

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 9th September, 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/place and on the date mentioned above for the purpose of transacting the business set out below.



Carol Cooper-Smith

Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Committee held on 22 July 2020. 5 - 10
4. To receive and consider the attached planning applications 11 - 36
5. **Planning Appeal Decisions.** 37 - 42

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PLANNING COMMITTEE

Virtual Meeting held on Wednesday, 22nd July, 2020 at 10.00 am

Present: Councillor Sarah Madigan in the Chair;

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

Officers Present: Ross Bowskill, Lynn Cain, Carol Cooper-Smith, Louise Ellis, Mike Joy, Mick Morley and Christine Sarris.

In Attendance: Councillor Dave Shaw.

P.8 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

1. Councillor Arnie Hankin declared a Disclosable Pecuniary Interest in respect of Application V/2019/0459, EON UK PLC, Application to Remove Condition 1 of Planning Permission V/2017/0022 to Allow Permanent Use of the Car Park at 21a Willow Drive, Annesley. His interest was due to land ownership.
2. Councillor Jason Zadrozny declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2019/0459, EON UK PLC, Application to Remove Condition 1 of Planning Permission V/2017/0022 to Allow Permanent Use of the Car Park at 21a Willow Drive, Annesley. His interest arose from the fact that he had previously met and spoken to both the Applicant and officers but in doing so had not expressed an opinion at any point.

P.9 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 17 June 2020, be received and approved as a correct record.

P.10 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions

1. **V/2019/0459, EON UK PLC, Application to Remove Condition 1 of Planning Permission V/2017/0022 to Allow Permanent Use of the Car Park, 21a Willow Drive, Annesley**

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Arnie Hankin had previously declared a Disclosable Pecuniary Interest in respect of this application. His interest was such that he left the meeting for the duration of the item and took no part in the discussion or voting thereon.)

On behalf of the Applicant, Mark Jackson 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 permission to vary condition 1 of the previous consent and enter into a deed of variation to the S106 legal agreement, as outlined in the report, be approved as per officer's recommendation.

2. V/2020/0213, Mr. Crossman, Change of Use from Dwelling C3 to 6 bedroom (8 person) House of Multiple Occupation, 54 Titchfield Street, Hucknall

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

31 further letters of objection had been received from local residents in respect of the following:

- Increased on-street parking
- Proposal is an over intensification of the existing property
- Impact on quality of life of existing local residents.

Officers' response:

- The further letters of objection received raise no new issues, and each of the matters had been addressed in the written report.

David Peck, on behalf of the Applicant and Councillor Dave Shaw, as Ward Member, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

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

Reasons for rejecting officers' recommendation:

1. The proposed intensification of the use of the building to form an 8 person house in multiple occupation is considered by the Council to result in the loss of a family home in a primary residential area. The use of all three floors for independently used habitable rooms results in the overlooking of neighbouring properties, this together with an increase in noise and disturbance due to the intensification of the use and increase

in comings and goings from the property will have a significant impact on the amenities of neighbouring residents. It is thus considered to be contrary to policies ST1 and HG8 of the Ashfield Local Plan Review and Chapters 5 and 8 of the National Planning Policy Framework 2019.

2. The proposal fails to provide adequate off-street parking provision in an area where on street parking is significantly restricted for residents, visitors and deliveries. The intensification of the use will result in further demands on the limited parking that is available on street and will result in an unacceptable impact on highway safety. It is therefore considered to be contrary to policies ST1 and HG8 of the Ashfield Local Plan Review and Chapter 9 of the National Planning Policy Framework 2019.

For the motion:

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

Against the motion:

None.

Abstentions:

Councillor Chris Baron.

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

It was moved by Councillor Helen-Ann Smith 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 proposed design of the dwelling in this location is considered to result in an imposing building out of character with the area. It is located on a private cul-de-sac which has limited width and poor surfacing with access gained over a level crossing in an unsustainable location with poor access to public transport. It would thus lead to Highway safety concerns during construction and with deliveries and visitors to the property when occupied. It is therefore contrary to policies ST1 (b), (c) and (e) and Chapters 9 and 12 of the National Planning Policy Framework 2019.

For the motion:

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

Against the motion:

Councillor Chris Baron.

Abstentions:

None.

4. V/2020/0220, Mr. R. Bluff, Change of Use from A1- Retail to A4 – Bar, 16 Brook 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:-

At the site visit by Members it was noted that the rear yard had been enclosed. It was considered that the yard was not an appropriate location for customers or members of the public to gain access to because of the potential impact on the amenities of local residents above and adjacent to the site.

Although a separate application had been requested for the retention of the structure it had not been possible to discuss the matter with the Applicant. It was therefore intended to include a further condition in the recommendation to restrict the use of the rear yard to storage only and not permit access by customers or members of the public except to exit the premises in an emergency only as follows:

“Condition 6. The rear yard area, as shown on the submitted plans, shall only be used for storage purposes and customers or members of the public shall not be permitted to use the yard except to exit the premises in an emergency. Prior to the use commencing details of how this restriction shall be applied and managed shall be submitted to and agreed by the Council and any such details approved shall be provided and maintained in perpetuity.”

Reason: To safeguard the amenities of residents living in the vicinity of the application site.

