

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

### Planning Committee

Date: **Wednesday, 27th January, 2021**

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Time: **12.00 noon**

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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 16 December 2020.** 5 - 6
4. **To receive and consider the attached planning applications.** 7 - 42
5. **Planning Appeal Decisions.** 43 - 46
6. **Recent Changes in Planning Legislation.** 47 - 54

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## PLANNING COMMITTEE

Virtual Meeting held on Wednesday, 16th December, 2020 at 10.00 am

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

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

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

**P.24 Declarations of Disclosable Pecuniary or Personal Interests  
and Non Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

**P.25 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 25  
November 2020, be received and approved as a correct record.

**P.26 Town and Country Planning Act 1990:  
Town Planning Applications Requiring Decisions**

**1. V/2019/0734, Ashfield District Council, Restoration of Titchfield Park  
Brook, Titchfield Park, Park Drive, Hucknall**

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

**2. V/2020/0471, Wren Hall Nursing Home, Application for Works to Trees  
Subject to Tree Preservation Order 60 - Fell 1 Beech and 2 Sycamore  
Trees, Wren Hall Nursing Home, 234 Nottingham Road, Selston**

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

The applicant advised how they were made aware of the trees health and the  
advice of two tree surgeons was to remove the trees. It was explained how the  
trees had sentimental value and how the applicant agreed to replace the trees.

It was moved and seconded that conditional consent be granted as per officer's recommendation subject to amendments to the following conditions and approval by the Planning Committee Chairman:-

Condition 1 – all work and replanting to be carried out before 31 March 2021;

Condition 5 – following the advice of the Council's Tree Officer the size of girth of trees remains as the report but the maintenance period is increased to 10 years;

Condition 6 – the tree guard is maintained for 10 year maintenance.

The meeting closed at 10.36 am

Chairman.

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

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

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

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## Site Visits Planning Committee

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

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Director – Place and Communities or the Assistant Director Planning and Regulatory Services by 5pm 21st January 2021.

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

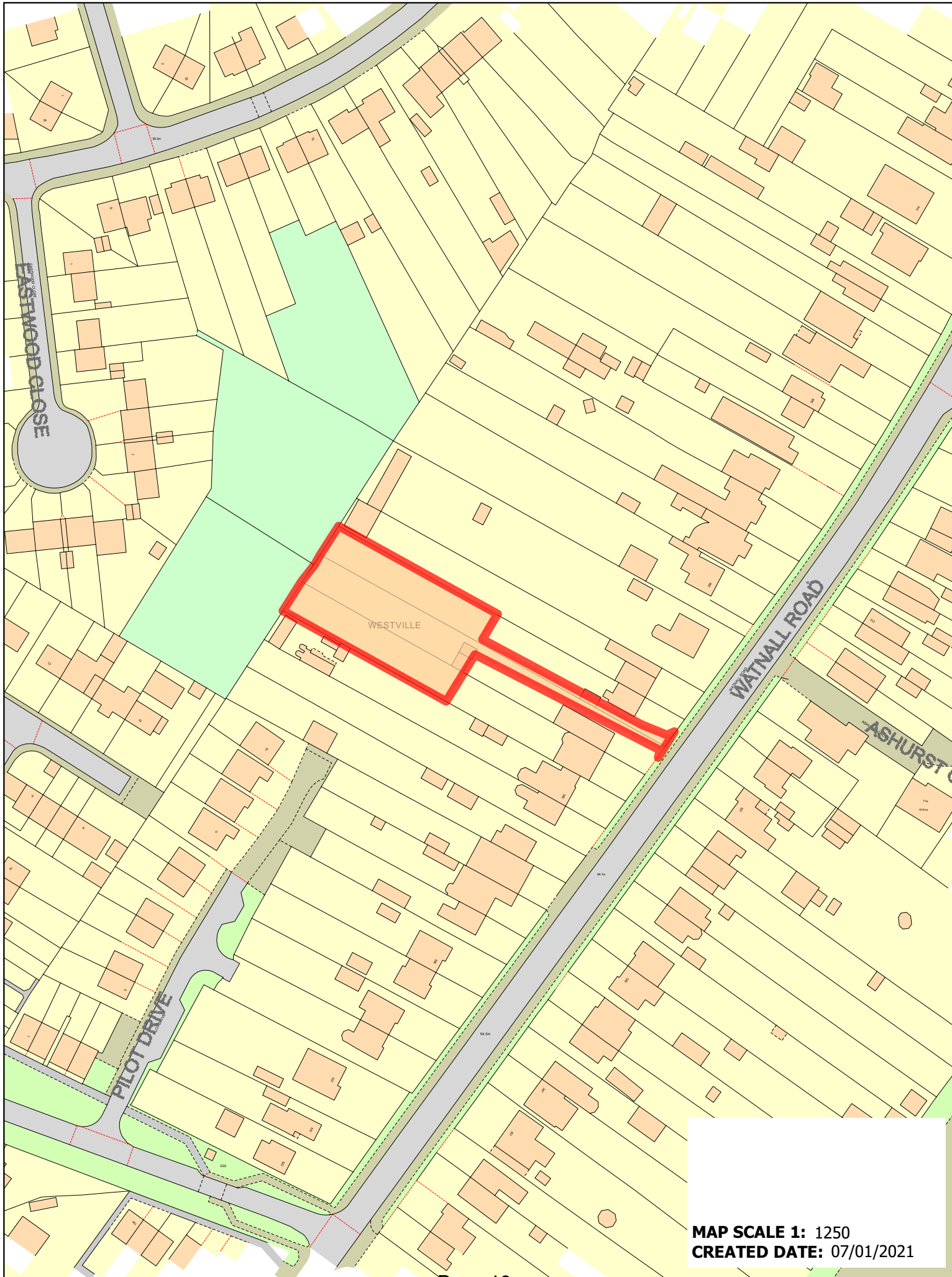
E-mail: [t.hodgkinson@ashfield.gov.uk](mailto:t.hodgkinson@ashfield.gov.uk)

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## PLANNING COMMITTEE – 27<sup>th</sup> January 2021

Page	App No	Applicant	Recommendation	Proposal	Location
<b>Hucknall West</b>					
13-22	V/2020/0760	Mr G Gee	Refuse	2 Dwellings	Land Rear of 344 - 348 Watnall Road Hucknall
<b>Kingsway</b>					
23-28	V/2020/0754	M Varley	Approve	Smoking Shelter	Willis Lodge Care Home, St Thomas Avenue, Kirkby in Ashfield
<b>Sutton Junction and Harlow Wood</b>					
29-42	V/2020/0571	Ashfield District Council	Approve	Car Park Extension	Kingsmill Reservoir Sherwood Way South Sutton in Ashfield Nottinghamshire

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**MAP SCALE 1:** 1250  
**CREATED DATE:** 07/01/2021

**COMMITTEE DATE**    27/01/2021                      **WARD**            Hucknall West

**APP REF**                      V/2020/0760

**APPLICANT**                G Gee

**PROPOSAL**                2 Dwellings

**LOCATION**                    Land Rear of 344 - 348, Watnall Road, Hucknall,  
Nottingham, NG15 6ER

**WEB-LINK**                    <https://www.google.co.uk/maps/@53.0244698,-1.221306,19z>

**BACKGROUND PAPERS**    A, B, D E

App Registered 06/11/2020                      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 by Councillor Phil Rostance on the grounds of the character and appearance of the area.*

### **The Application**

This is a full application for 2 bungalows with associated access, off-street parking and private amenity space. It should be noted planning permission for residential development in this location has been refused twice (V/2019/0693 and V/2020/0595).

### **Consultations**

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

### **ADC Environmental Health:**

- The new proposal has reduced the number of dwellings from four to two. The report prepared by MAS Environmental states this will reduce the transport movements from the access to around 6-8 per dwelling per day. The primary noise source will be the exhaust, the implementation of screening adjacent 346 and 348 would be sufficient mitigation to in line with the NPPF 2019.
- The report also states the noise from the access road is likely to generate no, or at most, low impact.

