commonly known as brittle cinder, is a fungus and plant pathogen, which can be commonly found on trees such as Beech and Sycamore. The pathogen, over time, breaks down the cellulose in the tree, causing it to rot and breaking down the wood. It is commonly found at the base stump of the tree and can be often identified as bleach black blotches on the tree bark. Even though the tree may appear structurally sound, the pathogen does destroy the integrity of the tree and does increase its chance of falling over.

Even if a tree with this condition is felled, the pathogen can still thrive in the ground and eventually infect other trees. For this reason it is of great importance that if the trees are felled, the base of the trees will need to be grounded out and any infected material and soil will need to be removed and replaced as so to mitigate any possibility of reinfection.

The trees provide significant habitats aiding the biodiversity in the area and are often used by birds for nesting. It is therefore recommended that to ensure the significant impact is mitigated in respect of biodiversity and the visual amenity of the area, that a replacement planting scheme should take place. The ADC's tree officer recommends the trees stumps are ground out and any contaminated soil removed from the site and 3 replacement extra heavy standard Beech Trees be planted in appropriately prepared ground in the location of the existing trees. The planting of Beech trees are considered to be more appropriate than Sycamore since it is considered that Beech Trees will provide more long term value to the area.

**Conclusion :**

Overall, the trees are in a poor physiological condition and have a serious disease and this runs the risk of infecting other trees or of the trees falling and causing danger to the public and surrounding buildings. The planting of new replacement

trees will in the long term enhance the public amenity value and requiring extra heavy standards will provide the amenity value sooner.

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

**Recommendation: - Conditional Consent**

**CONDITIONS**

1. This permission shall authorise the carrying out of the approved tree works within 2 years of the date of this permission.
2. This permission shall authorise the felling of 1 Beech and 2 Sycamore tree(s) only as identified in the submitted documents.
3. The felling shall be carried out in a manner that will avoid damage to trees to be retained.
4. Within one month following the felling of the trees the stumps shall be ground out from the ground and all branchwood, roots and soil infected by the fungus and plant pathogen, shall be removed from the site and new clean top soil introduced and the site left in a reasonably clean and tidy condition.
5. During the first period 1 October to 31 March inclusive following completion of the felling, three replacement Beech Trees, of container grown stock with a minimum girth of 16 to 18 cm, shall be planted in the exact location of the existing trees. Should the replacement trees be removed, die, be severely damaged or becoming seriously diseased within 5 years of planting, they shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.
6. The replacement trees shall be protected by tree guards for at least the first five years following planting.
7. The applicant shall notify in writing the Local Planning Authority when the trees are felled, when the roots and contamination has been removed from the site and again when the replacement trees have been planted.

**REASONS**

1. To define the time scale of the permission and to allow further assessment in the event of the works not being carried out.
2. To clarify the extent of the permission.
3. To safeguard other trees in the vicinity the visual amenity of the area.
4. To ensure the works are carried out in a satisfactory manner and to enable replanting to be carried out.
5. The trees are an important feature in the area and this condition is imposed to make sure that there is no long term loss to the overall appearance and character of the area
6. To safeguard the replacement trees from damage.
7. To ensure the progress of the works can be monitored.

## **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. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended), therefore should nesting birds be present in the trees subject to the consent, work should be deferred until the young birds have fledged. The nesting bird period is considered to take place between March to August inclusive, but may start earlier and extend later.
3. All bats species and their roosts are legally protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Should bats be found prior to or during the course of tree work, work should immediately stop and advice from Natural England should be obtained and fully implemented before work can resume. Natural England's Batline can be contacted on 01509 672772.