It was moved and seconded that conditional consent be granted as per officers' recommendation, subject to the amendments to add condition 6 as outlined above and an additional condition limiting the time period of the permission as follows:

6. The rear yard area, as shown on the submitted plans, shall only be used for storage purposes and customers or members of the public shall not be permitted to use the yard except to exit the premises in an emergency. Prior to the use commencing details of how this restriction shall be applied and managed shall be submitted to and agreed by the Council and any such details approved shall be provided and maintained in perpetuity.

The use hereby permitted is granted for a limited time period of 18 months from the date the Bar hereby permitted first opens. On or before that date the use hereby permitted shall cease and the site be reinstated to its former condition unless a further planning application with regard to the use has been submitted to and approved by the Local Planning Authority.

P.11 Tree Preservation Order - Covered Reservoir, Adjacent to 44 Whyburn Lane, Hucknall

Members were advised of an objection received in response to the making of a Tree Preservation Order at the covered reservoir adjacent to 44 Whyburn Lane, Hucknall 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.

The meeting closed at 11.56 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

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 3rd September 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

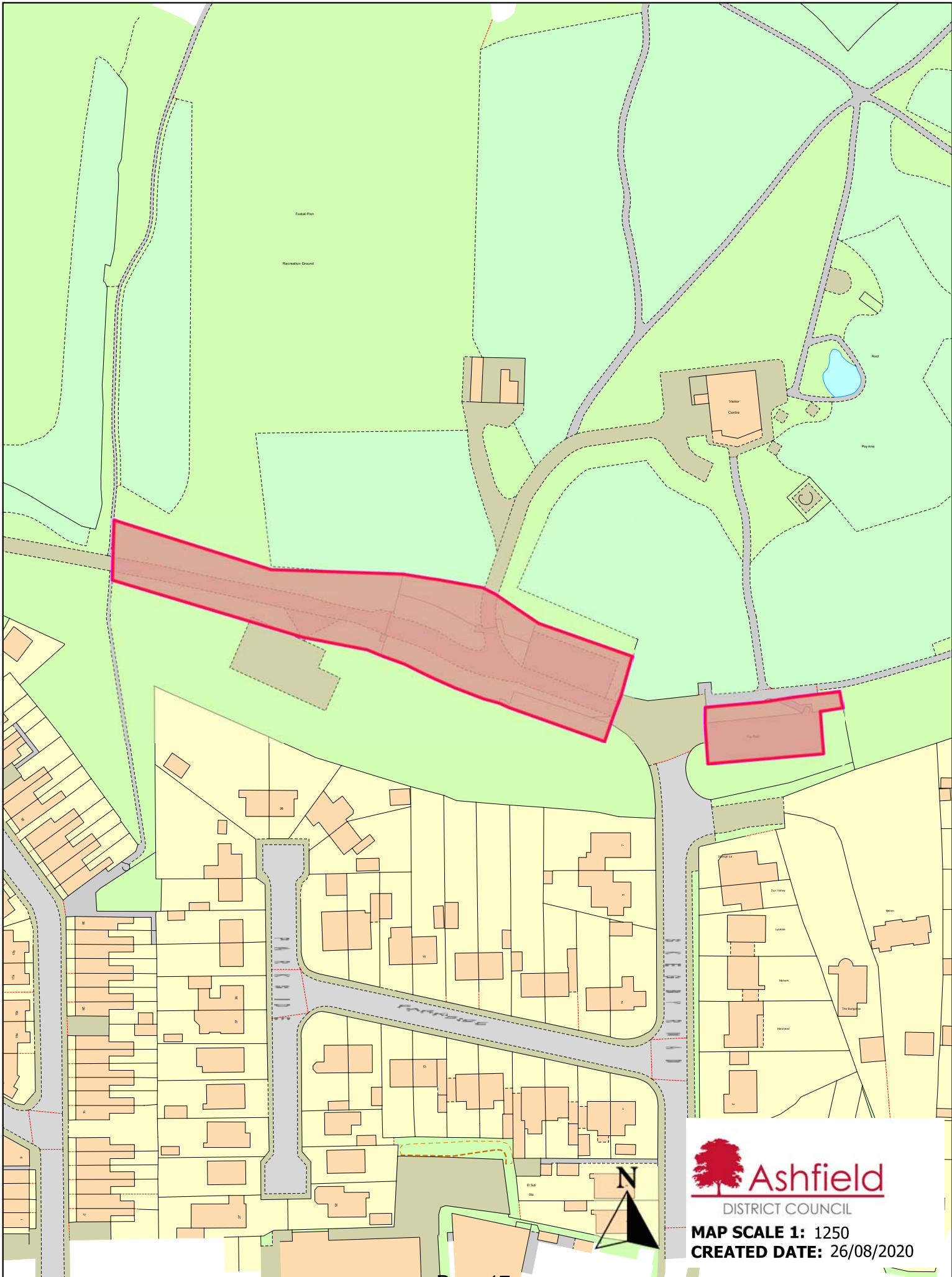
E-mail: t.hodgkinson@ashfield.gov.uk

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**PLANNING COMMITTEE – 23rd September
2020**

Page	App No	Applicant	Recommendation	Proposal	Location
Huthwaite and Brierley					
17 - 23	V/2020/05 04	Ashfield District Council	Approve	Alterations, Extension and Improvements to Car Park and Overflow Car Park	Brierley Forest Park Skegby Road Huthwaite
Larwood					
25 - 36	V/2020/03 62	W Westerman Ltd	Approve	6 Dwellings and Access	Land adj Twickenham Road Kirkby in Ashfield

