

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 25th August, 2021**

Time: **10.00 am**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

PLANNING COMMITTEE

Membership

Chairman: Councillor Sarah Madigan

Vice-Chairman: Councillor Andy Meakin

Councillors:

Samantha Deakin

Rachel Madden

Phil Rostance

Jason Zadrozny

Arnie Hankin

Lauren Mitchell

Helen-Ann Smith

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.



Theresa Hodgkinson
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non-Registrable Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Committee held on 21 July 2021. 5 - 10
4. To receive and consider the attached planning applications. 11 - 72
5. **Planning Appeal Decisions.** 73 - 76

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PLANNING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Wednesday, 21st July, 2021 at 10.00 am

Present: Councillor Sarah Madigan in the Chair;

Councillors Arnie Hankin, Tom Hollis (as substitute for Samantha Deakin), Rachel Madden, Andy Meakin, Keir Morrison (as substitute for Lauren Mitchell), Phil Rostance, Helen-Ann Smith and Jason Zadrozny.

Apologies for Absence: Councillors Samantha Deakin and Lauren Mitchell.

Officers Present: Lynn Cain, Jemma Handley, Mick Morley, Christine Sarris and Robbie Steel.

P.5 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

1. Councillor Tom Hollis declared Non- Registrable Interests in respect of the following:

- V/2020/0884, Countryside Properties (UK) Ltd & Ashfield Limited, Demolition of 211 Alfreton Road, the Garage of 213 Alfreton Road and Garages to the Rear of 209 Alfreton Road, Construction of 110 homes with Associated Infrastructure Including a Replacement Garage to the Rear of 209 Alfreton Road, Land Rear of 211 Alfreton Road, Sutton in Ashfield.
- V/2020/0796, Mr J Price, Amenity Block and Timber Dog Kennels, 22A Back Lane, Huthwaite.
- V/2021/0332, Mr F McDermott, Application for Tree Works: Works to Trees Subject to a Tree Preservation Order TPO Ref No. 178 - Fell 9no. Sycamore Trees, 107 Alfreton Road, Sutton in Ashfield

His interests arose from the fact that he had previously been the local Councillor for the ward (V/2020/0884), a relative had been attacked by a dog owned by the Applicant (V/2020/0796) and he had previously spoken to the Applicant and residents (V/2021/0332), but in doing so had not expressed any opinions at any point.

2. Councillor Jason Zadrozny declared Non- Registrable Interests in respect of the following:

- V/2020/0884, Countryside Properties (UK) Ltd & Ashfield Limited, Demolition of 211 Alfreton Road, the Garage of 213 Alfreton Road and

Garages to the Rear of 209 Alfreton Road, Construction of 110 homes with Associated Infrastructure Including a Replacement Garage to the Rear of 209 Alfreton Road, Land Rear of 211 Alfreton Road, Sutton in Ashfield.

- V/2020/0784, C Rowe, Outline Application for a Residential Development, Land West Off Fisher Close, Sutton in Ashfield.

His interests arose from the fact that he had previously met and spoken with residents, but in doing so had not expressed an opinion at any point.

P.6 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 26 May 2021, be received and approved as a correct record.

P.7 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions

1. Application V/2020/0884, Countryside Properties (UK) Ltd & Ashfield Limited, Demolition of 211 Alfreton Road, the Garage of 213 Alfreton Road and Garages to the Rear of 209 Alfreton Road, Construction of 110 homes with Associated Infrastructure Including a Replacement Garage to the Rear of 209 Alfreton Road, Land Rear of 211 Alfreton Road, Sutton in Ashfield

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillors Tom Hollis and Jason Zadrozny had previously declared Non-Registrable Interests in respect of this application. Their interests were such that they stayed in the meeting and took part in the discussion and voting thereon.)

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

A local resident questions that the internal floor space of the dwellings do not meet the National Described Space Standard.

Planning Practice Guidance is clear in stating that if an LPA "wishes to require an internal space standard, they should only do so by reference in their Local Plan. The council has not adopted the national space standards in a Local Plan Policy and therefore cannot insist on meeting these requirements.

The Council's Residential Design Supplemental Planning Document however provides local standards and the overall gross internal floor space of each dwelling meets these standards.

In respect of gas protection measures it is suggested that permitted development rights for any future house extensions should be removed. It is considered more appropriate to attach an informative note on the decision in this regard, rather than requiring applications to be submitted to control such issues which are also assessed under building regulations.

The applicant has submitted an updated adoptable areas plan taking account changes to the path linking into the Gleeson site (ensuring this is a suitable gradient for disabled people). This will be updated in the approved plans conditions.

Barry Herrod, on behalf of the Applicant, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submission as required.

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

(In accordance with the Constitution and Council Procedure Rule 18.6 [Right to Require Individual Vote to be Recorded], Councillors Tom Hollis and Jason Zadrozny requested their votes against the decision to be noted in the minutes.)

The meeting was adjourned at 10.29am and reconvened at 10.31am.

2. Application V/2020/0784, C. Rowe, Outline Application for a Residential Development, Land West Off Fisher Close, Sutton in Ashfield

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

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:-

Officers would firstly like members to note that a provisional Tree Preservation Order has been placed on an English Elm Tree located in the south western corner of the site. This is on the grounds of visual amenity and the rarity of the tree specimen within the local area.

An additional objection has also been received raising the following concerns:

- not all complaints received notification of planning committee and question the consultation process
- the traffic flows stated are questioned, and raise concerns about the junction of Fisher Close and Stoneyford Road, Priestsic Road/Outram Street/Mansfield Road and other highways safety issues.

- the timing of the planning committee has not allowed a fair opportunity to speak.

Officer Response

- emails/letters have been sent out to all objectors informing them of committee. The consultation was also sent out in accordance with the relevant legislation.
- Highways Safety is covered in section 7 the report. Members should note that upgrades are being provided at the required junctions and no objections have been raised by the Highways Authority.
- And a local resident will be addressing the planning committee.

Sarah Brooke, as an Objector and Bryony Barrett, on behalf of the Applicant, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded that the application be deferred to enable officers to discuss matters further with the Applicant and the Police (as a Responsible Authority) and be brought back to committee at the earliest opportunity.

3. Application V/2020/0796, Mr J Price, Amenity Block and Timber Dog Kennels, 22AnBack Lane, Huthwaite

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

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:-

Members are advised that the site plan shown on the agenda report is incorrect. The correct site plan is shown on the presentation.

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

(In accordance with the Constitution and Council Procedure Rule 18.6 [Right to Require Individual Vote to be Recorded], Councillors Tom Hollis and Jason Zadrozny requested their votes against the decision to be noted in the minutes.)

4. Application V/2021/0069, Mrs. P. Lewis, Crown Lift and Remove Dead Wood of Five Trees, 1 Kirkby House Drive, Kirkby in Ashfield

(At this point in the proceedings and in accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Keir Morrison declared a Non-Registrable Interest in respect of this application due to an association with the Applicant through the Labour Party. His interest was such that he stayed in the meeting and took part in the discussion and voting thereon.)

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

5. Application V/2021/0332, Mr. F. McDermott, Application for Tree Works: Works to Trees Subject to a Tree Preservation Order TPO Ref No. 178 - Fell 9no. Sycamore Trees, 107 Alfreton Road, Sutton in Ashfield

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

Fraser McDermott, as the Applicant, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submission as required.

It was moved by Councillor Tom Hollis and seconded by Councillor Rachel Madden that the officer's recommendation contained within the report be rejected and planning consent be granted subject to the following standard conditions:

Conditions

This permission shall authorise the carrying out of the approved tree works within 2 years of the date of this permission. **REASON:** To define the time scale of the permission and to allow further assessment in the event of the works not being carried out.

Within 3 months of the felling of the trees all wood and debris resulting from the felling of the trees shall be removed and the site left in a reasonably clean and tidy condition. **REASON:** To safeguard the visual amenities of the area.

Reasons for rejecting officers' recommendation:

The trees were considered to offer limited visual amenity value from the road and were causing significant adverse effects to the lives of adjacent residents. It was also considered that ecology would not be unduly affected.