- Mitigation measures implemented in the form of a 1.8 – 2m close timber board fence will be installed to break the line of acoustic sight between the vehicles and the noise sensitive residential receivers including the garden areas.
- In the interest of residential properties on the access route, the Environmental Protection Team would recommend the mitigation measure are carried out as stated in Report undertaken by MAS Environmental, Dated: 18th November 2020.

### **NCC Highways:**

- The submitted layout plan, landscaping, boundary treatment and swept path analysis have been reviewed. The turning movements of a refuse vehicle have also been demonstrated, this is shown as having an overall length of 9.04m, which is less than the standard 11.6m normally considered. However, it is unlikely that a refuse vehicle would enter the site, therefore a bin collection point should be provided near to but not within, the public highway.
- The Highway Authority would not wish to raise objection subject to conditions relating to the following:
  - The shared private driveway shall be surfaced to a width of 5.8m for at least 5m behind the highway and shall be carried out in accordance with the submitted layout plan.
  - The proposed driveway shall be surfaced in a hard-bound material for a minimum of 5m behind the highway boundary.
  - The existing dropped kerb access, at the site frontage of 346 Watnall Road, is permanently closed and the access crossing reinstated as a footway.
  - The access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway.
  - A wheelie bin collection point shall be provided near to but not within the public adopted highway.

### **ADC Drainage:**

The site lies within Flood Zone 1. There are historic surface water drainage issues on Watnall Road. The submitted drainage plan demonstrates a combined surface water system. Severn Trent Water would need to approve any connection to the main sewer which has been proposed by the applicant in the submitted drainage plan for the site.

### **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**

ST1 – Development

ST2 – Main urban area

HG5 – New residential development

RC5 – Allotments

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

Part 2 – Achieving well designed places

Part 4 – Decision making

Part 5 – Delivering a sufficient supply of homes

Part 9 – Promoting sustainable transport

Part 11 – Making effective use of land

Part 12 – Achieving well designed places

Part 15 – Conserving and enhancing the natural environment

## **Supplementary Planning Documents 2014**

Residential Design Guide

Residential Car Parking Standards

## **Relevant Planning History**

### **340 Watnall Road, Hucknall:**

**V2018/0802** – Bungalow with associated access (refused 01.02.2019).

### **Land to the rear of 344-348 Watnall Road, Hucknall:**

**V/2019/0693** - Application for Outline Planning Permission With All Matters Reserved For Residential Development (refused 11.12.2019)

- Appeal Ref. APP/W3005/W/20/3247673 – Dismissed 19.06.2020.

### **Land to the rear of 344-348 Watnall Road, Hucknall:**

**V/2020/0595** – Application for full planning permission for 4 dwellings (refused 13.10.2020).

## **Comment :**

The applicant seeks full planning consent for 2 bungalows on garden land to the rear of 344-348 Watnall Road.

The site is located within the main urban area of Hucknall. The application site forms garden land to the rear of 344, 346 and 348 Watnall Road, with a new access road that runs from the highway between 346 and 344.

In 2019, outline planning consent for 3 dwellings (v/2019/0693) to the rear of 344-348 Watnall Road was refused and in 2020 was dismissed at appeal (APP/W3005/W/20/3247673). The Inspector found that the site was remote and represented piecemeal development and could set a precedent for further back land



development within the neighbourhood. The Inspector also noted that the proposed access that runs between 344 and 346 Watnall Road will result in noise and be intrusive to the rear garden areas for existing occupiers.

In 2020, full planning consent for 4 dwellings was refused (V/2020/0595) on the above grounds that the Inspector had found.

It should also be noted that in 2018 planning permission was refused for one bungalow and associated access on land to the rear of 340 Watnall Road (V2018/0802).

The main issues to consider in this application are the:

- Principle of development;
- Character and appearance of the area;
- Residential Amenity; and
- Highway safety.

### **Principle of development**

The application 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 proposal would comply with this policy.

### **Character and Appearance**

Saved policy HG5 (g) of the ALPR 2002 states residential development will be permitted where its design is acceptable in terms of appearance, scale and siting. Paragraph 122 of the NPPF 2019, states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens). Paragraph 127 of the NPPF, also sets out that planning decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The site adjoins neighbouring rear gardens and the rear of the site adjoins designated allotment land. In the vicinity of the site there are rows of long gardens to the north and south. In this location the surrounded land is characterised by spacious green areas of private gardens.

The proposed dwellings are set back from the highway by approximately 86m and are sited side by side facing the rear gardens of 344 – 348 Watnall Road. Both dwellings feature a dual pitched roof and a front facing gable.

The existing street scene along this section of Watnall Road is spacious in terms of its layout, with the provision of dwellings situated within large plots with long linear

private gardens situated to the rear. The development would constitute back land development due to the positioning of the proposed dwelling within the rear garden of the existing property. The erection of 2 dwellings to the rear of garden areas of existing dwellings is considered not in keeping with the plot formations within the vicinity, which are typified by two storey dwellings located on large plots with long linear gardens to the rear. The development would fragment this pattern and create unacceptable residential development leaving reduced plot sizes for the existing properties.

It is also considered that the granting of this application would be a material consideration for future applications of adjacent garden lands in the locality. Further to this, refusing planning permission for residential development in this location would demonstrate a consistent approach by the local planning authority, in line with V/2018/0802, V/2019/0693 and V/2020/0595, in consideration for the wider visual amenity and character and appearance of the street scene. Planning application V/2019/0693 was dismissed at appeal and it was noted by the Inspector that not only had the Council followed a consistent approach but also raised significant concerns with residential development in this location.

The proposal is considered to be detached and unrelated to the underlying building pattern of Watnall Road and therefore represents inappropriate development of residential gardens. Therefore, the proposal would not conform with saved policy HG5 (g) of the ALPR 2002 and Part 12 – Achieving Well Designed Places of the NPPF 2019, which seeks to ensure that developments add to the overall quality of an area, and are sympathetic to local character and history, including the surrounding built environment.

### **Residential Amenity**

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

In support of the application, given the proposed overall size, scale and siting of the dwellings within the plot, approximately 56m from the nearest residential property 346 Watnall Road, the proposal would not give rise to any detrimental massing, overshadowing or overlooking impacts on nearby residential occupiers.

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

The application has been considered in accordance with paragraph 170 (e), which seeks to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 180 of the NPPF also seeks to ensure that new development is appropriate for its location taking into account the likely effects (including the cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

In respect of previous planning applications for residential development in this location, concerns have been raised in respect of the noise from the comings and goings of vehicles on neighbouring properties 344 and 346. Outline planning consent for 3 dwellings (v/2019/0693) to the rear of 344-348 Watnall Road was refused and dismissed at appeal (APP/W3005/W/20/3247673). The Inspector found the proposed access that runs between 344 and 346 Watnall Road will result in noise and be intrusive to the rear garden areas for existing occupiers. In 2020, full planning consent for 4 dwellings was refused (V/2020/0595) on the above grounds that the Inspector had found. It should be noted that planning application V/2018/0802 for one bungalow, on land to the rear of 340 Watnall Road, was not refused on the grounds of the impact on the living conditions of neighbouring properties.

Both dwellings 346 and 348 Watnall Road have primary windows on the front and rear elevations and although there are small windows on the side elevation these are non-habitable rooms. The rear gardens of both neighbouring properties would run alongside the access road.

Planning Practice Guidance paragraph 005 (Reference ID: 30-005-20190722) includes a noise exposure hierarchy which should be used as a guide in consideration for the significance of a noise impact. It was considered that the noise related to the comings and goings of previous applications for 3 and 4 dwellings would be present and intrusive to neighbouring properties resulting in an unacceptable impact. This application has been supported with a noise statement and noise mitigation. Whilst there are concerns, it is acknowledged that the proposal will result in noise being present to the rear of neighbouring properties, however as the proposal is for 2 bungalows, this lessens the overall number of comings and goings. Furthermore, the parking area for future occupiers is set 40m away from the nearest property 346 Watnall Road

The applicant has submitted a noise report undertaken by MAS Environmental, which states the proposal is likely to create transport movements from the access to around 6-8 per dwelling per day. The primary noise source will be the exhaust resulting from the comings and goings of vehicles. Mitigation measures implemented in the form of 1.8 – 2m close boarded timber fencing will be installed alongside the rear gardens of 344 and 346, to break the line of acoustic sight between the vehicles and the noise sensitive residential receivers within the garden areas.