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COMMITTEE DATE 09/09/2020 **WARD** Huthwaite and Brierley

APP REF V/2020/0504

APPLICANT Ashfield District Council

PROPOSAL Alterations, Extension and Improvements to Car Park and Overflow Car Park

LOCATION Brierley Forest Park, Skegby Road, Huthwaite, Sutton in Ashfield, Nottinghamshire, NG17 2PL

WEB-LINK <https://www.google.co.uk/maps/@53.1311934,-1.2990502,17z>

BACKGROUND PAPERS A & D

App Registered: 31/07/2020 Expiry Date: 24/09/2020

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 for improvement to the existing car parking facility at Brierley Forest Park in Huthwaite. The improvement works include alterations to the existing parking bays within the small car park to the east of the site to create additional disabled parking facilities, as well as an extension to the existing main car park, to create an overflow car park to the west of the site. At present, the park has the provision of 38 parking spaces, and as part of the proposal, this will be increased to 98 parking spaces.

Other improvement works incorporated as part of the scheme include the widening of the existing service road adjacent to the parking areas, the installation of new vehicle barriers, tree planting and other general landscaping works to improve the overall appearance of the site.

Consultations

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

Nottinghamshire County Council Highways:

This is an application for the increase and improvement of the parking provision for this Country Park which is at the end of a Cul-de-Sac on Skegby Road. The road itself is subject to standard widths and footways required by the Highway Authority.

The access to the park will be unaffected. The park has been in operation since 2000 and we are unaware of any issues reported. No objections are therefore raised 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 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 15 – Conserving and Enhancing the Natural Environment

Ashfield Local Plan Review (ALPR) 2002

ST1 – Development

ST4 – Remainder of the District

EV2 – Countryside

EV8 – Trees and Woodlands

RC3 – Formal Open Space

Relevant Planning History

V/2006/0746

Details: Application for the Construction of Car Parks and Removal of Existing Hard Standing Used for Parking

Decision: Conditional Consent

V/1999/0467

Details: Grasscrete Hard Standing to Form Overspill Car Parking Area

Decision: Conditional Consent

V/1995/0050

Details: Proposed Car Parking Scheme for 14 Spaces and Associated Landscaping

Decision: Conditional Consent

Comment:

The application site comprises of the existing visitor car parks used in association with Brierley Forest Park. This includes the small tarmacked car park sited to the east of the park entrance, and the larger main car park to the west of the park entrance. An area of land to the west of the main car park is also included within the application site, which comprises of a flat level grassed area through which the existing service road passes through. It is understood that this area has in the past been used informally as an overflow car parking area during busy periods.

The main entrance to Brierley Forest Park and its public car parking facilities are accessed at the end of a cul-de-sac on Skegby Road. This road also serves residential properties which are sited approximately 40m to the south of the application site.

The application site is located in an area identified as countryside. The western portion of the application site is also located within an area designated as formal open space.

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 proposed development site is located outside of the districts main urban areas and named settlements, in an area designated as countryside, as identified by policy ST4 of the ALPR 2002. Under this policy, permission will only be granted for development appropriate in the countryside.

Policy EV2 of the ALPR 2002 stipulates that permission will only be granted for appropriate development in the countryside, and the development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. The policy also outlines types of appropriate development in the countryside, which amongst other things, includes facilities for outdoor sport, outdoor recreational and tourism uses.

Originally a former colliery site, Brierley Forest Park was transformed into a Country Park between 1992 and 2000, providing a wildlife haven with nature walks covering over two miles. The Park also provides recreation facilities including a football pitch, a children's play area, a sculpture trail, areas of local historical interest, as well as a visitor centre with café facilities. The facilities provided subsequently attracts a large number of visitors both from within and outside the district, and in recent years the existing formal parking provision has been unable to cope with demand.

The improvement works included as part of the application, will subsequently provide increased parking provision for visitors accessing the recreational facilities, and therefore is deemed to be in accordance with policy EV2 of the ALPR 2002. Further, as the area proposed to be extended is to comprise of the overflow car park, this area will only be occupied by cars at intermittent periods when demand for parking is high, and as such the openness of this part of the park will be largely retained.

As previously mentioned, the western portion of 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, where amongst other things, would be ancillary to the recreational use, and would assist in the retention and enhancement of the recreational use of the site. As the car park will be used in association with the

recreational facilities at Brierley Forest Park and will increase parking capacity to accommodate increased visitor demand, the proposal is considered to comply with this policy.

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

Visual Amenity:

The proposed improvements and alteration works to the car parking facility are split into three areas: the small car park to the east of the site entrance, the main car park to the west of the site entrance, and the overspill car park which is sited to the west beyond the main car park.

Works to the small car park are proposed to consist of the reconfiguration of the existing 9 regular and 2 disabled parking bays, into 8 disabled spaces, helping to increase the provision of disabled parking spaces across the site. Further works to this car park include the removal of existing dilapidated and decaying log planters from around the perimeter of the car park, reducing the raised ground level to that of the car park, and delineating the parking area with raised wooden sleeper.

Works proposed to be undertaken to the main car park include removing all the existing timber post and rail fencing, and replacing this primarily with large, concrete boulders. Additional tree planting is also proposed to the south of the existing car parking area. The boulders and trees will continue to prevent unauthorised vehicle access to the surrounding grassed areas, whilst reducing the amount of built form, and improving the appearance of the parking area and wider park. The existing field gates are also proposed to be removed and replaced with new vehicle barriers.