For the motion:

Councillors Arnie Hankin, Tom Hollis, Rachel Madden, Sarah Madigan, Andy Meakin and Helen-Ann Smith.

Against the motion:
Councillors Keir Morrison.

Abstention:
Councillor Phil Rostance.

P.8 Planning Appeal Decisions

Members were asked to note the recent Planning Appeal decisions as outlined in the report.

RESOLVED
that the report be received and noted.

The meeting closed at 11.55 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 20th August 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

Chief Executive

Tel: 01623 457365

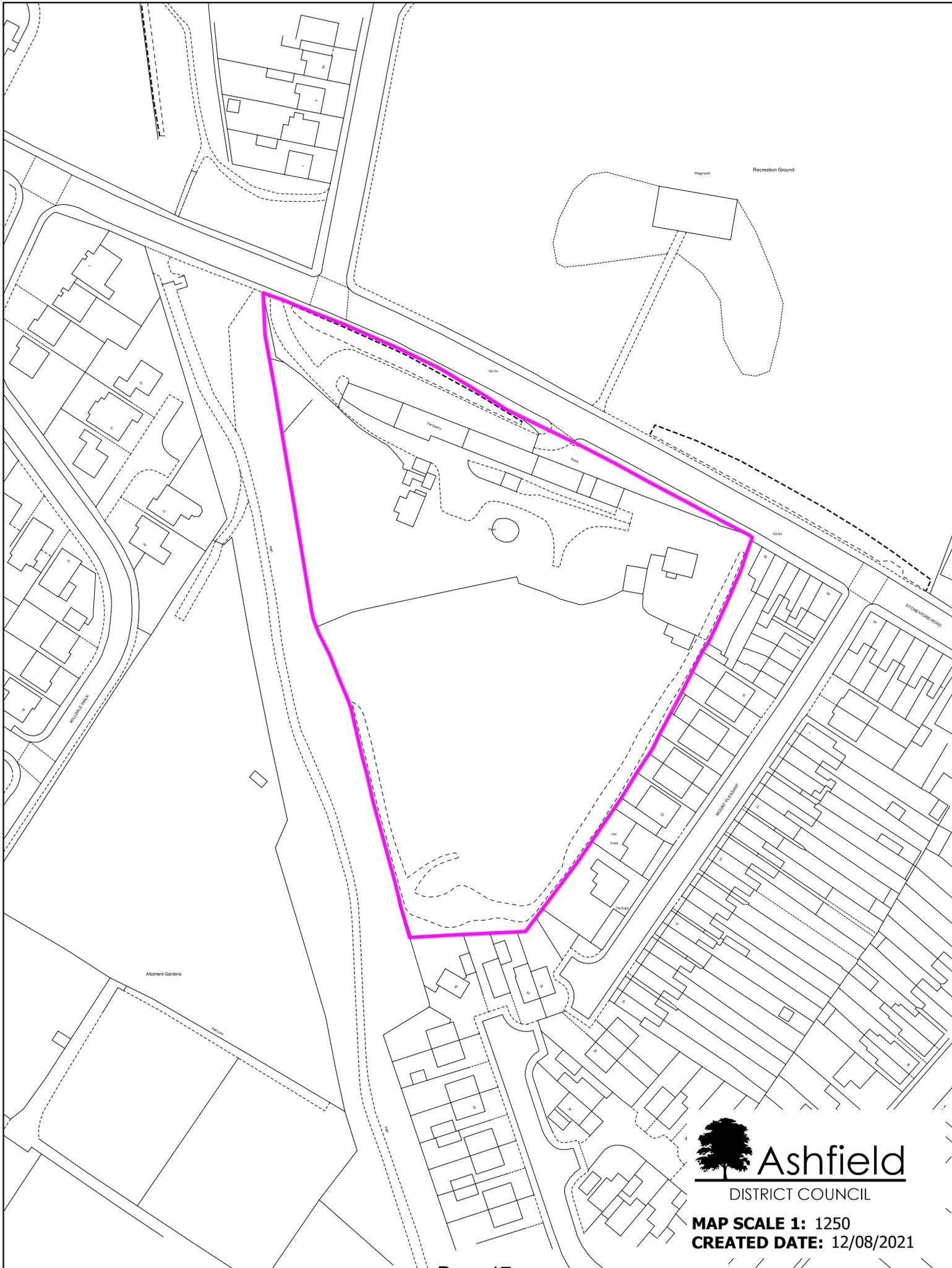
E-mail: t.hodgkinson@ashfield.gov.uk

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PLANNING COMMITTEE – 25th August 2021

Page	App No	Applicant	Recommendation	Proposal	Location
Dales					
17-36	V/2020/0832	Platform Housing Ltd	Approve	Application for Approval of Reserved Matters following Outline Approval V/2018/0213 - Proposed Residential Development of 47 Dwellings Including the Demolition of Existing Buildings.	The Quarry 57 Stoneyford Road Sutton in Ashfield
Hucknall North					
37-50	V/2021/0354	Thackeray Associates	Approve	Goal Storage Enclosure	Kenbrook Road Playing Field Kenbrook Road Hucknall
51-64	V/2021/0445	Mr I Glen	Refuse	Outline Application with all Matters Reserved for a Maximum of 2 Dwellings	Land at Linby Boarding Kennels Church Lane Hucknall
Hucknall West					
65-72	V/2021/0497	Mr C Chambers	Refuse	Full Planning Consent for Two Detached Dwellings with Associated Access and Car Parking	344 348 Land Rear of Watnall Road Hucknall

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MAP SCALE 1: 1250
CREATED DATE: 12/08/2021

COMMITTEE DATE 25/08/2021 **WARD** Dales Ward

APP REF V/2020/0832

APPLICANT Ian Clyde Platform Housing Ltd

PROPOSAL Application for Approval of Reserved Matters following Outline Approval V/2018/0213 - Proposed Residential Development of 47 Dwellings Including the Demolition of Existing Buildings.

LOCATION The Quarry, 57, Stoneyford Road, Sutton in Ashfield, Nottinghamshire, NG17 4DA

BACKGROUND PAPERS A B C D E F H

WEB LINK <https://www.google.com/maps/place/Stoneyford+Rd,+Sutton-in-Ashfield/@53.1316993,-1.2614532,16.66z/data=!4m5!3m4!1s0x48799685f0fa8a31:0xa5409b9e9f80b5bb!8m2!3d53.1350751!4d-1.2666437>

App Registered 21/12/2020

Expiry Date 22/03/2021

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

This application has been referred to Planning Committee by Cllr Helen Smith on the grounds of residential amenity.

The Application

This is an application for approval of reserved matters following outline approval V/2018/0213. The proposal seeks to approve details of the access, appearance, landscaping, layout and scale of the development. It will provide a total of 47 dwellings with the following mix:

- 12 x 2 Bedroom Apartment
- 4 x 3 Bedroom Apartment
- 8 x 2 Bedroom Semi-Detached Bungalow
- 10 x 2 Bedroom Terraced House
- 12 x 3 Bedroom Semi-Detached House
- 1 x 4 Bedroom Detached House

The following plans form the basis of this decision:

- Site Location Plan 19/2240/02/LP

- Topographical Plan 19/2240/03/001
- Existing Site Sections 19/2240/02/002
- Proposed Site Plan 19/2240/02/002 Rev J
- Proposed Site Sections 19/2240/02/004 Rev P1
- Proposed Street Elevations 19/2240/02/012 Rev P1
- Proposed House Type A 19/2240/A/001 Rev B
- Proposed House Type B 19/2240/B/001 Rev B
- Proposed House Type C 19/2240/C/001 Rev B
- Proposed House Type D 19/2240/D/001 Rev B
- Proposed House Type E 19/2240/E/001 Rev A
- Proposed House Type F 19/2240/F/001 Rev B
- Proposed House Type G 19/2240/G/001 Rev A
- Proposed House Type H 19/2240/H/001 Rev B
- Soft Landscaping Planting Detail 20-110-04 Rev A
- Soft Landscaping Planting Plan 20-110-03 Rev A

The Site

The site is triangular, with one boundary to Stoneyford Road, one to a former railway line (now a public footpath) and one to the rear of properties on Mount Pleasant/Lime Avenue. It is approximately 1.25 hectares in extent.