ADC Environmental Health have reviewed the submitted noise report and have provided no objections subject to the recommended fencing to be installed in the interests of protecting the amenity of neighbouring properties.

It is noted that noise can slightly affect the acoustic character of the area but not such that there is a change in the quality of life. Given the layout, siting, design and scale of the proposal, the comings and goings in respect of 2 bungalows is considered not intrusive to the surrounding garden areas and therefore not significantly detrimental to the amenity of neighbouring properties.

### **Highway Safety**

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

The application proposes a shared access to serve existing dwellings 344 and 346 Watnall Road and the proposed 2 dwellings. The off-street parking for 344 and 346 is shown to be accessed from this private drive, with a new 0.9m high boundary wall proposed at the site frontage of both properties.

The proposed access width meets the requirements of 5.8m in accordance with the Nottinghamshire Highway Design Guide which states that a new access that serves up to 6 dwellings is required to have a minimum width of 5.8m (minimum 4.8m 1m added as the access is bounded by a wall each side). The submitted details demonstrate that the proposal can meet the requirements for highway visibility splays to ensure safe access and egress.

The site access can accommodate a two-way flow traffic to limit any potential congestion on Watnall Road, whilst providing turning space for visiting vehicles. The site can also accommodate the minimum off-street car parking spaces, in accordance with the Councils adopted Supplementary Planning Document: Residential Car Parking Standards 2014.

As the development is situated greater than 45m from the rear of the highway boundary, suitable access and turning within the site for emergency vehicles has been demonstrated. Swept path analyses for a fire tender and a refuse lorry has been provided.

### **Conclusion :**

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

The Council cannot currently demonstrate a five year housing land supply, which sits at 2.53 years. The titled balance is therefore engaged, and planning permission should be granted unless the adverse impacts demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

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

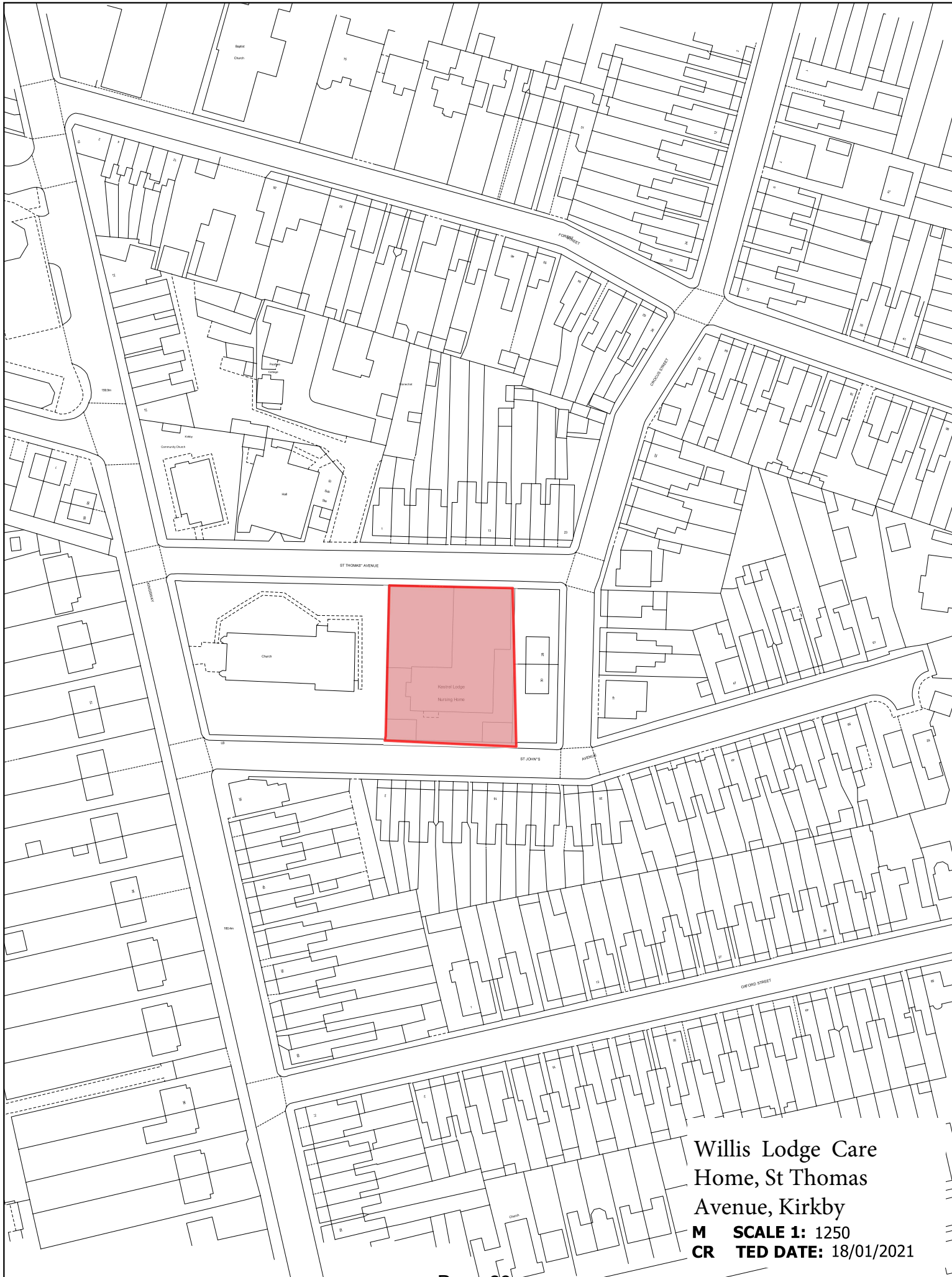
Fundamentally, the proposal is back land development and would be detrimental to the established pattern of development in this location, which is characterized by long linear gardens. It is also considered that the granting of this application would be a material consideration for future applications of adjacent garden lands in the locality. The application is therefore recommended for refusal.

**Recommendation: - Refusal**

**REASON**

- 1. The proposal would result in the sub-division of the rear gardens and would fragment and disrupt this linear pattern of development, representing an unsatisfactory form of piecemeal back land development, which is out of keeping with the established pattern of development along Watnall Road, which is characterised by long rear gardens and properties fronting on to the highway. The proposal results in significant harm to the character and appearance of the area and is therefore considered contrary to saved policy ST1 (a and b) and HG5 (g) of the Ashfield Local Plan Review 2002, as well as Part 11 and 12 of the National Planning Policy Framework 2019.**

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Willis Lodge Care  
Home, St Thomas  
Avenue, Kirkby  
**M** SCALE 1: 1250  
**CR** TED DATE: 18/01/2021

**COMMITTEE DATE** 27/01/2021                      **WARD** Kingsway

**APP REF** V/2020/0754

**APPLICANT** M Varley

**PROPOSAL** Smoking Shelter

**LOCATION** Willis Lodge Care Home, St Thomas Avenue, Kirkby in Ashfield, Nottinghamshire, NG17 7DX

**WEB-LINK** <https://www.google.co.uk/maps/@53.0962972,-1.2435369,18z>

**BACKGROUND PAPERS** A, B, C, E, K

App Registered 06/11/2020                      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 by Councillor Grounds to ensure the proposal is determined in accordance with the submitted plans in the interests of residential amenity.*

**The Application**

This is an application for a Smoking Shelter, located at Willis Lodge care home, St Thomas Avenue.

**Consultations**

Individual notification of surrounding residents has been undertaken.

**ADC Environmental Health**

The Environmental Health Team have received three complaints including one from a Local Councillor regarding noise coming from Willis Lodge Care Home residents in 2020. However, there was very limited action that could be taken in the circumstances. Having reviewed planning application V/2020/0754 for the proposed smoking shelter no objections are raised as it may reduce noise concerns.

**ADC Community Protection**

Following a full review of the plans ADC community protection are in support of the proposed plans.



The suggestions put forward should act as a further preventative measure to help reduce the alleged level of noise and its impact to local residents.

There are no wider concerns relating to anti-social behaviour as a result of these proposals.