The main car park will also be slightly expanded to the south, adjacent to the park entrance, to create a further 13 parking spaces within this area.

Beyond the main car park to the west is an area of flat lying grassland which is understood to occasionally be used as an informal overflow car park at times of high demand. As demand for parking at the park increases, it is deemed necessary to make this area a 'formal' overspill parking area. To do this, the installation of a grasscrete style reinforcing grid is proposed, which is a resistant, heavy duty mesh used to reinforce grassed areas, allowing vehicle traffic/parking without causing damage and rutting to the grassed surface below. The mesh grid will allow grass to continue to grow through it, ensuring that the appearance of the grassed area is not significantly altered, whilst providing suitable space for an equivalent of 56 parking bays. The area around the overspill car park will also be secured with concrete boulders, and new tree planting, in combination with new vehicle barrier gates.

Overall, it is considered that the proposed improvement works will not cause detriment to the appearance of Brierley Forest Park or the surrounding locality, and will retain the existing character of the area.

Residential Amenity:

The proposed overspill car park will be sited approximately 40m to the north of the nearest residential properties on Parkside. The area between the proposed car park extension and the neighbouring properties will be retained as open grassland, and the planting of additional trees and the siting of boulders will prevent vehicles from accessing this area of land, causing nuisance to nearby residents.

It is considered that the distance between the proposed parking area and nearby residents, is sufficient to mitigate any noise and disturbance to local residents created by the use of this parcel of land for the occasional parking of vehicles. Furthermore, the applicant has confirmed that the overspill car park will only be utilised when there are staff on site to manage it, further ensuring that any disturbance that could arise from the development, is kept to a minimum.

Highway Safety:

As part of the proposal, the existing service road which runs through the park from the site entrance to the main car parking area and beyond, will be increased in width from 3m to 6m. This will allow for cars utilising the overspill car park to benefit from appropriate turning and manoeuvring space.

The Highways Authority have confirmed that Skegby Road, which provides vehicular and pedestrian access to the park, is of sufficient width to accommodate the proposed alterations and improvement works, and subsequently do not raise any objections to the proposed development.

Whilst the Highways Authority state that they are unaware of any issues reported in regards to traffic generation and parking, it is considered that the proposed works will ensure that appropriate off-street parking provision is provided within the park, reducing the necessity for any visitors to park on the surrounding residential roads when visiting.

Conclusion:

The alteration, extension and improvement works submitted as part of this application will result in the addition of a further 60 off-street parking spaces at Brierley Forest Park, allowing the visitor demand to be adequately met, reducing incidences of on-street parking within the vicinity of the site.

The proposal is considered to comprise of appropriate development within both a countryside setting and an area of formal open space, without having any significant detriment to the character and appearance of 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: Grant Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - Site Location Plan, Scale 1:750, Received 03/08/20;
 - Vehicle Barrier, Received 03/08/20;
 - Clearance Works, Drawing No. SP/2020/BFP/CP/CW 1, Received 03/08/20;
 - Clearance Works, Drawing No. SP/2020/BFP/CP/CW 2, Received 03/08/20;
 - Clearance Works, Drawing No. SP/2020/BFP/CP/CW 3, Received 03/08/20;
 - Hard Works, Drawing No. SP/2020/BFP/CP/HW 1, Received 03/08/20;
 - Hard Works, Drawing No. SP/2020/BFP/CP/HW 2, Received 03/08/20;
 - Hard Works, Drawing No. SP/2020/BFP/CP/HW 3, Received 03/08/20.