The site is a former quarry and previously contained a number of buildings along the frontage. These were formerly used as a funeral directors. The demolition of these buildings has been approved through the Outline planning permission. The wall along the sites frontage will be retained and incorporated into the design of the development.

The interior of the site is relatively flat, with a considerable level difference between the interior of the site and adjacent ground levels. At the rear of the site there are a number of fruit trees and an area of land used for grazing purposes.

The application site is located in the main urban area of Sutton-in-Ashfield where the principle of development is considered to be acceptable in accordance with Ashfield Local Plan Review Policy ST2. The site is also allocated for residential use under adopted local plan Policy HG1 - Housing Land Allocations. Furthermore, the site has been approved for residential development in 1990, 1992 and 2014 and currently has an outline planning permission in place (reference V/2018/0213).

Consultations

A site notice and press notice have been posted together with individual notification of surrounding residents. Following receipt of amended plans residents and consultees were reconsulted.

The following is a summary consultees latest comments on the application. The full versions of these comments are available to view online.

A.D.C Environmental Health

Recommends conditions are applied to limit noise, dust and operating hours in the interests of residential amenity.

A.D.C Environmental Health (Contamination)

The contamination condition applied to the outline permission should remain.

A.D.C Landscaping

- Details of how retained trees are to be protected should be recorded.
- A landscaping plan should be provided including all hard and soft materials.
- Measures to prevent on street parking should be explored.
- The existing stone wall should have the stonework repaired and replaced with an appropriate lime based mortar.
- Confirmation of the maintenance of communal areas and landscaping is required.
- The rear access paths of a number of plots should be amended to hard standing and the boundary fence has created a no-mans land.
- Contributions are also sought.

Environment Agency

No objections

Nottinghamshire County Council Local Lead Flood Authority

No objections, subject to a condition requiring full details of surface water drainage to be provided.

Nottingham and Nottinghamshire Clinical Commissioning Group

All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area.

Nottinghamshire County Council Planning Policy

No comments

Nottinghamshire County Council Rights of Way

No objections

Nottinghamshire County Council Highways Authority (Latest Comments)

- An amended site layout plan has been submitted. The proposed tree to the west of the driveway serving plots 1-12 has been removed so as not to obstruct visibility from the access.
- The existing access on Stoneyford Road which will provide a pedestrian link to the site now shows a continual footway.
- The plan now provides a footway around the perimeter of the turning head.
- There are no bin collection points shown for the private driveways serving plots 18-23 and 28-38.
- A number of planning conditions are recommended along with informative notes to the applicant.

Severn Trent Water

Foul is proposed to connect into the public combined water sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to discharge to a soakaways, which we have no comment on.

Sutton Heritage Society

The applicant should have gotten into touch with Sutton Heritage Society so that the buildings could be recorded before demolition. They are concerned they were not contacted until after the demolition, by which time much of the information was lost. This includes information relating to the interior of the building.

Local Community

On the first round of consultation a total of 8 comments were received from 6 individual households. 6 of these were objecting to the application, with the others raising queries about the proposals.

Following a second round of consultation a total of 6 comments were received from 6 individual households. 5 of these were objecting to the application, with the other raising questions.

A summary of the consultation exercise and relevant points raised, is set out below:

Impact on the Environment (Biodiversity, Pollution, Loss of Green Space)

- Loss of local wildlife.
- Removal of the old buildings has destroyed habitats for urban wildlife.
- Concerns over the retention and safety of existing trees.
- Existing trees have not been thoroughly surveyed, ones adjacent to Lime Avenue may require removal.

Residential Amenity

- Privacy and building height standards should be adhered to.
- Amendment changing bungalows behind Mount Pleasant to two storey properties is unacceptable and last minute.
- Proposed dwellings are too close to rear boundaries of existing properties.
- Loss of light and privacy to surrounding properties and gardens.
- Increase in noise and light pollution.
- Disturbance to residents during construction.
- Digging and vibrations may cause structural damage to surrounding properties.
- Properties surrounding site are not adequately insured by the developers against collapse and landslip and concern there will be a repeat of the Mansfield Quarry / Berry Hill landslip.
- Removing existing trees will make surrounding gardens and land unstable.

Flooding and Drainage

- Medium and high flood risk identified in the area has been overlooked by Severn Trent.
- Infiltration basin may affect stability of surrounding land.
- Stagnant water in infiltration basin may cause unpleasant smells.
- Flood mitigation measures are lacking.

Highways Safety and Access

- Traffic noise on Stoneyford Road will be worsened.
- Vehicles on Stoneyford Road already travel too fast – need traffic management.
- Road condition of Stoneyford Road is already poor and will be worsened.
- Pedestrian crossing at recreation ground would be required for safety of road. Users.
- Surrounding roads should be resurfaced and a crossing considered.
- Stoneyford Road is already congested during peak hours.

Other Issues

- Too little time to put forward concerns, especially considering Christmas, New Year and lockdown (first consultation).
- Changes and re-consultations are attempts to confuse residents and get them to give up (second consultation).
- Concern that fencing between site and Mount Pleasant / Lime Avenue will be demolished and the cost will be passed onto the residents.
- Concern that the responsibility to maintain the above fence, if retained, will be ignored by new owner(s) of site.
- Heritage Trust were only consulted after the buildings on site were demolished.
- Developers have no regard for the local community or neighbouring properties.
- Japanese knotweed has allegedly been found on the site.
- Site has been fenced off and demolition has started despite pending application.

Policy

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

Ashfield Local Plan Review 2002 saved policies

- ST1 - Development
- ST2 - Main Urban Area
- HG1 - Housing Land Allocations
- HG3 – Housing Density
- HG4 - Affordable Housing
- HG5 - New Residential Development
- HG6 - Public Open Space
- EV8 - Trees and Woodlands

National Planning Policy Framework

- Part 4 – Decision making
- Part 5 – Delivering a sufficient supply of homes
- Part 6 – Building a strong, competitive economy
- Part 8 – Promoting healthy and safe communities
- Part 9 – Promoting sustainable transport
- Part 11 – Making effective use of land
- Part 12 – Achieving well-designed places
- Part 14 – Meeting the challenge of climate change, flooding and coastal change
- Part 15 – Conserving the natural environment

Supplementary Planning Documents

- Supplementary Planning Document (SPD) - New Residential Development
- Supplementary Planning Document (SPD) – Car Parking
- Supplementary Planning Document (SPD) - Affordable Housing

National Model Design Code

Relevant Planning History

- **V/2018/0213** - Residential Development Including Demolition of Existing Buildings. Consent 18/10/2019.
- **V/2013/0647** – Outline application for demolition of existing building and erection of a maximum of 50 dwellings with new access road. Consent 14/03/2014.
- **V/2013/0486** Outline application for demolition of existing buildings and erection of a maximum of 50 dwellings – Withdrawn 29/11/2013.
- **V/1992/0778** Residential development - Conditional consent granted 16/03/1993 (renewal of previous permission).

- **V/1990/0073** Residential development - Conditional consent granted 03/05/1990 (this application encompassed a larger area including land farther south on which properties on Lime Avenue are now constructed).

Comment :

The application seeks approval for the access, appearance, landscaping, layout and scale of the development.

Layout and Scale

The layout is formed by a cul-de-sac arrangement, which responds to the shape of the site. Directly to the west of the new access road is an area of landscaping featuring retained trees, which creates an attractive entrance into the site. An area of public open space is formed to the rear of the apartment units.

Buildings are provided running along frontage, these are designed to step down the site and make use of the its topography. Bungalows are to be formed behind the retained wall, in order to maintain a semblance of view from Stoneyford Road Recreation Ground over the former quarry. The properties are a mix of one and two storey. This scale is in keeping with the wider area.