**Resident comments: 1 objection.**

- The shelter is in close proximity to a neighbouring property, therefore there are concerns in respect of noise resulting from staff and residents outside during the evening late at night.

**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**

ST1 – Development

ST2 – Main urban area

**National Planning Policy Framework NPPF 2019**

Part 2 – Achieving sustainable development

Part 12 – Achieving well designed places

**Relevant Planning History**

- V/2017/0625 – two detached outbuildings, 1<sup>st</sup> floor extension, ground floor extensions, revised car parking and associated works (approval).
- V/1986/0122 – extension for office (refusal).
- V/1984/0770 – extensions and alterations to form rest home for the elderly with maintenance facilities (approval).
- V/1984/0539 – change of use to rest home for the elderly (approval).

**Comment :**

The applicant seeks full planning consent for a smoking shelter sited at Willis Lodge care home, located within Kirkby in Ashfield.

Previous discussions have been undertaken between the Council, Willis Lodge care home management and residents in respect of noise breakouts that have caused a number of complaints.

The proposed smoking shelter has been designed to lessen the impact of potential noise and disturbances resulting from service users going for a cigarette.

The main issues to consider in this application are the:

- Principle of development;

- Character and appearance of the area; and
- Residential Amenity;

**Principle of development:**

The application 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 proposal would comply with this policy.

**Character and Appearance of the area:**

The proposed shelter is to be located to the rear of the care home set on the boundary of St Thomas Church. Public views of the shelter will be less visible from St Johns Avenue as the existing outbuildings to the rear of the care home will screen the proposal. Along the boundary of the church lies a brick wall and fencing which will further help to screen the proposed shelter. The proposal will be less visible from St Thomas Avenue as the shelter is set approximately 30m to the rear of the site. The proposed shelter includes a leaning felt roof with timber walls and railings.

The proposal would conform with Part 12 – Achieving Well Designed Places of the NPPF 2019, which seeks to ensure that developments add to the overall quality of an area, and are sympathetic to local character and history, including the surrounding built environment.

**Residential Amenity:**

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

The proposed shelter has been positioned on the boundary of the church to the rear of the site. The shelter is screened by an existing outbuilding to the rear of the site and a brick wall and fencing along St. Johns Avenue and it is considered that this will reduce the impact of potential noise breakouts for properties on the opposite side of St Johns Avenue. The siting of the shelter is positioned on the eastern side of the care home building, away from properties along Crocus Street and set back from St Thomas Avenue to lessen any potential noise impact. The siting of the shelter has been designed to reduce potential complaints resulting for possible noise breakouts.

**Conclusion :**

The proposed siting of the shelter has been designed as a preventative measure to help reduce the alleged level of noise and its impact to local residents and it is subsequently recommended that this application is granted conditional consent.

**Recommendation: - Approval – 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 1:1250 and existing block plan 1:500, proposed block plan 1:500 No. 480(01)-01, proposed elevations and floor plans 1:50 No. 480(01)-02 (received 05/11/2020). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**

## **REASONS**

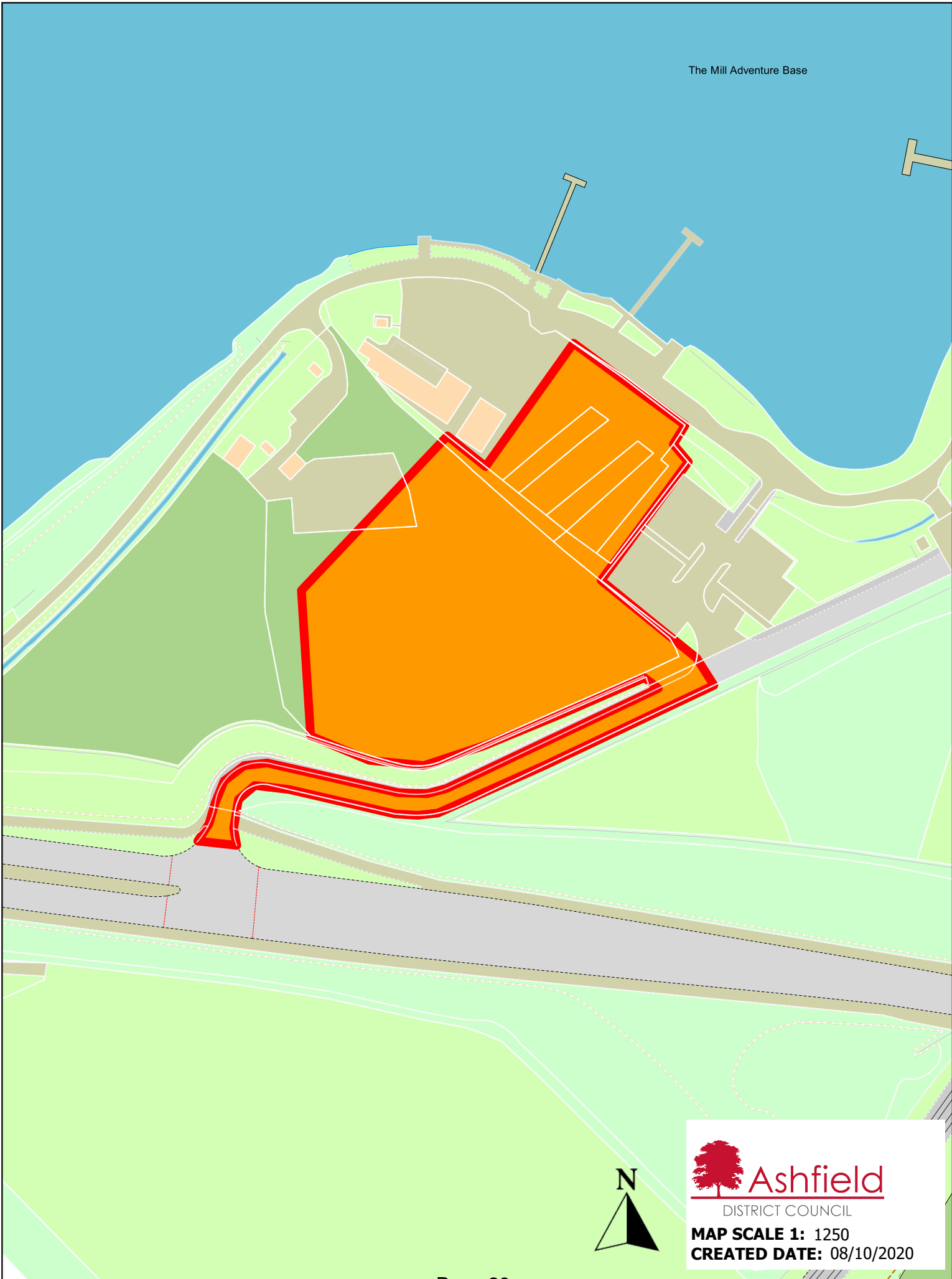
- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**

## **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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The Mill Adventure Base



**COMMITTEE DATE** 27/01/2021      **WARD** Sutton Junction and Harlow Wood

**APP REF** V/2020/0571

**APPLICANT** Ashfield District Council

**PROPOSAL** Car Park Extension

**LOCATION** Kingsmill Reservoir, Sherwood Way South, Sutton in Ashfield, Nottinghamshire, NG17 4PA

**WEB-LINK** <https://www.google.co.uk/maps/@53.1312379,-1.2332496,16z>

**BACKGROUND PAPERS** A, C, D, K

App Registered: 08/09/2020

Expiry Date: 08/12/2020

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

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

### **The Application**

This is an application which seeks planning consent for a car park extension to the existing car parking facility at Kingsmill Reservoir, Sutton in Ashfield, which is also known locally as Mill Waters.

At present the facility has the provision of 77 car parking spaces for recreational visitors. As part of this proposal, the parking provision available to visitors will be increased by a further 183 parking spaces, including four additional disabled bays, taking the total number of parking spaces at Kingsmill Reservoir to 260. The proposed extension will expand to the south-west and north-west of the existing car parking provision.

The scheme also seeks minor improvement works to the site, including the installation of new boundary treatments and new tree and hedgerow planting along the sites boundaries, and within the proposed car park extension.