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

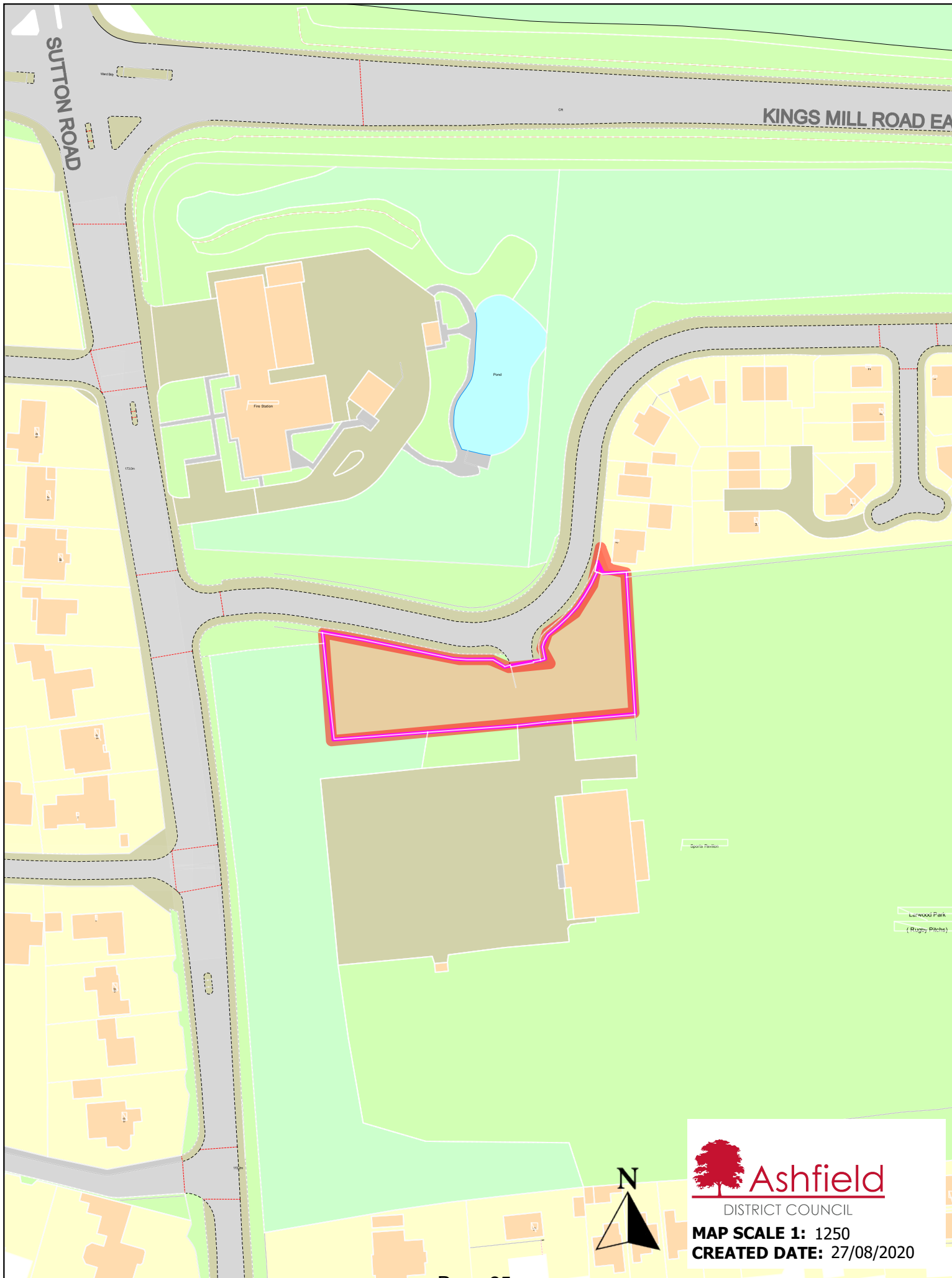
REASONS

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

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COMMITTEE DATE 09/09/2020 **WARD** Larwood

APP REF V/2020/0362

APPLICANT W Westerman Ltd

PROPOSAL 6 Dwellings and Access

LOCATION Land adj, Twickenham Road, Kirkby in Ashfield, Nottingham,
NG17 8SF

WEB-LINK <https://www.google.co.uk/maps/@53.1121256,-1.2655011,17z>

BACKGROUND PAPERS A, C, D, E & K

App Registered: 30/06/2020 Expiry Date: 24/08/2020

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

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

The Application

This is an application that seeks planning consent for the construction of six dwellings with associated off-street parking and amenity space off Twickenham Road, Kirkby in Ashfield. The dwellings will form part of the wider Larwood Park Development.

The application site currently comprises of a grassed verge adjacent to the south of Twickenham Road. Beyond the grass verge is a 2m high close boarded fence which presently obscures a parcel land laid with hard core which was previously utilised as the site office and storage compound during the construction of the wider development.

Consultations

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

The following responses have been received:

Resident Comments:

2x Letters of objection or concern have been received from local residents raising the following:

- Increased on-street parking
- Increase in traffic
- Road closure/disruption during construction
- Advised that there would be no further development at Larwood Park by the developer

Ashfield District Council Environmental Health:

No objections to the proposed development. Recommend conditions requiring a noise impact assessment to be submitted and construction hours to be restricted to protect the amenity of nearby residents. Considerations should also be given to noise and dust during the construction phase.

Ashfield District Council Landscaping:

The proposal is for the construction of 6 dwellings on an area of land formally agreed as amenity space under planning approval V/2013/0656. The land forms the entrance to the Rugby club site. Consideration should be given to how the construction of the houses will block natural surveillance of the car park and the rugby clubhouse. The general layout of the proposed dwellings replicates the existing Larwood Park development. No objections are raised, subject to a condition requiring a hard and soft landscaping scheme to be submitted prior to the commencement of the development.

Nottinghamshire County Council Highways:

This proposal is for the construction of 6 dwellings served by individual vehicular accesses from Twickenham Road, constructed as part of the larger Larwood Park development, which relates to planning application V/2013/0656. The proposal should provide key dimensions for visibility splays and the parking spaces. Three bedroom properties should benefit from two parking spaces, whilst four bedroom properties should benefit from three parking spaces. For garages to be considered as a parking space, the internal dimensions are required to be 6m x 3m with a minimum door width of 2.3m.

Twickenham Road is subject to a Section 38 Road Adoption Agreement, but is not yet adopted. The proposal will require 6 vehicular crossings to be constructed over a footway of the prospective public highway, and will therefore need to be constructed to the satisfaction of the Highway Authority, in accordance with their specification.

Natural 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 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

Ashfield Local Plan Review (ALPR) 2002

ST1 – Development
ST2 – Main Urban Area
HG5 – New Residential Development
HG6 – Public Open Space in New Residential Development

Supplementary Planning Documents

Residential Design Guide 2014
Residential Car Parking Standards 2014

Relevant Planning History

V/2013/0656

Details: Proposed Development of 225 Dwellings, Community Sports Facilities, Associated Infrastructure Works and Open Space Provision
Decision: Conditional Consent

Comment:

The application site is located within the main urban area of Kirkby in Ashfield, and comprises of both a grass verge and an area of hardcore, which was previously utilised as the site office and compound whilst the wider Larwood Park development to the east and south of the site was under construction.