Residential Amenity

The Councils Residential Design Guide (SPD) Contains guidance on garden sizes, internal floor space of dwellings and minimum separation distances. In this case, all individual dwellings would be provided with garden sizes that met the Councils standard. There are three apartment blocks. One contains 4 x 2 bedroom flats, and would be provided with a rear amenity space of 84sqm falling short of the recommended 100sqm required by the SPD. The other apartment blocks along the frontage do not have a private area; however there is an area of public open space located adjacent to the parking courtyard, which can be used by residents. Stoneyford Road Recreation Ground is also located directly opposite the site and this would provide residents with easy access to greenspace.

The house types have been amended during the course of the application so that each of these meet the overall minimum gross internal floor space standard set out in the Councils SPD. An amendment was also sought from the applicant to provide an access from Stoneyford Road to allow the residents of flats along the frontage easier access to parking/bins stores. It is considered that the development would provide an acceptable standard of amenity for future occupants.

A number of residents adjacent to the site have raised concerns over the impact of the development on their privacy and loss of light. The Councils Residential Design Guide sets out minimum back to back separation distances, with minimum distances varying

based on the angle of the dwellings. A straight back-to-back relationship requires 21m, although this reduces based on the angle of the properties. Paragraph 3.48 of the SPD sets out that ... 'minimum separation distances should be applied having regard to site conditions and context. Separation distances should have regard to location, the conversion of existing buildings, the character of the area and topography.'

The applicant has marked the key separation distance, from the proposed two storey dwellings, to that of existing dwellings along Mount Pleasant Street (No. 10 – 22). These range from 18.3 to 22.8m and are shown on the Proposed Site Plan 19/2240/02/002 Rev J. The most notable separation distances (taken from the mid-point) are:

- 18.3m from plot 30 to 22 Mount Pleasant
- 18.8m from plot 29 to 22 Mount Pleasant
- 19.7m from plot 28 to 20 Mount Pleasant
- 18.8m from plot 27 to 16 Mount Pleasant
- 20m from plot 26 to 14 Mount Pleasant

It is however, noted that the dwellings along Mount Pleasant sit at a slight angle to existing properties. The application site also sits at a much lower level than existing dwellings. This is demonstrated on the submitted section plan and shows that No.22 Mount Pleasant is approximately 4.7m higher. Given that existing properties are much higher, there would be no loss of light, or overshadowing impacts. There would also be no substantive loss of privacy and whilst there may be opportunity for some increased overlooking to the present situation; the separation distance and land level difference ensure this would not be to a harmful degree. In addition, for no.22 Mount Pleasant, the existing vegetation along the boundary would assist in screening the development.

The proposed separation distance to existing dwellings on Lime Avenue accords with the Councils SPD. As a result, there would be no adverse impacts from overshadowing, or overlooking. The proposed dwellings adjacent to Hill Crest and the Edge, both located on Mount Pleasant, are bungalows and given the land level difference, there would no adverse impact on these properties from the development.

Highways and Car Parking

Parking provision has been addressed to provide 2 off road parking spaces for 2/3 bed dwellings and 3 spaces for the 4 bed dwelling. This is in accordance with the Councils Car Parking SPD. However, the apartment units would not comply as these provide 1.5 spaces in total for each apartment, as opposed to 2. Though, this is considered to be acceptable due to the highly accessible location; where shops, services and schools are all within easy walking distance. The layout plan also shows that 5 electric charging points will be provided, along with a cycle shelter for occupiers of the apartments to store bikes.

The layout has been amended to ensure that it is safe from a highways safety perspective. Visibility splays have been provided from the parking courtyard and the layout tracked with an 11.6m refuse vehicle, to ensure bins can easily be collected.

The Highways Authority have requested a number of conditions be attached to the planning permission. It is considered appropriate to place the conditions for the following matters: submission of a off-site traffic management scheme along Stoneyford Road, the existing vehicle crossing to be reinstated, technical access details, visibility splays, hard-surfacing of drives and roads being constructed up to binder course detail. The recommended conditions for technical details of the adopted highway and wheel washing facilities are both covered under conditions for the Outline consent. The Highways Authority have also asked for details of Bin Collection points for plots 18-23 and plots 28 – 38. A condition is therefore recommended for a Bin Collection Management Plan to be provided prior to occupation.

Appearance and Landscaping

The frontage of the development, facing onto Stoneyford Road, has been designed to reflect the former buildings on the site. The buildings would be of a stone construction, along the line of the retained wall, with roof lights utilised to keep the aesthetic of the continuous stone frontage. The buildings would also feature brick chimneys in a similar position to the now demolished buildings. The applicant has provided CGI images showing how these would appear in situ. The design along the frontage is considered to be of a high quality.

In terms of the internal dwellings, these would be of a more modern design, which is considered to be acceptable. A projecting brickwork pattern will be provided adjacent to the windows of the two story dwellings, along with the use of header course detail. Canopies are also to be provided above the front door. It is proposed that the final details of materials are to be subject to a planning condition.

The applicant has also amended the plans during the course of the application to ensure corner turner properties are provided at key internal vistas. Landscaping has also been used to break up frontage parking.

Overall, the landscaping details are generally considered to be acceptable. This includes landscaping and retention of trees to the west of the main access road, which provides an attractive entrance into the site. An area of public open space is also to be provided for the flats and will be appropriately landscaped. Elsewhere, hedges will be provided to the frontage of properties. The applicant has submitted a landscaping plan, which is generally considered to be acceptable and a condition is applied for the relative planting to be carried out, along with updated details to accord with the latest layout revision.

In terms of boundary treatments, concerns have been raised by the Councils Landscaping Officer over the creation of a no-mans land from where the fencing will sit. Their concern is that a fence being erected between the quarry wall and the garden area

will create a void. However, in many cases, the quarry wall is practically vertical and the fencing will simply sit in front. The applicant has submitted a revised boundary treatment plan to help address this query. However, as residents have also raised concerns about existing boundary treatments and maintenance, a condition has therefore been recommended for the applicant to submit final details of boundaries (notwithstanding the submitted plans). An informative will be included advising the developer to constructively engage with residents about this and any other issues.

Access

The vehicular access will be provided from Stoneyford Road. The applicant has demonstrated that the required visibility splays of 2.4m x 43m can be achieved. The width of the access is also considered to be sufficient and no objections have been raised by the Highways Authority.

Along the frontage of the site, the existing dropped kerb will be stopped up and reinstated as footway. This is recommended as a planning condition to ensure the works are carried out. A condition is also recommended for a scheme of parking control measures along Stoneyford Road to be submitted. This will need to take the form of a Traffic Regulation Order to prohibit vehicles stopping on Stoneyford Road and causing potential highways safety issues.

Other Matters

The application site has outline planning permission for residential development and is seeking only approval for the matters referred to above. Matters such as the impact on wildlife, highways capacity and flood risk were considered acceptable at outline stage. However, a response on each of the pertinent issues is set out below:

Land Stability

The applicant has provided a Slope Stability Assessment, which provides a rock fall assessment. This assess the risk of any rock falls to residents is low. It advises that 'Rock netting or other suppression measures are not required due to the low height of the cliffs (<4m height), the subvertical nature of the faces, the strength of the rock, and the geological structure. However, the report does state that at the time of inspection, vegetation covered large section of the quarry faces and that an additional inspection should be undertaken in the winter months, it also sets out other measures for management including minor rock scaling and tree removal. A condition is therefore recommended that prior to occupation an updated Slope Stability Assessment is carried out and that this is accompanied by a management plan.

Maintenance

The Highways Authority have recommended a condition relating to maintenance matters for landscaped/unadopted highway areas. The applicant has submitted a Landscape and

Ecological Management Plan, in accordance with the Outline consent, which states that maintenance of the site will be undertaken by Platform Housing. This includes the Public Open Spaces, Infiltration basin and communal areas surrounding the private courtyards. The submitted information is considered to be acceptable.

Biodiversity

The matters of biodiversity impact were fully considered at the Outline stage. The application was supported by an Extended Phase 1 Habitat Survey, with three additional bat surveys also carried out on the buildings. An LEMP, as required by the Outline permission, has been submitted with this detailed application. This sets out a number of mitigation and enhancement measures and sets out future maintenance for the site.