### **Consultations**

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

The following responses have been received:

**Resident Comments:**

55x Letters of objection have been received from local residents and a sailing organisation raising the following:

- Impact on community assets/groups, including the sailing club:
  - o Loss of community groups
    - Impossible to retain the sailing group if the development goes ahead – unviable
    - Site also support Mansfield Sea Cadets, Kingsmill Model Boat Club, Mansfield Scuba Diving Club and the Seaforth Highlanders Pipe Band
    - Youth's will have nowhere else to go – increased anti-social behaviour and vandalism across District
  - o Loss of water sport activities (only provider of these sports on the reservoir)
    - Contrary to the aims of encouraging health and well-being
  - o Prevent the expansion of the club
  - o Loss of equipment and storage space – need additional space
  - o Reduced membership
  - o Reduced opportunities for members of the local community
  - o New site set-up would be unsafe for families
  - o Increased risk of injury to users
  - o Increased rent
  - o Detrimental to the park café
- Not in the interest of the local community:
  - o Will not enhance the experience of users of the reservoir
  - o Will increase anti-social behaviour on site
  - o Waste of taxpayers money – focus should be on regenerating town centres and encouraging new businesses
  - o Council only want the development to gain extra revenue through parking fees
  - o Council should inject funds into the sailing club to make the area more appealing and to provide increased activities
  - o Impact on disadvantaged members of the community
    - Regard should be had to the Equalities Act 2010 – decision should be proportionate to the potential impact
    - Equality Impact Assessment should be required
- Impact on the visual amenity of the area
- Environmental impacts:
  - o Result in a damaging impact on the local environment and green space
  - o Loss of flora and fauna – including protected species such as bats
  - o Alternative site should be found
  - o Increased litter and waste
  - o Increased fumes and emissions of users travelling elsewhere to benefit from activities currently provided at the reservoir
  - o Environmental Impact Assessment should be required

- Highway impacts:
  - o Additional parking is unnecessary – current car park does not operate at capacity
  - o Increased traffic and congestion
  - o Traffic should be discouraged from this area
  - o Use of public transport to the site should be encouraged – on a bus route
- Works have already started on site without permission

***Ashfield District Council Landscaping:***

Previous concerns and questions raised in respect of the layout/design of the car park extension to the south-west of the site, tree and hedgerow planting, boundary treatments and surfacing materials have been adequately addressed. No further comments to make on the application.

***Nottinghamshire Highway Authority:***

A Technical Note has been submitted to address the Highway Authority concerns regarding the increased number of vehicles which are likely to use the junction with the A617. A Junctions 9 assessment has been carried out using trip generation based on pro rata usage of the existing car park against count data from an adjacent junction and fixed site counter, provided by NCC.

The results of the assessment show that the junction still operates with capacity to spare and minimal queuing predicted. The note identifies that queues were likely to be longer than predicted due to the platooning effect of the adjacent traffic signals. However, in terms of queues on the A617, the length of the existing ghost island right turn will accommodate approximately 10 vehicles with a section of hatching on the lead up, which would accommodate even more vehicles, and therefore the risk of shunt accidents on the A617 is unlikely. The car park access arm is predicted to have delays but these are unlikely to lead to driver frustration.

In consideration of the above, the Highway Authority have no objections to the proposed development.

***Nottinghamshire Rights of Way:***

No rights of way are to be affected by the proposal. As such, the Rights of Way team have no objections to the proposed development.

***Nottinghamshire Wildlife Trust:***

Largely pleased with the methodologies and conclusions made within the Ecological Report. A section of hedgerow adjacent to the existing car park has been removed. The removed section of hedgerow formed part of a larger remnant hedgerow, which has been recommended to be retained due to its potential importance to nesting and foraging wildlife and providing habitat connectivity. Notts Wildlife Trust support the retention of the hedgerow. Also fully support the mitigations outlined in the report, as



well as the site enhancements recommended, which should be secured through suitably worded planning conditions

***Natural England:***

No comments to make on the application.

***Sport England:***

The proposed car park, seeks to support an increase in visitors to benefit from the reservoir, wider facilities and environs. This includes active recreation in a number of ways including running, walking, cycling, The Mill Adventure base and other activities on the reservoir and it supports the café use. The current wider Sport England Strategy seeks to support measures to encourage the inactive to become active and those already active to become more active. Sport England therefore in principle support this initiative.

It has been confirmed that the parcel of land shown on the amended plan for the replacement sailing club boat storage does not currently form part of their lease, and the storage containers upon it are to be removed. Whilst the replacement boat storage area proposed may not be the same as it now, it will provide an alternative arrangement for the sailing club. This along with the option of a separate storage area for use by the sea cadets, provides a solution which both delivers the proposals and the benefits outlined but also retains the facilities needed to support the continuation of the Sailing Club at the site.

**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 2 – Achieving Sustainable Development
- 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
- EV4 – Mature Landscape Areas
- EV6 – Local Nature Reserves & Sites of Importance for Conservation & Geological Significance

## **Relevant Planning History**

### **V/2006/1001**

Details: Vehicle height barriers; bollards; & boulders to car park.

Decision: Conditional consent

### **V/2007/0445**

Details: Installation of geothermal scheme to provide heat exchange for Kings Mill Hospital.

Decision: Conditional consent

### **V/2015/0273**

Details: Remove condition 1 of Planning Permission V/2007/0445.

Decision: Conditional consent

### **V/2015/0433**

Details: Discharge of condition 1 of Planning Permission V/2015/0273.

Decision: Conditional discharge

### **V/2018/0035**

Details: Construction of 34 space car parking spaces including 2 dedicated disabled parking spaces. Construction of weir within reservoir, selective dredging of sediment and creation of wetlands receptors to deposit dredged material.

Decision: Conditional consent

### **V/2019/0396**

Details: Non-Material Amendment to Planning Permission V/2018/0035 - Reduce/change the locations where the sediment is to be distributed and amendment to the type of sediment barrier from weir construction to sediment islands.

Decision: Conditional consent

## **Comment:**

The site is situated to the east of Sutton in Ashfield on the border with Mansfield District. Primary vehicular access to the site is from Sherwood Way South providing a wide carriageway with a designated turning lane into the site for the north-west bound traffic. The entrance provides good visibility for vehicles entering and leaving the site. There is a secondary vehicular access point to the north east of the site off Kings Mill Lane, however this is a farm access only.

The site benefits from a tarmac car park comprising of 43 parking spaces for visitors to the site, as well as a newly constructed stone based car park to the south-west of the original provision, comprising of a further 34 parking spaces, which was granted planning consent under planning reference V/2018/0035.

The applicant proposes the creation of two new parking areas which will form extensions to the existing provision. One of the parking areas is proposed to be

constructed to the north-west of the existing provision, on an area presently utilised for boat storage by Sutton in Ashfield Sailing Club. This area will comprise of 47 parking spaces. A larger extension to the existing provision is also proposed to the south-west of the site, which will comprise of a further 136 parking space, which will be located on grazing land.

The application site is located in an area identified as Countryside and a Mature Landscape Area. Land to the north and west of the site, but not the site itself, is a designated nature reserve supporting a diverse range of wildlife including flora and fauna species. The reservoir comprises the main waterbody (approx. 22ha) which is fed by, and drains to, the River Maun. Habitats surrounding the waterbody include woodland, scrub, tall ruderal and grassland. To the south of the lake is the existing visitor centre and associated infrastructure which provides further recreation facilities to members of the public. The Hermitage Ponds are situated downstream of the reservoir, beyond the viaduct. The ponds are surrounded by woodland and are bisected by an active railway line.

In the determination of the application, the main planning considerations include the principle of the development; visual amenity; impact on ecology; impact on local amenity; and highway safety. These are considered below.

***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.

The car park extension proposed will subsequently provide increased parking provision for visitors accessing the recreational facilities at Kingsmill Reservoir, and therefore is deemed to be in accordance with policy EV2 of the ALPR 2002. The principle of the proposed development is therefore considered acceptable provided all other material planning considerations can be appropriately satisfied.