Sited immediately adjacent to the site to the east and south is an existing sports facility comprising of a clubhouse building and sports pitches, which were constructed under planning application V/2013/0656. To the north-east of the site, and to the east beyond the adjacent playing pitches is existing residential development, known as the Larwood Park development, whilst to the west is existing residential development along Sutton Road. Directly opposite the site is a small area of woodland, separating the Larwood Park development from Ashfield fire station to the north.

As part of the proposal, six dwellings are proposed to be constructed. One dwelling is proposed to comprise of three bedrooms, whilst the other five will comprises of four bedrooms respectively. Each dwelling will benefit from its own area of private amenity space to the rear, and off-street parking provision accessed directly off Twickenham Road.

The existing vehicular and pedestrian access to the sports facility to the south of the site is to be retained as part of the proposal.

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 matters relating highway safety.

Principle of Development:

The proposal site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The policy identifies that development will be concentrated within the Main Urban Areas.

The NPPF 2019 sets out three overarching objectives to achieving sustainable development. These are an economic objective, a social objective, and an environmental objective. The social objective, amongst other things, seeks to support strong, vibrant and healthy communities, by ensuring that a sufficient number and ranges of homes can be provided to meet the needs of present and future generations. This objective is reflected in Part 5 – Delivering a Sufficient Supply of Homes of the NPPF 2019, which sets out the Government's aim to significantly boost the supply of homes.

The Council are presently unable to demonstrate a five year housing land supply, and consequently, under the NPPF 2019, the policies which are most important for determining the application should be considered out of date in relation to housing supply, and the presumption in favour of sustainable development is applied to decision making. This means that planning permission should be granted for development unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework when taken as a whole or where specific policies indicate that development should be restricted.

The parcel of land upon which the development is proposed to be located was previously shown to comprise of a small parcel of amenity space as part of the original Larwood Park development scheme (planning ref: V/2013/0656), providing a green space between Twickenham Road and the sporting facility to the south. The wider Larwood Park site comprises of approximately 15.3 hectares of land, of which approximately 7 hectares has already been developed for housing. The remainder of the developable land has been retained to provide areas of multifunctional public open space.

The application site covers approximately 0.25 hectares of land, which when taken with the area of land already developed for housing, would result in approximately 47% of the wider site being developed for residential use, leaving in excess of 50% of the developable land for public open space. Policy HG6 of the ALPR 2002 stipulates that on sites of 2 hectares and above, a minimum of 10% of the gross housing area will be required as open space. Given that over 50% of the developable land will continue to be retained as public open space, it is considered that in this instance, the loss of the small parcel of future open space would have a negligible impact on the amenity of surrounding residential occupiers.

The proposal also represents a modest, but nevertheless important boost to the districts housing supply, providing six new dwellings in a sustainable, main urban area location. The scheme would also provide a number of economic benefits that would be generated during the construction of the dwellings and occupation thereafter.

Having regard to the presumption in favour of development, as outlined in paragraph 11 of the Framework, the principle of the proposed development is considered acceptable provided all other material planning considerations can be appropriately satisfied.

Visual Amenity:

The proposed scheme will be a continuation of development along the south of Twickenham Road, using four house types, comprising of either three or four bedrooms, previously accepted on the adjacent Larwood Park development.

The proposed dwellings will be 2 and 2.5 storeys in height reflecting the existing scale of properties adjacent to the site, and have been designed to have a variation in their ground to eaves and ridge heights through the use of gable ends to create a varied roofline, adding to the visual interest of the development. Design features used in the adjacent development have also been incorporated into the design. This amongst other things includes: dormer windows, bay windows, stone cills and brick headers.

The dwellings are proposed to be constructed from a mixed pallet of materials, which are similar in colour and texture to those used in the adjacent development. Materials to be used will comprise primarily of red brick, cream render and grey roof tiles.

It is considered that the proposal will not appear out of keeping with the wider surrounding development, and will instead appear as a continuation of the existing Larwood Park development.

Whilst the proposal will reduce the opportunity for natural surveillance of the sports facilities car parking area from the public highway on Twickenham Road, the dwellings proposed will directly overlook this area, offering natural surveillance in this form. Further, the dwellings sited either side of the sport facilities access driveway will benefit from bay windows on the side elevations, which offer further natural surveillance of the access.

The Council's Landscaping team have offered no objections to the proposed development on the proviso that a condition requiring a hard and soft landscaping plan is attached to any approval. This will ensure that appropriate shrub and tree planting is secured as part of the proposal, to add further interest to the

development. It is also deemed necessary for a condition requiring details of the boundary treatments to be attached to any approval, for the same reason.

Residential Amenity:

The nearest residential property to the proposal is sited approximately 10m to the north-east on Twickenham Road. Given the distance and orientation of the nearest proposed dwelling to the existing residential development, it is considered that the proposal will not result in any undue harm to nearby residents, by virtue of massing or overshadowing.

In regards to overlooking, main aspect windows in the front elevations of the proposed dwelling will overlook the small area of woodland directly opposite the site to the north, whilst the main aspect windows in the rear elevations will overlook the sports facility, including its car park and sports pitches. It is therefore considered that the proposal will not give rise to any overlooking impact on existing neighbouring residents.