A resident has raised concerns about the potential for Japanese Knotweed on the site. However, the plant the resident thought was Japanese Knotweed turned out to be another species. There are two invasive species present as identified in the LEMP (variegated yellow archangel and small-leaved cotoneaster) and these will be appropriately dealt with prior to commencement.

Highways Safety

The impact of the development on the networks capacity was considered at the Outline application stage, where the Highways Authority raised no objection to the principle of housing on this, an allocated site. The main access is for consideration as part of this application; but - as detailed above - it is considered that a safe vehicular access point with sufficient width and visibility has been demonstrated. The layout is also considered acceptable from a highways safety perspective and accordingly, it is considered that the proposal would be in accordance with Ashfield Local Plan Review Policy ST1 (c).

Flooding and Drainage

The Local Lead Flood Authority (LLFA) have been consulted on this application and raised no objections, subject to a condition requiring details of a surface water drainage strategy. There is already a condition applied to the Outline permission, as requested by the LLFA, and it is considered unnecessary to repeat a surface water drainage condition. Although, an advisory note will be included in line with the advice from the LLFA about the currently submitted drainage information.

Severn Trent have been consulted and advised they have no comment to make on the proposals for foul drainage, which will connect into the existing sewer.

Construction and Residential Amenity

Concerns have been raised by local residents about disruption during the construction phase of development. Unfortunately, some disruption may occur during construction; however, this will only be for a temporary period. A condition has already been appended

to the Outline permission requiring a construction management plan to be submitted. This will include a strategy for the minimization of noise, dust, vibration and working hours. The construction management plan is required to be submitted before construction commences and will serve to reduce disruption to neighbouring residents. It will also adhere to the comments provided by Environmental Health to this application.

Heritage

Sutton Heritage Society are disappointed that the applicant did not contact them prior to the demolition of the building, by which time much of the information was lost. The former buildings on site are not listed, nor did they feature on the Councils local heritage list. The approval for demolition of these buildings was granted through the Outline permission. It should also be noted that full planning permission would not be required for the demolition of the buildings, in any event.

On the Outline permission, an informative note was added to the decision notice encouraging the applicant to work with the Sutton Heritage Society and although they did not contact them prior to demolition, it is understood that photographic evidence has been provided. It is also recognised that the buildings had become a magnet for anti-social behaviour and their speedy demolition was required to prevent further anti-social behaviour.

Consultation

Concern has been raised that the consultation phase of the application took place during the Christmas period. The consultation was fully undertaken with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Councils Statement of Community Involvement. This includes individual neighbouring residents, a site notice and press notice. A re-consultation was also undertaken following the receipt of amended plans showing a change in the dwellings along the western boundary.

A further amended plan was received showing the bin store location for the flats and a stairway provided. It was considered unnecessary to re-consult for a third time on the basis of these changes.

Developer Contributions

The required developer contributions have already been agreed through a Section 106 Agreement that accompanied the Outline planning permission. In summary, the following have been agreed:

- Primary Education - £150,216
- Secondary Education £142,024
- Public Open Space (Sutton Lawn) - £48,000
- Public Realm Improvements (Low Street) - £96,000
- Healthcare (Local Practices) – (£26,010)

- Bus Stops - £5,000
- Monitoring Contribution - £1,600
- Affordable Housing – 10%

A query was raised about the potential for spending the public open space contribution on Stoneyford Road Recreation Ground. However the Section 106 has already been agreed. At the time the Outline application was approved, improvements had just been undertaken at Stoneyford Road and accordingly the money was allocated to Sutton Lawn.

Land Contamination

The Councils standard 4 stage contamination condition has been applied to the Outline approval (condition 12). This is a pre-commencement condition, that will ensure the land is properly remediated and the site is developed free from contamination. The Councils Environmental Health Officer has reviewed the application and agreed the condition should remain.

Conclusion

Overall, it is considered that the access, appearance, landscaping, layout and scale of the development is acceptable. In particular, the design across the frontage of the site is of high quality and reminiscent of the former buildings. There are no concerns surrounding highways safety, or residential amenity and it is therefore recommended that the application is approved.

Recommendation: - Approve all matters reserved by planning permission V/2018/0213, subject to the conditions below:

CONDITIONS

1. The development hereby permitted shall be begun not later than one year from the date of this approval.
2. This permission shall be read in accordance with the following plans and documents:-
 - Site Location Plan 19/2240/02/LP
 - Topographical Plan 19/2240/03/001
 - Existing Site Sections 19/2240/02/002
 - Proposed Site Plan 19/2240/02/002 Rev J
 - Proposed Site Sections 19/2240/02/004 Rev P1
 - Proposed Street Elevations 19/2240/02/012 Rev P1
 - Proposed House Type A 19/2240/A/001 Rev B
 - Proposed House Type B 19/2240/B/001 Rev B
 - Proposed House Type C 19/2240/C/001 Rev B

- Proposed House Type D 19/2240/D/001 Rev B
 - Proposed House Type E 19/2240/E/001 Rev A
 - Proposed House Type F 19/2240/F/001 Rev B
 - Proposed House Type G 19/2240/G/001 Rev A
 - Proposed House Type H 19/2240/H/001 Rev B
 - Arboricultural Impact Assessment and Method Statement (20110 / TGW / AMSAIA001)
3. Prior to the commencement of development, details of the dwellings finished floor levels and surrounding ground levels shall be submitted to and agreed in writing by the Local Planning Authority.
 4. No part of the development hereby permitted shall take place until details of the new access into the site have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, and any proposed structural works. The submitted details shall include the provision of tactile paving on the junction radii. The development shall thereafter be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
 5. No development shall take place above ground level until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. The submitted details shall include the positioning, type and size of any meter boxes. It shall also include details of the pedestrian access gate from Stoneyford Road. Thereafter the development shall be carried out in accordance with the approved details.
 6. The soft landscaping details shall be generally carried out in accordance with
 - Soft Landscaping Planting Detail 20-110-04 Rev A (layout as amended by 19/2240/02/002 Rev J).
 - Soft Landscaping Planting Plan 20-110-03 Rev A (layout as amended by 19/2240/02/002 Rev J).

However, prior to occupation of the first dwelling house final details of the planting and associated layout shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner.

7. Prior to occupation of the first dwelling house an updated Slope Stability Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of the slopes during the winter months

along with a detailed management plan for the slopes long term maintenance. The approved details shall thereafter be fully adhered to.

8. Notwithstanding the approved plans under condition 2; the dwellings shall not be occupied until full details of the following have been submitted to and approved in writing:
 - a) A means to prevent parking on the grass verge fronting onto Stoneyford road;
 - b) The size, type and means of enclosure to the bin storage area serving plots no. 1 – 12;
 - c) The size, type and means of enclosure of the pumping station.
 - d) Full details of the sites boundary treatments and maintenance.

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

9. No part of the development hereby permitted shall commence above ground level until an application for an appropriate off site traffic management scheme to protect against on street parking on Stoneyford Road is provided. This shall be in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
10. No part of the development hereby permitted shall be brought into use until the spine road is constructed at least up to and including binder course level to enable vehicle passage from the dwellings to the public highway.
11. No part of the development hereby permitted shall be occupied until a bin collection management strategy (for plots 18-23 and plots 28-38) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be adhered to.
12. No part of the development hereby permitted shall be occupied until the existing vehicular access on Stoneyford Road that has been made redundant as a consequence of this consent and as shown for indicative purposes on drawing 19/2240/001 Rev. J is permanently closed and the access reinstated as footway.
13. No dwelling shall be occupied until their respective driveways and any communal parking/turning areas are surfaced in a hard bound material (*not loose gravel*), for a minimum distance of 5.0 metres behind the highway boundary. Any communal parking bays shall be clearly delineated. These areas shall be constructed with provision to prevent the discharge of surface water from the driveways to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

14. No part of the development hereby permitted shall be occupied until the 2.4 x 43 metres visibility splays shown are provided at the site access. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.
15. No part of the development hereby permitted shall be occupied until visibility splays of 2.4m x 25m are provided at the west of the access driveway serving plots 1-14. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.
16. The existing stone wall, along the sites frontage, shall have the stonework repaired and replaced where necessary. The existing mortar shall be raked out and re-pointed along the entire length of the wall with an appropriate lime based mortar. The works shall be completed prior to the occupation plots 18 – 21.
17. Prior to the occupation of the first dwelling house the trees along the sites boundary shall be surveyed and any diseased, damage or dangerous trees removed.