***Visual Amenity:***

Details submitted with the application indicate that the existing parking provision, accessed off Sherwood Way South, regularly reaches capacity and is currently operating at 98% capacity at peak hours which contributes to congestion on the access road and displacement of vehicles on and around Kings Mill Lane to the north-east of the reservoir. In addition, further investment and promotion of the site

will mean that the site is unable to cater for increasing visitor numbers which may impact upon surrounding infrastructure and residential areas.

The proposed development is split into two sections: an extension to the existing car parking provision to the north-west of the site on an area currently utilised for boat storage, and an extension to the south-west of the existing car parking provision on grazing land.

Works to the north-west of the site are proposed to consist of the laying crushed stone surface and the creation of a new vehicular access from the existing parking provision along the eastern boundary to facilitate the creation of 47 new car parking spaces, of which four will be designated disabled bays which will be demarked by thermoplastic yellow hatching. Pin kerbs are to be installed to demark the remainder of the parking bays. The existing green heras fencing along the western boundary of the current parking provision is to be relocated to the west of the car park extension, adjacent to the sailing club. A new entrance to the sailing club is proposed to be created from the extended car parking facility. A timber post and rail fence is to be installed along the northern boundary of the car park extension – between the car park and the reservoir – and this boundary is also to be planted with 11 heavy standard trees, including Maple, Rowan and Birch species, whilst additional hedgerow planting is also proposed.

Works proposed to the south-west of the site comprise of the laying of a crushed stone surface to facilitate the creation of a further extension to the existing provision, comprising of 134 additional parking spaces. Vehicular access will be taken via a former field entrance, which has been widened to 6.5m and has received a tarmac 'wearing' finish as part of the 2018 application. Similarly to the car park extension to the north-west, parking spaces are to be delineated through the installation of pin kerbs. Existing hedgerow boundaries to the north, east and south are to be retained. Extensive tree and hedgerow planting is proposed around the perimeter of the extended parking provision to the west, including 22 new heavy standard trees. Additional tree and hedgerow planting is also proposed within the parking provision to demarcate parking rows and to improve the aesthetics and help embed the proposed car park into the natural setting. A timber post and rail fence is also proposed to be installed around the perimeter of the extended car park.

The car park constructions have a permeable surface to prevent surface water runoff from impacting the drainage ditches to the north, south and east of the proposed carpark.

As per the 2018 application, the balance of the grazing land to the south west up to the site boundary has received a significant amount of tree planting and has been interspersed with native wildflower zones. A new linking footpath route has also been provided. These works are to be unaffected by the proposed car park extension. Storage sheds and containers previously occupying land to the west have also been removed from the land.

Whilst the provision of the car park extension to the south-west will have an impact in the visual amenity of the area as it replaces open grazing land, it is considered that the proposed car park extension ensures a sympathetic approach to the development of the site through the retention, management and supplementation of hedgerows; extensive additional tree planting within and along the boundaries of the car park extensions; and the use of existing accesses into the site. Notwithstanding, without this provision, the opportunity for increasing visitor numbers to the facility will be curtailed and there will be increased pressure on surrounding streets with on-street parking. On balance therefore, it is considered that the significant benefits will outweigh the marginal loss of visual amenity in the short term and the proposed tree and hedgerow planting around the car park will further mitigate against this impact, whilst providing longer term benefits.

In addition to the above, due to the raised height of the surrounding land to the south of the site and the extensive tree and hedgerow planting around the perimeter of the wider grazing land, it is considered that the proposed development would not be highly visible within the surrounding landscape, resulting in no significant detriment to the Mature Landscape Area or on the surrounding landscape character.

Accordingly, the development is considered to meet the policy requirements of the National Planning Policy Framework and the current local development plan.

***Ecology:***

The area to the north and west of the site is a designated nature reserve supporting a diverse range of wildlife including flora and fauna species as described above in the description of the site and its surroundings.

Ecology has been addressed within the application, which is supported by the following surveys:

- Ecological Impact Assessment – dated November 2020;
- Ecological Surveys & Recommendations – dated November 2017;
- Interim Water Vole Survey – dated August 2020.

Following initial concern over the age of the 2017 Ecological Survey, a new Ecological Impact Assessment was undertaken for the site and subsequently submitted.

Nottinghamshire Wildlife Trust have assessed the submitted documentation and have confirmed that the standard practices have been adhered to and agree with the methodologies and conclusions made within the most recent report (dated November 2020). The report summarises that the habitats on site are of limited ecological value with much of the site either consisting of bare ground or hard standing with small areas of scrub, ruderal vegetation and improved grassland as well as a section of remnant hawthorn hedge. Subsequently no further surveys are

recommended. The only ecological aspect requiring further consideration is sensitive clearance of very small areas of vegetation. Nottinghamshire Wildlife Trust have raised no objections to the proposal on the proviso that all mitigation and enhancement measures contained within parts 6 and 7 of the report are secured through a suitably worded condition and adhered to.

Nottinghamshire Wildlife Trust have raised concerns regarding the removal of a section of hedgerow to the south of the original parking provision which formed part of a larger remnant hedgerow between the sailing club and areas of bare ground. Following an investigation, it has transpired that consent was granted under the 2018 application for the removal of a small portion of the hedgerow to facilitate a new pedestrian walkway from the original parking provision to the car park extension. The remainder of the hedgerow along the south-western boundary of the car park has been cut back due to the hedge being very overgrown and top heavy, as per the previous permission. The main hedge base will however start to reinvigorate from the new growing season, allowing the hedgerow to grow back. A large proportion of the remaining hedgerow is proposed to be retained as part of the proposed development.

Whilst it is acknowledged that there may be elements of the proposed development that involve temporary disruption to local ecology, the mitigation, compensation and enhancement measures identified will ensure that the resultant impact is marginal and that the completed works will bring enhancement and preservation of habitats.

A local resident has raised that works to the proposed development have already started through the partial removal and cut back of the hedgerow. As stated above, the works undertaken on site relate solely to the development permissioned under V/2018/0035.

***Local Amenity:***

The reservoir forms part of a valuable green corridor separating Ashfield and Mansfield. The site offers multiple opportunities for resident, community groups and the education sector to experience outdoor activities. The proposed car park extension seeks to support an increase in visitors to the site, which is envisaged to be generated through further investment and promotion at the site, to benefit from the reservoir, its wider facilities and its environs. This includes active recreation in a number of ways including running, walking and cycling, as well as other activities on the reservoir. The proposed car park expansion will also help to support the Mill Adventure Base and the on-site café.

The current wider Sport England Strategy seeks to support measures to encourage the inactive to become active, and those already active to become more active. Sport England does therefore in principle support this initiative.

Significant objection has been received in regards to the proposed development and its implications on the retention of Sutton in Ashfield Sailing Club, and other

community groups, such as the Mansfield Sea Cadets, Kingsmill Model Boat Club, Mansfield Scuba Diving Club and the Seaforth Highlanders Pipe Band, all of which are understood to use the sailing clubs facilities to operate. It is suggested that the knock on impact of the proposed development would be the loss of all the aforementioned groups, and the subsequent loss of all water sport activities at the reservoir resulting in a decline in recreational activities for members of the local community, contrary to the Government's aims of encouraging increased participation and health and well-being. However as previously discussed, part of the proposed car park expansion is to be located to the north-west of the site on a parcel of land currently utilised for boat storage in association with the sailing club and other community groups. This storage facility provides storage for between 50-60 boats, of which 17 are owned by the Sea Cadets. At present the sailing club stores boats at ground level in an open formation at the east end of the existing sailing club compound, leaving open space of approximately 1,200sqm to the front of the sailing club building. It is predominantly this loss of land which members of the public state will result in the loss of the community groups and water sport offering at the site.

The applicant however has offered alternative boat storage space at the west end of the sailing club, in an area previously occupied by storage sheds and containers which have since been removed from site. The alternative storage area can accommodate up to 36 boats at ground level in accordance with the guidelines set out by the Royal Yachting Association. The remaining space fronting the sailing club buildings is considered suitable for flexible uses to continue supporting the clubs activities, including further storage of up to 45 boats, club equipment, vehicles and activities. The applicant has also allocated separate space for the storage of the 17 Sea Cadet boats and equipment, which will free up further capacity for sailing club boats.