Each of the six 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.

Given the proximity of the proposed dwellings to the sports facility to the south, the Council's Environmental Health team have requested that a Noise Impact Assessment is carried out prior to the occupation of the dwellings to ensure that the dwellings have appropriate mitigation measures in place to prevent noise disturbance to future occupiers from the sports facility. Additionally, they have suggested a condition restricting the hours of construction to reduce incidences of noise disturbance to nearby residents. Both of these conditions would be attached to any approval.

It is subsequently considered that the proposal will afford any future occupiers with an acceptable standard of amenity, whilst ensuring the amenity of nearby residents is retained and protected.

Highway Safety:

Concerns have been raised by local residents in respect of increased on-street parking as a result of the proposal, in addition to increased traffic.

Each of the proposed dwellings will have individual off-street parking provision, which will be directly accessed off Twickenham Road.

The Highways Authority have commented on the application, stipulating that the three bedroom property should benefit from two off-street parking spaces, whilst the four bedroom properties should benefit from three off-street parking spaces. Also, for

a garage to be considered acceptable as a parking space, the internal dimensions are required to be 6m x 3m with a minimum door width of 2.3m.

Following receipt of the Highway Authority's comments, revised plans have been received which demonstrate that each of the proposed dwellings will benefit from sufficient off-street parking provision, in accordance with the Council's Residential Car Parking Standards SPD 2014. Furthermore, the proposed garages will measure 6m x 3m internally, with a door width of 2.3m, as per the minimum requirements.

Given that each property will benefit from sufficient off-street parking provision, it is considered that the proposal will not give rise to a detrimental increase in on-street parking within the immediate area. Conditions would also be attached to any approval requiring the off-street parking to be provided prior to the occupation of the dwellings, and requiring the garages to be retained for the parking of motor vehicles only.

The applicant has also provided a plan demonstrating that each private driveway can adequately achieve a 2.4m x 33m visibility splay, ensuring that the safety of other road users is not compromised by the development.

In regards to traffic generation, it is considered that the movements associated with six new dwellings would not give rise to a severe cumulative impact on the road network, in accordance with paragraph 109 of the NPPF 2019.

Conclusion:

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

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

Whilst the proposed dwellings will be sited on a parcel of land previously allocated as an area of informal open space as part of the Larwood Park development, given that over 50% of the developable land will continue to be retained as public open space, the loss of the small parcel of future open space would have a negligible impact on the amenity of surrounding residential occupiers.

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

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

Recommendation: Grant Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - Site Layout Plan, Drawing No. 20020-01 Rev C, Received 14/08/20;
 - 'The Winchester' Floor Plans & Elevations, Drawing 20020-Win-01 Rev A, Received 18/06/20;
 - 'The Walton' Floor Plans & Elevations, Drawing 20020-Walt-01 Rev B, Received 18/06/20;
 - 'The Beaulieu' Elevations, Drawing 20020-Beau-02 Rev A, Received 18/06/20;
 - 'The Beaulieu' Floor Plans, Drawing 20020-Beau-01 Rev A, Received 18/06/20;
 - 'The Ascot' Elevations, Drawing 20020-Asc-02 Rev A, Received 18/06/20;
 - 'The Ascot' Floor Plans, Drawing 20020-Asc-01 Rev A, Received 18/06/20;
 - Double Garage, Drawing No. 20020-DG-01 Rev A, Received 18/06/20;
 - Single Garage, Drawing No. 20020-SG-01 Rev A, Received 18/06/20;
 - Materials and Boundary Treatment Plan, Drawing No. 20020-04 Rev A, Received 18/06/20.

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

3. 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.
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the

completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

5. No development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:
 - (a) Full details of the proposed treatment of the site's boundaries.
 - (b) A phasing scheme for the implementation of the agreed boundary treatment.

The boundary treatment shall be undertaken in accordance with the agreed details.

6. Prior to the occupation of the dwellings, a Noise Impact Assessment (BS4142:2014 & BS8233:2014) shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall assess the impact of potential noise from the adjacent sports club on future occupiers, and outline any necessary noise mitigation measures required.
7. No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.
8. All garages hereby permitted shall be kept available for the parking of motor vehicles at all time. Garages shall be used solely for the benefit of the occupants of the dwelling of which it forms and their visitors and for no other purpose and permanently retained as such thereafter.
9. 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 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.
10. Pedestrian visibility splays of 2m by 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall

be maintained free of all obstructions over 0.6m above the carriageway level at all times

REASONS

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**
- 3. 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.**
- 4. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.**
- 5. To protect and safeguard the visual amenity of the area.**
- 6. In the interests of residential amenity.**
- 7. In the interests of residential amenity.**
- 8. To ensure adequate off-street parking provision to reduce the possibilities of the development resulting in on-street parking in the area.**
- 9. To ensure surface water from the site is not deposited on the public highway causing danger to road users.**
- 10. To ensure that there is satisfactory visibility at the access point, in the interest of highway safety.**

INFORMATIVES

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

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

Agenda Item 5



Report To:	Planning Committee	Date:	9 September 2020
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	PLACE, PLANNING AND REGENERATION		
Ward/s:	CENTRAL AND NEW CROSS, HUCKNALL WEST, HUTHWAITE AND BRIERLEY, KIRKBY CROSS AND PORTLAND, SKEGBY, STANTON HILL AND TEVERSAL		
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

Central and New Cross

Planning Application – V/2019/0712

Site – 76 Hardwick Lane, Sutton in Ashfield, NG17 5EJ

Proposal – Mixed Use Garage for Ancillary Domestic Purposes and Business Use for the Refurbishment of Vehicles

Appeal Decision – Dismissed

The inspector agreed with the Council that the proposal would harm the living conditions of adjacent residential properties with particular regard to noise and disturbance. Whilst it was recognised that the NPPF gives weight to supporting economic growth, the harm identified to neighbouring residents would not outweigh the need to support economic

growth. The Inspector also considered that use of planning conditions would not be sufficient to reduce the impact on neighbours.