REASONS

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To ensure the development takes the form envisioned by the Local Planning Authority.
3. In the interests of residential amenity.
4. In the interests of highways safety and securing a safe access.
5. In the interests of visual amenity.
6. To ensure that the site is developed safely and future residents are protected.
7. In the interests of visual amenity.
8. In the interests of visual and residential amenity.
9. In the interests of highways safety, to prevent vehicles from parking along Stoneyford Road and causing a hazard to drivers.
10. In the interests of highways safety.

11. In the interests of ensuring bins are collected safely.
12. In the interests of highways safety.
13. In the interests of visual amenity and safety.
14. In the interests of highways safety.
15. In the interests of highways safety.
16. In the interests of visual amenity and safety.
17. To ensure appropriate long term management of the private parking courtyard areas.

INFORMATIVE

1. The applicant is reminded that the conditions attached to the Outline Planning Permission (Reference V/2018/0213) continue to apply, as does the Section 106 Agreement dated 17th October 2019.
2. The submitted Landscape and Ecological Management Plan by BEA landscape design ltd (20110 / TGW / LMP001 Rev A as amended by site layout revision J) is considered sufficient to discharge condition 4 of the Outline Planning Permission. Please note that the site should be fully maintained in accordance with the submitted details.
3. The applicant is advised, in line with condition 5 of this approval, that the maintenance and management of the quarry slopes is the responsibility of the landowner and not the Council. The Council will not take any liability for future costs associated with this matter.
4. The applicant is advised that the drainage information submitted to date is not sufficient to discharge condition 11 of the Outline Planning Permission and that the condition continues to remain in force. Further information and evidence is required to support the viability of the proposals:
 - Details of exceedance flow paths / routes for all surface water drainage.
 - Construction details and infiltration data for the infiltration basin (test results provided show failure due to ground conditions).
 - Maintenance information for all soakaways and details on how responsibility for maintenance will be enforced / allocated.
 - Confirmation from the Highways Authority that they accept highway water being discharged into the proposed site surface water drainage and clarification of responsibilities for all receiving infrastructure.

5. The developer/landowner is advised to contact adjacent residents on Mount Pleasant and Lime Avenue with regards to any boundary issues they are presently facing.
6. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
7. There is a utility pole in close proximity to the proposed access. Its relocation will be at the expense of the applicant.
8. The minor footway works referred to in Condition 12 above involves work on the highway and as such requires the consent of the Highway Authority. Please contact VIA East Midlands in partnership with NCC tel: 0300 500 8080 to arrange for these works to be carried out, or this could be included as part of the S278 works required for the new site access.
9. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.
 - a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
 - b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Please contact Nottinghamshire County Council hdc.north@nottsc.gov.uk for details.
10. Section 278 Agreement (Highways Act 1980)

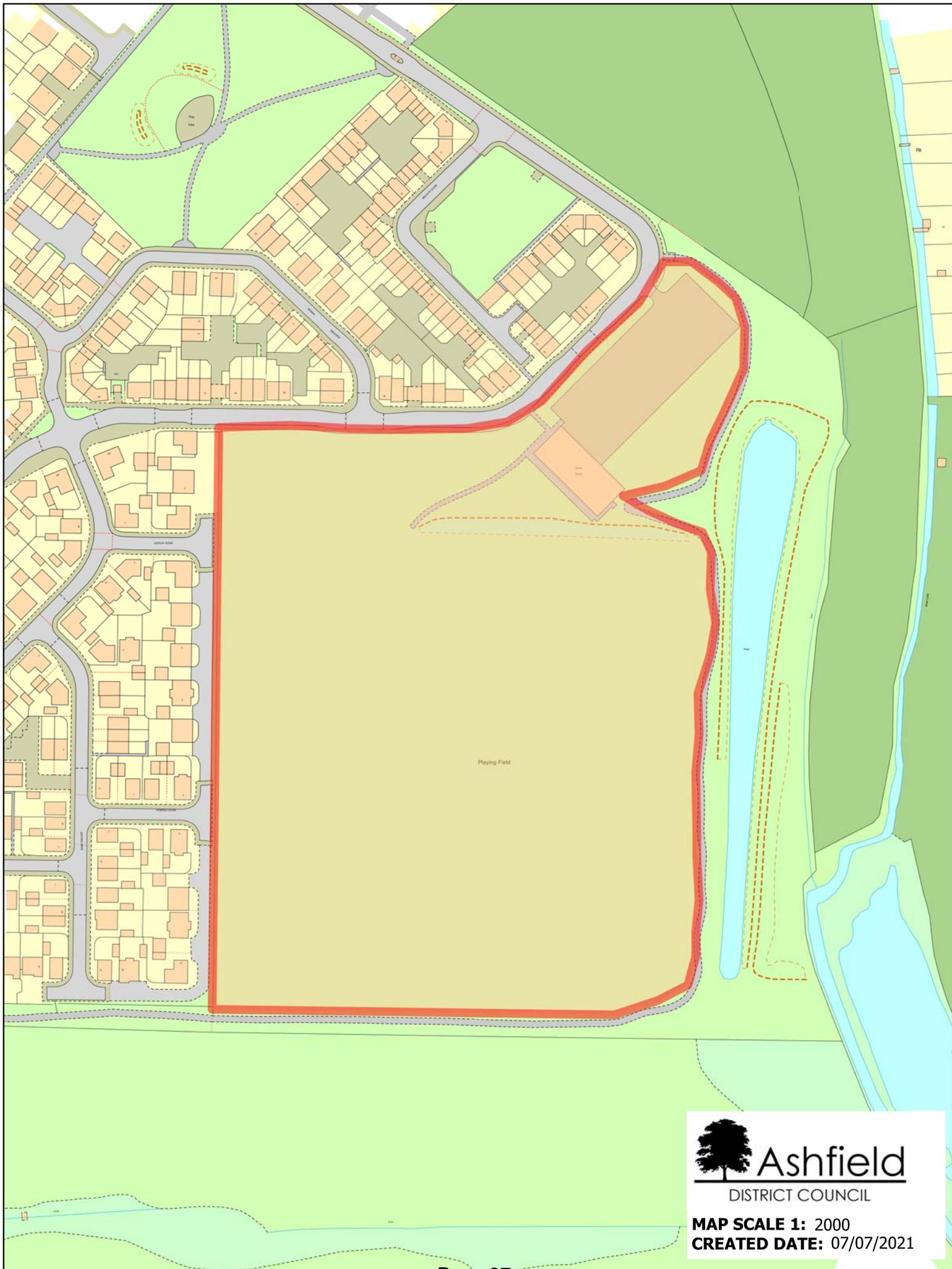
In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council hdc.north@nottscc.gov.uk for details.

11. Traffic Regulation Order

The proposed off-site highway works referred to in Condition 9 requires a Traffic Regulation Order before the development is brought into use, to provide safe access. This is a separate legal process and the applicant should contact businessdevelopment@viaem.co.uk for further details.

12. Prevention of mud on the highway

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 2000
CREATED DATE: 07/07/2021

COMMITTEE DATE 25/08/2021 **WARD** Hucknall North

APP REF V/2021/0354

APPLICANT Mr Jamie Brough

PROPOSAL Goal Storage Enclosure

LOCATION Kenbrook Road Playing Field, Kenbrook Road, Hucknall, Nottingham

WEB-LINK <https://www.google.com/maps/place/Kenbrook+Rd,+Hucknall,+Nottingham/@53.0419288,-1.1864739,418m/data=!3m1!1e3!4m5!3m4!1s0x4879bff6c1e72a75:0xe9e213e9e0a6fd68!8m2!3d53.0416849!4d-1.1897578>

BACKGROUND PAPERS A, B, C, D, E & K

App Registered: 11/05/2021 Expiry Date: 05/07/2021

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

This application has been referred to Planning Committee by Councillor Mitchell to discuss residential amenity and reduced availability of the leisure area, and by Councillor Wilmott to discuss the impact on the open space.