Sport England have confirmed that whilst the replacement boat storage area proposed may not be as it is now, it provides the sailing club with a suitable area for boat storage. This along with the option of a separate storage area for use by the Sea Cadets provides a solution which both delivers the proposals and the benefits outlined for the wider Kingsmill Reservoir facility but also retains the facilities needed to support the continuation of the sailing club and other community groups at the site, allowing for continued opportunities for all members of the local community to access the recreational activities offered by the various community groups.

It is therefore considered that the proposed development would not result in any loss of existing recreational facilities or activities currently offered at Kingsmill Reservoir, subsequently resulting in no significant detrimental impact upon the local community.

Although concerns have been raised in respect of the alternative arrangements these issues do not form a material planning consideration. In land use planning terms suitable alternative arrangements for the local community groups have been provided for. Any legal claims are civil matters and not for consideration in determining this planning application.

**Highway Safety:**

A Technical Note has been submitted by the applicant to address the Highway Authority's initial concerns regarding the increased number of vehicles which are likely to use the junction with Sherwood Way South (A617) as a result of the proposed development.

The results of the assessment show that the junction with the A617 will still continue to operate with capacity to spare and minimal queuing is predicted. Whilst queues are likely to be longer than predicted due to the platooning effect of the adjacent traffic signals, in terms of queues on the A617, the length of the existing ghost island right turn will accommodate approximately 10 vehicles with a section of hatching on the lead up which would accommodate even more vehicles, and therefore the risk of shunt accidents on the A617 is unlikely.

Furthermore, although the car park access arm is predicted to have delays, this is unlikely to lead to driver frustration (which can lead to subsequent risk-taking behaviour resulting in road safety issues).

The proposal subsequently does not raise any concerns in regards to highway capacity or safety, and as such, based on the junction assessment submitted, the Highway Authority have confirmed that they have no objections to the proposed development.

In addition to the above, the proposed development is also considered to result in highway safety gains within the wider recreation provision at Kingsmill Reservoir. At present the sailing clubs vehicular and pedestrian access is via the front of the sailing club, along a footpath between the sailing club and the reservoir. A new access point will be created on the east elevation of the sailing club compound, creating access directly from the proposed car park into the compound. Moving the access point will consequently remove the current health and safety risk of cars accessing the sailing club by driving along the pedestrian footpath which is heavily used by walkers and cyclist, reducing the likelihood of incidences of vehicular and pedestrian conflict in this location.

Whilst vehicular access into the sailing club compound will still be possible for members and visitors, the applicant has confirmed that parking permits will nevertheless be made available to sailing club members to allow for continued access to the sailing facilities. The management of the car park is not a land use planning issue, and therefore the provision of parking permits cannot be conditioned.

**Conclusion:**

The reservoir site provides a valuable green space resource contributing to healthier, more engaged communities. The proposed car park extension at the site will result in the addition of a further 183 off-street parking spaces at Kingsmill Reservoir. The expansion of the car park will seek to support a growth in visitor numbers at the site



which will have added benefits through supporting the visitors centre and engagement in onsite volunteering activities, whilst reducing incidences of on-street parking within the vicinity of the site.

The proposal is considered to comprise of appropriate development within a countryside setting without having any significant detriment to the character and appearance of local area, and any impact on local ecology can be appropriately mitigated against, providing long term enhancement and preservation of surrounding habitats.

Although the proposed scheme will result in the loss of an existing boat storage space, additional land to the west of the existing provision has been identified and offered to the club for storage purposes. The proposal will therefore not result in any loss of existing recreational facilities or activities currently offered at Kingsmill Reservoir and subsequently the proposal will not result in a detrimental impact upon the local community.

The proposed development does not raise any significant concerns in respect of highway capacity in this location, nor does it give rise to any undue detriment on highway safety within the locality.

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

**Recommendation: Full Application – Conditional Consent**

- 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, Drawing No. 20(001) Rev A, Received 07/09/20;**
  - Proposed Site Layout, Drawing No. (08)003 Rev B, Received 30/11/20.**

**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 be carried out in accordance with the mitigation measures and compensatory and site enhancement recommendations detailed within Sections 6 and 7 of the submitted Ecological Impact Assessment (dated November 2020), unless written agreement is given by the Local Planning Authority for any variation.**

4. **No external lighting, including the provision of streetlights or security lights, shall be installed on site until there has been submitted to and approved in writing by the Local Planning Authority a scheme for external lighting. The external lighting shall thereafter be installed in accordance with the approved scheme, unless written agreement is given by the Local Planning Authority for any variation.**

## **REASONS**

1. **To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
2. **To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**
3. **In the interests of ecology.**
4. **In the interests of ecology and to ensure that the development does not appear as an unduly prominent feature within the in area, in the interests of amenity.**

## **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. **It is advisable that the provision of land to the west of the site, as depicted on the site layout plan, is offered to the sailing club prior to the commencement of the development to ensure that adequate facilities for the sailing club exist to allow the club to continue operating and providing a recreation facility to its paying members and other members of the local community.**
3. **The applicant/developer should compose a car parking management scheme for the delivery of parking permits to members of the sailing club to allow for continued access to the sailing facilities.**

# Agenda Item 5



<b>Report To:</b>	<b>PLANNING COMMITTEE</b>	<b>Date:</b>	<b>27 JANUARY 2021</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>		
<b>Portfolio Holder:</b>	<b>PLACE, PLANNING AND REGENERATION</b>		
<b>Ward/s:</b>	<b>STANTON HILL AND TEVERSAL, HUCKNALL NORTH</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

## **Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

## **Recommendation(s)**

**To Note the Appeal Decisions.**

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

To bring to Members attention the recent Appeal Decisions.

## **Alternative Options Considered**

*(with reasons why not adopted)*

N/A

## **Appeal Decisions**

### **Stanton Hill and Teversal**

Planning Application – V/2020/0256

**Site** – 24 Fackley Way, Sutton in Ashfield, NG17 3HT

**Proposal** – Outbuilding, boundary fence and new vehicle access with gates

**Appeal Decision** – Dismissed

The Inspector concluded that the outbuilding would result in a somewhat incongruous overall appearance especially when viewed from Greendale Close. He also was of the opinion that the height, length and nature of the fencing would also not present an attractive frontage to the street and that it

would be an unduly large and intrusive barrier that would detract from the appearance of the area.

He did however not agree that the proposal would have an impact on the outlook or disturb neighbouring residents or that there would be highway safety implications even though he identified that vehicles exiting the site would have to edge out onto the pavement to see clearly in both directions.

#### Planning Application – V/2020/0260

**Site** – 26 Crompton Street, Sutton in Ashfield,

**Proposal** – Dwelling

**Appeal Decision** – Dismissed

In this decision the impact on the character and appearance of the area as well as the living conditions of neighbours, residents and future occupiers was considered not to be harmful. However, it was concluded that it would lead to significant harm to highway safety taking into account the lack of visibility and the relatively high traffic levels using Copsywood Close.

#### **Hucknall North**

#### Planning Application – V/2019/0575

**Site** – Havana Blue 4A-6A Annesley Road, Hucknall, NG6 8AA

**Proposal** – Application to remove condition 2 of planning permission V/2018/0735 – to allow sound amplifying equipment

**Appeal Decision** – Dismissed

The Inspector considered whether the condition is reasonable and necessary in the interests of the living conditions of the occupiers of nearby properties, with particular regard to noise and disturbance. After visiting the site, taking into account local residents concerns and listening to the possible levels of sound from the premises he concluded that the playing of amplified music has clear potential to cause harm to the living conditions of neighbouring residents, particularly those directly opposite from the entrance door and agreed the condition was necessary and reasonable.

#### 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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**Theresa Hodgkinson**

**DIRECTOR – PLACE AND COMMUNITIES**

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# Agenda Item 6



<b>Report To:</b>	<b>PLANNING COMMITTEE</b>	<b>Date:</b>	<b>27/01/2021</b>
<b>Heading:</b>	<b>RECENT CHANGES IN PLANNING LEGISLATION</b>		
<b>Portfolio Holder:</b>	<b>PLACE, PLANNING AND REGENERATION</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

## **Purpose Of Report**

To advise Members of the recent changes that have been made to planning legislation.