Hucknall West

Planning Application – V/2019/0693

Site – Land to the rear of 344 – 348 Watnall Road, Hucknall, NG15 6ER

Proposal – Application for Outline Planning Permission with all Matters Reserved for Residential Development

Appeal Decision – Dismissed

The Inspector shared the Council's view that the proposal would result in a piecemeal development that would be unrelated to the underlying building pattern along Watnall Road, giving rise to an adverse effect on the character and appearance of the area. The Inspector further considered that the creation of a shared access between the side elevations of Nos 344 and 346 Watnall Road would result in frontage activity to the rear of the existing building line, creating some additional noise and disturbance and subsequently resulting in an adverse effect on the living conditions of neighbouring residential occupiers. The Inspector did however not agree with the Council that the traffic generated by the development would lead to an unacceptable increase in vehicular traffic entering a distributor road.

Huthwaite and Brierley

Planning Application – V/2019/0373

Site – 131 Huthwaite Road, Sutton in Ashfield, NG17 2GY

Proposal – Application for Outline Planning Permission with all Matters Reserved for a Maximum of 1 Dwelling

Appeal Decision – Dismissed

The Inspector agreed with the Council that the proposal would result in a cramped form of development and would disrupt the pattern of development along Huthwaite Road, dividing a large residential garden into two small ones. The Inspector subsequently considered that the proposal would thus be incongruous and out of place within the context of the host garden, the surrounding gardens and the wider neighbourhood, and as such would harm the character and appearance of the area.

Kirkby Cross and Portland

Planning Application – V/2019/0532

Site – 19 Church Street, Kirkby in Ashfield, NG17 8LA

Proposal – Application for Outline Planning Permission with All Matters Reserved for One Dwelling

Appeal Decision – Dismissed

The Inspector considered that the introduction of additional traffic movements along Orchard Walk would unacceptably compromise highway safety. It was noted Church

Street is a busy road and at the junction with Orchard Walk visibility of traffic and pedestrians is limited in both directions. Orchard Walk beyond the entrance is a single car width that serves 5 properties, whilst there is no vehicular turning area along this private road. The Inspector considered the plot size to be limited in size and was not satisfied that there would be adequate turning space within the appeal site.

Skegby

Planning Application – V/2019/0594

Site – Land to the rear of 113 Beck Lane, Sutton in Ashfield

Proposal – Application for Outline Planning Permission with All Matters Reserved for a Maximum of 3 Dwellings with Integral Garages

Appeal Decision – Dismissed

The Inspector considered that the proposal would represent a significant intrusion into an otherwise open area of the countryside and would be both incongruous and discordant in this countryside location. The proposal given its location would also mean any occupiers would be highly reliant upon the car. The Inspector also agreed with the Council that the proposal would not protect or enhance the ecology or biodiversity of the area.

Stanton Hill and Teversal

Planning Application – V/2019/0247

Site – Whiteborough Farm Cottage, Chesterfield Road, Huthwaite, NG17 2QJ

Proposal – Recladding of Existing Agricultural Barn

Appeal Decision – Allowed

Application for Costs – Refused

The inspector found that the cladding had not significantly altered the appearance of the barn as the proportion of new cladding had not substantially increased. It was noted by the Inspector that the new cladding would impact upon openness, however the barn is well screened from public vantage points due to the cluster of buildings to the south of the site, mature vegetation and set back from Chesterfield Road.

An application for an award of costs was refused and the Council were not unreasonable for refusing planning permission. The reason for refusal was clear and sufficient evidence was submitted to support the Council's policy stance.

Planning Application – V/2019/0278

Site – Plots 6 and 7, Grange Close, Teversal NG17 3JN

Proposal – Two Bungalows

Appeal Decision – Allowed

The Inspector was satisfied that the proposal would provide a safe and suitable access and would not have an unacceptable impact on highway safety. It was noted that there is a limited shortfall in visibility over the required distance, however in accordance with advice in Manual for Streets, such a scenario can be considered acceptable in lightly

trafficked situations such as this. The additional movements from 2 bungalows was considered to therefore be limited.

Planning Application – V/2019/0786

Site – 12 Fackley Road, Stanton Hill, Sutton in Ashfield, NG17 3HG

Proposal – One Non Illuminated Sign

Appeal Decision – Dismissed

The Inspector considered that the signage, due to its large size and positioning would represent a conspicuous intrusion which would impose an uncharacteristic commercial feature within an overwhelmingly residential area that would detract from its character and appearance. The Inspector therefore concluded that the proposed advertisement would significantly harm the amenity of the area.

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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DIRECTOR – PLACE AND COMMUNITIES

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