The Application

This application is seeking consent for a Goal Storage Enclosure.

The application has been subject to multiple amendments since its original submission, with changes relating to the omission of the perimeter fence, 3G pitch and modular classroom building. The siting of the goal store has also been amended. Permission is now only being sought for the goal storage enclosure.

The proposal seeks to support the use of the natural turf pitches at the site.

Consultations

Site notices have been erected, and a public notice has also been published in the local press.

Individual consultation letters have also been sent to local residents within the immediate vicinity of the site, and a number of re-consultations letters have also been sent to residents to notify them, and seek their views on the amendments to the scheme.

Consultation and re-consultation requests have also been sent to a number of other internal and external consultees.

The following responses have been received:

ADC Landscape

The goal store is located away from the residential area at a lower level, and is screened by the existing changing room facility. Any loss of trees should be mitigated by replacement planting, which should be illustrated on a landscaping plan. The type and colour of the proposed fencing should also be included.

Further detail relating to drainage should be submitted to demonstrate the proposal will not increase flood risk, or exceed the modelled capacity of the attenuation pond.

ADC Conservation Officer

No objections to the revised proposal.

ADC Environmental Health (Land Contamination)

Original Comments and Re-consultation comments:

No objections.

Nottinghamshire Wildlife Trust

To be able to undertake a full evaluation of the potential ecological impacts of the development we would expect to see an ecological desktop assessment and Phase-1 Habitat Survey (together with any detailed protected species surveys required) being carried out to inform a supporting environmental report.

Identified that the application site is located approximately 50m (at its closest point) from Papplewick Ponds Local Wildlife Site (LWS) and the River Leen LWS.

The proposed development site appears (from aerial photography and mapping) to be dominated by amenity grassland, which may have the potential to support foraging birds, mammals and amphibians.

Recommend that a desktop assessment, Phase 1 habitat survey (more details surveys might be required if potential impacts identified) and a comprehensive assessment of the potential impacts to any locally designated conservation sites should be undertaken.

Nottinghamshire County Council Highways

Re-consultation comments:

This application has been amended to propose only the goal storage enclosure therefore no highway objections.

Sports England

Further Re-consultation comments:

Following the re-consultation/submission of revised detail for the goal storage enclosure, no objections.

Local Lead Flood Authority

The same response has been submitted for all three of the consultations, as below;

Will not be making any bespoke comments due to the scale of the application. However the following points are recommended as a general guide:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Resident Comments (relative to each consultation)

1. Representations received following initial consultation
86 representations were submitted, 84 objecting to the proposal, and 2 supporting the proposal.
2. Re-consultation following the removal of perimeter fencing:
313 representations have been submitted, 242 objecting to the proposal, 69 supporting the proposal and 2 neither objecting nor supporting it.
3. Re-consultation following the omission of the 3G pitch and re-siting of the goal store:
222 representations have been submitted, 221 objecting to the proposal, and 1 supporting the proposal.
4. Re-consultation following the omission of the modular classroom building:
130 representations have been submitted, 130 objecting to the proposal, and 0 supporting the proposal.

Overall across all 4 of the consultations, 751 representations have been received from 549 residents, 677 objecting to the proposal, 72 supporting the proposal, and 2 neither objecting nor supporting it.

Objections raised during the application process

Use

- Loss of green space for the community - Its being fenced off.
- Concerns about anti-social behaviour - vandalism, crime, litter etc.
- Noise pollution - football being played at night, use of foul language.
- Too close to houses.
- Narrow pathways - social distancing issues, navigating it at night, path out of sight, difficult for cyclists to pass.
- Impact upon the mental health of local residents/current users of the field.
- Its only football focused rather than other recreational uses - other uses should be considered such as a skate park.
- Waste of money - Current facilities are already adequate for football, but are not utilised.
- The 3G pitch is not environmentally friendly.
- The current facilities could be utilised better.
- More suitable sites and football facilities available elsewhere in the area.
- Breach of Section 106 Agreement.
- Disruption during construction.
- Not in keep with the area.
- Will affect business as a dog walker.
- Other facilities such as GP surgeries and schools are needed more.
- Area not suitable for development - within the Green Belt.
- Not in accordance with Ashfield's Public Open Space Strategy 2016-2026.
- Restricted access to community art on display.
- Similar application V/2007/0629 (Garden Road Sutton in Ashfield - Granted planning permission) had comments from ADC, NCC and Sport England raising objections.
- Danger to the public from footballs or players.
- Safety concerns due to proximity to property boundaries and possible damage from footballs or players.
- Potential loss of path.
- Should utilise the existing pavilion.

Visual impact

- Unsightly parameter fencing.
- Impacting upon the appearance and aesthetics of the open space
- Loss of openness and view.
- Against the erection of buildings.
- Light pollution from floodlights.
- Concerns of further development and the perimeter fence being re-added.
- Loss of trees.

Highways

- Increase in traffic and parking – already busy at school time.

- Highway risks for children.
- Current parking is inadequate.
- Restricting access for emergency vehicles.

Ecology

- Impact upon wildlife and biodiversity - birds and rabbits.
- Environmental concerns - lighting impact on wildlife.
- Disruption and disturbance to local wildlife such as bats, newts, owls, deer, foxes, crayfish and voles.

Drainage

- The pitches suffer from flooding.
- Inaccurate to say grass pitches suffer from drainage issues.
- 3G pitch could contaminate the watercourse.

Non planning issues or procedure

Lack of consultation.

- Plans not to scale.
- False and missing information in application
- Negatively impacting house prices.
- The facility would be too expensive for local clubs to use.
- Loss of facility for existing football clubs, such as Hucknall Sports - 350+ children losing access to the site.
- Football pitches would not be used for local sports teams.
- Majority of residents will not be able to use it - excludes older residents who will not use the facility, or those not interested in football.
- There is space already available for football.
- Facility unaffordable for some.
- Lack of security at the site making it unsafe.
- Proposal is only for financial gain and not in the interest of the community.
- Already a facility like this in Hucknall.
- Lose the town's trust in the Council.
- Concerns applicant has relations with Council Member(s) – conflict of interests.
- Will force people to move from the area.
- The use of the pitches will monopolise the whole field.
- Lack of clarity on opening hours.
- The application has been overhauled.
- Concern the 3G pitch will still be developed.
- Misleading information about name of applicant.
- Purchased property on basis field would not be developed.
- Sports Gateway already marking out pitches on site – seems a done deal.
- Awarding of contract not fair and transparent with no tender process.
- Failure to comply with Freedom of Information Act.

- Lack of consultation with FA.
- Due diligence not undertaken with regards to the shareholders and directors of the company.
- Current planning for the pitches is not valid as development was not started.
- Ashfield District Council does not have a local plan.
- Object to the proposed premises licence.

Comments in support during the application process:

- Great facility for the area and local children.
- Would be good to use it for other sports.
- Great facility for the community - health and social benefits.
- Some space should be left for public use, with sufficient parking.
- Great for the physical and mental health of children.
- Great to keep the community fit, healthy and educated.
- Somewhere for children to play football in a safe environment.
- Limited impact on residents.
- Fantastic idea - a wonderful thing for Hucknall to be proud of.
- Amazing facility which will be great for the area, improving Hucknall.
- Good to see investment in Hucknall - facilities of this nature are currently lacking - a fantastic opportunity.
- Brilliant idea for grassroots football.
- Creates jobs.
- A 3G pitch enables football to be played in all weathers, which is needed.
- Provides a career pathway for school leavers.
- Car parking is adequate.
- The current building would be utilised.
- 3G Pitch can be used for other uses, not just football.
- A good idea which benefits Hucknall – Field current unusable in wet conditions.