## **Recommendation(s)**

To note the information.

## **Detailed Information**

In 2020 new planning legislation was introduced bringing in new use classes and changes to permitted development rights.

The changes to the use classes system are considered to be the most radical changes to the planning system in recent times. The Government has said it wants the use classes system to better reflect the diversity of uses on high streets and in town centres to give businesses the flexibility to adapt and diversify to meet changing demands. Despite this stated focus, the effect of the changes is to create a new commercial, business and service use class which is not limited to these locations. This means that the reforms will affect and deliver flexibility for any buildings within the relevant uses wherever they are in England.

Permitted development rights are essentially a scheme that allows certain specified developments to be carried out without the need for a full planning application. The recent changes include:

- Upwards extensions to individual homes
- Upwards extensions to flats and other buildings
- The demolition of buildings and the construction of new dwellinghouses in their place.

**Use classes**

Nine previous classes have been deleted and three new use classes (E, F1 and F2) created. The most significant change is the creation of a new “Commercial, Business and Service” use called “Class E”. This covers a wide variety of uses, all of which are now considered to be in the same use class and therefore changes between the uses is not development and does not require planning permission. A number of uses that were previously in a class are now Sui generis (a use on their own). The local community class F2 is interesting (something can be in this class one week and not the next) dependent upon other uses in the vicinity. An example would be two small local shops exist so both fall within Class E, one shop closes down and the remaining shop then falls in class F2 because it becomes a local community facility, another shop opens close by and the original shop no longer fits the criteria to be a local community facility and they both then fall within Class E. This is just one of the complications with the legislation.

As stated above the changes were introduced to help the high streets, however one implication is that high street businesses may consider moving to other premises that now fall within Class E outside the high street because of lower costs, thus undermining local and central government policies to protect high streets and employment premises. It will however allow changes in high street uses without the need for planning permission. There is a concern that this approach may undermine controls over opening times which protect local residential amenities.

<b>Pre Sept 2020 use classes</b>	<b>Post Sept 2020 use classes</b>
A1 Shops,	E Commercial, Business and Service <ul style="list-style-type: none"> <li>• Retail</li> <li>• Restaurants</li> <li>• Financial, professional or other commercial services</li> <li>• Publicly accessible indoor sport, recreation or fitness</li> <li>• Publicly available medical or health services</li> <li>• Crèches, day nurseries and day centres</li> <li>• Offices, including research and development</li> <li>• Industrial uses which do not harm amenity.</li> </ul>
A2 Financial and Professional Services	
A3 Restaurants and Cafes	
A4 Drinking Establishments	



A5 Hot Food Takeaways	
B1 Light Industrial	
B2 General industrial	B2 General industrial
B8 Storage and distribution	B8 Storage and distribution
C1 Hotels	C1 Hotels
C2 Residential Institutions	C2 Residential Institutions
C2A Secure Residential Institutions	C2A Secure Residential Institutions
C3 Dwellinghouses	C3 Dwellinghouses
C4 Houses in multiple occupation (up to 6)	C4 Houses in multiple occupation (up to 6)
D1 Non Residential Institutions	F1 Leisure and Non-residential institutions (generally a wider public use such as school, libraries and art galleries)
D2 Assembly and leisure	
	F2 Local Community (groups together community halls and meeting spaces which provide for physical group activities such as swimming pools, skating rinks and areas for outdoor sports and includes a small, local shop like one you would find in a rural community or a large residential development.

The new list of *sui generis* uses are:

- a) theatre,
- b) amusement arcade or centre, or a funfair,
- c) launderette,
- d) the sale of fuel for motor vehicles,
- e) the sale or display for sale of motor vehicles,
- f) taxi business or business for the hire of motor vehicles,
- g) scrapyards, or a yard for the storage or distribution of minerals or the breaking of motor vehicles,
- h) any work registrable under the Alkali, etc. Works Regulation Act 1906,
- i) hostel,
- j) waste disposal installation for the incineration, chemical treatment ... or landfill of hazardous waste ...,
- k) retail warehouse club being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club,
- l) night-club,
- m) casino,
- n) betting office,

- o) pay day loan shop.
- p) public house, wine bar, or drinking establishment
- q) drinking establishment with expanded food provision,
- r) hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises,
- s) venue for live music performance,
- t) cinema,
- u) concert hall,
- v) bingo hall,
- w)
- x) dance hall.

Until 31 July 2021, permitted development rights enabling a change of use will continue to be applied based on the existing use classes, as they existed on 31 August 2020. For example, the office to residential permitted development right will continue to have effect pursuant to the existing system. Further legislation is expected before 31 July 2021.

Planning applications submitted before 1 September 2020 that cite the current use classes must continue to be decided by the local planning authority using the former use classes after 1 September 2020, so there will be no change there.

In order to change the uses within a class, there must have been actual and lawful use (i.e. if the building is not being used or occupied for the use permitted under an existing planning permission, it will need to be bought into that use before it can then change to another use within Class E).

### **Permitted development rights**

It is stated these changes have been introduced to cut red tape and to help the delivery of new homes.

They include the construction of up to two additional storeys of residential accommodation (or one storey if the existing premises only has one storey). Similar extensions to flats and other buildings and the demolition of buildings and the construction of new dwellinghouses in their place, are also permitted.

These developments may not require the submission a full planning application but are subject the prior approval by the local planning authority prior to commencement of any development. This process requires the approval of the traffic and highway matters, air traffic and defence asset impacts, contamination risks, flood risk, the external appearance of the building, the provision of adequate natural light in all habitable rooms of the new dwellings, impact on amenity of the existing building and neighbouring premises including overlooking, privacy and loss of light, and the impact on any protected views.

The key constraint is that the upward extension rights will only apply to existing residential dwellings or purpose-built detached blocks of flats. Mixed-use buildings do not benefit from these new rights. Further restrictions include that the old building

has been constructed between 1 July 1948 and 28 October 2018. Premises cannot have been developed as a result of a change of use in accordance with other parts of the legislation and the building must not be located on a site of special scientific interest, a safety hazard area, a military explosives area or within 3km of the perimeter of an aerodrome. Additionally, the rights do not apply to listed buildings or scheduled ancient monuments.

The red tape is therefore still present and the process is considered to be more confusing than previously and it can lead to significant delays in commencing development because the process is followed when it is not appropriate. A major practical consequence is that infrastructure contributions cannot be sought in relation to the matters approved through the prior approval process which would have a significant impact if the Community Infrastructure Levy applied.

## **Conclusion**

Taken together, the changes represent a very significant shift in control away from local authorities and the communities they represent, into a significantly less regulated environment.

Overall, local planning authorities will lose a significant degree of control over changes of use and may seek alternative routes to manage changes of use (including imposing more restrictive planning conditions, or the use of Article 4 directions). There is a silver lining for authorities in this respect, in that the changes may result in increased take-up of otherwise disused units, which in turn may have a beneficial impact in terms of business rates.

One downside is a reduction in application fees, prior approvals attract less fees than planning applications, but the processing of prior approval applications can be just as costly. This could however be balanced against the number of applications over all increasing.

In addition, the changes are considered to be very significant, but are only the tip of the iceberg for potential planning changes on the immediate horizon. The Government's recent White Paper foreshadows the possibility of swinging changes to the entire planning system over the coming months, including the potential implementation of a consolidated infrastructure levy, and it may well be that further permitted development reforms follow in kind.

## **Implications**

### **Corporate Plan:**

There could be wide ranging implications due to the changes in legislation especially the impact on the town centres and the economy, with some benefits possible but also some potential disadvantages because of the lack of control and thus impacts on the objectives of the plan.

**Legal:**

There are no known legal implications directly from these changes.

**Finance:**

No financial implications resulting from this report.

Budget Area	Implication
General Fund – Revenue Budget	Unknown - there could be some downturn in application fees, or there could be more proposals which results in an increase in fees received. This will need to be kept under close review.
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
none	

**Human Resources:**

No implications.

**Equalities:**

No implications.

**Other Implications:**

None.

**Reason(s) for Urgency (if applicable):**

None.

**Background Papers**

None.

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