Policy

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies). The National Planning Policy Framework (NPPF) is a material consideration.

Ashfield Local Plan Review (ALPR) (2002) as amended by 'saved policies' 2007:

ST1 – Development.

ST4 – The Remainder of the District.

EV1 – Green Belt.

RC4 – New Formal Open Space.

National Planning Policy Framework (NPPF):

Part 8 – Promoting healthy and safe communities.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Part 13 – Protecting Green Belt land.

Part 15 – Conserving and enhancing the natural environment.

Relevant Planning History

V/2004/0356 - Residential Development, Construction of Means of Access, Land for new Primary School & Community Facilities, Provision of Public Open Space & Sports Pitches, Footpaths, Landscaping, Balancing Pond & Associated Works - OUTCC.

V/2006/0373 - Formation of 5 football pitches and adjacent balancing pond - FULCC.

V/2007/0518 - Reserved Matters Application (in pursuance of 2006/0146) for 799 Dwellings and Associated Works - RMCC.

Comment:

The application site is located within Hucknall, situated at Kenbrook Road on the periphery of the residential development off Papplewick Lane.

The red boundary of site is predominantly a natural turf playing field, however a hard-surfaced car park and brick and tile built pavilion building are located towards the north east corner of the site. A footpath also traverses around the edge of the site.

The application has been amended and is now seeking planning permission for a goal storage enclosure only, which is to be located to the south of the existing pavilion building. The proposal indicates the existing five football pitches as approved in 2006 are to be retained and utilised, with the siting of the goal storage enclosure being clear of the existing football pitches.

Representations:

In relation to the consultation comments received, it is considered that a significant number of the points of objection which have been raised have already been

addressed via the amendments to the application, or are not material planning considerations.

The pitches on site are already approved, and therefore as part of this planning application the Council is not assessing the principle of these pitches being established nor their use because there is no material change, and the assessment is therefore only in respect of the erection of the goal storage enclosure.

The key factors to consider in assessing this application are the following:

- Principle of development;
- Section 106 Agreement and Site Masterplan;
- Visual Amenity;
- Residential Amenity;
- Highway & Pedestrian Safety;
- Ecology and wildlife; and
- Flood Risk.

Principle of Development:

The application site is located within the Nottinghamshire Green Belt, and as such Policy EV1 of the ALPR 2002 and Part 13 (Protecting Green Belt land) of the NPPF are applicable.

Policy EV1 of the ALPR identifies that permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances, and identifies various forms of 'appropriate' development. All development must be located and designed so as not to adversely affect the purposes of the Green Belt, its openness, and the purposes of including land within it.

Part 13 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances (paragraph 147). Paragraph 149 of the NPPF goes on to identify that the erection of new buildings related with the provision of services associated with outdoor sport and/or recreation is appropriate, providing the new facilities preserve the openness of the Green Belt.

Paragraph 148 of the NPPF states that "substantial weight" should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Greenbelt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Although not a 'building' in the conventional sense, the proposed goal storage enclosure still represents a built structure within the Green Belt, and thus Paragraph 149 is still considered to be applicable in these circumstances.

The primary functional use of the goal storage enclosure is directly in association with outdoor sport and recreation, and therefore within this context, it is considered that the proposal now before the Council represents an appropriate form of development within the Green Belt, and does not conflict with the purposes of the Green Belt or including land within it.

Section 106 Agreement and Site Masterplan

During the determination of a previous planning application (V/2004/0356), which sought outline planning consent for the wider residential development off Papplewick Lane, a Section 106 Agreement was entered into by the relevant parties.

The aforementioned application included the "*provision of public open space and sports pitches*", and accordingly this was reflected in the overall site masterplan and Section 106 Agreement. The Section 106 Agreement also secured the provision of additional areas of public open space, with two of these areas, referred to as 'Papplewick Park' and 'The Village Green', being located a short distance to the north of the application site. These can be accessed via Kenbrook Road and surrounding residential streets.

The original site masterplan for the wider estate clearly indicated the location of five pitches at the application site, with the Section 106 Agreement stating that "*the master plan shall provide...an area of not less than 5.15 hectares to be used as five football pitches with ten players' changing rooms equipped with showers, five officials' changing rooms equipped with showers*". Therefore the goal storage area will be used in association with existing and original facilities and it is considered to not conflict with the Legal agreement or planning permission that have been granted. Notwithstanding this the legal agreement included a clause which stated the following:

"7.9 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Application Site in accordance with a planning permission (other than the Planning Permission) granted after the date of this agreement."

The five pitches were also included in and approved during the consideration of the Reserved Matters planning application (V/2007/0518), referred to as the "formal pitch and recreation area".

Any potential conflict with covenants or title deeds is not a material planning consideration, and is a private matter which would need addressing separately from the planning process.

Visual Amenity:

The proposed goal storage enclosure is to be located in the sites north east corner, just to the south east of the existing sports pavilion building. The existing sports pavilion building is substantial in its construction, utilising a dual pitched roof and a redbrick and tile external finish.

The goal storage area is to be created utilising approximately 1.82m (6ft) steel security fencing, coloured green. A single set of gates measuring approximately 10m in width will facilitate access into the enclosure. The goal storage enclosure will be located approximately 80m+ from the highway, and therefore will be a less prominent addition within the street scene.

Overall it is considered that the proposed goal store will have no detrimental impact upon the character of the street scene and wider area, or upon the character and openness of the Green Belt by virtue of its design, finish and siting.

Residential Amenity:

Given the size, siting and nature of the goal storage enclosure, it is considered that the living conditions of residents living within the vicinity of the site will not be detrimentally affected by way of massing, shadowing, loss of privacy or noise disturbance.

Given the scale of the proposals, it is considered that any noise associated with the erection of the enclosure will not be detrimental to residents living within the vicinity of the site.

Highway & Pedestrian Safety:

Concerns have been raised by a local resident in relation to an increase in traffic and on-street parking, and the increased risk on pedestrian safety, mainly children. Restricting access for emergency vehicles due to on-street parking is also a concern.

The proposal now relates to the erection of a goal storage enclosure only in association with the existing pitches and facilities on site. The current car park at the site has 102 car parking spaces, 6 accessible spaces and 1 coach space. The current access arrangements to the car park are to remain unaltered, and visibility at the entrance/egress of the car park are considered to be acceptable.

The proposal does not affect the current footpath provision on site, nor will it prevent individuals from taking alternative routes across the site.

The Highway Authority have provided comments on the latest scheme, and as the application relates to the goal store only, they consider that the proposal will have no effect on the public highway, and therefore raise no objections.

Taking the above into account, it is considered that the proposal will not result in an adverse impact upon the safety and capacity of the existing highway network.

Other:

Ecology and wildlife

The impact upon wildlife, their habitats and biodiversity has been assessed and considered. Although no ecological report has been submitted, the site has been turfed relatively recently and is regularly mown. It is recognised that there is a Local Wildlife Site (River Leen) to the east/south east, however it is considered that the erection of the goal store in the proposed location is unlikely to have any significant impact upon wildlife, their habitats or biodiversity within the vicinity.

Flood Risk

Given the design and siting of the goal store, it is considered that it will not result in a significant detrimental increase in the level of surface water flooding within the vicinity, however drainage details are required to be submitted and approved prior to the commencement of the development.

As previously identified the Council is not assessing the likelihood of the pitches flooding as part of this planning application.

Conclusion:

The proposal has been subject to three revisions, which have removed the perimeter fencing, 3G pitch and modular classroom building, and resulted in the goal store being relocated slightly to avoid a conflict with the existing pitches. Therefore the above assessment has been made in regards to the proposed goal storage enclosure.

Within the context of the application, the proposal is considered to represent a form of appropriate development within the Green Belt, as it is considered that the primary functional use of the goal store is directly in association with outdoor sport and recreation.

Due to the size, siting and finish of the proposed development, it is considered that it will not detract from the character of the street scene or visual amenity of the area, nor result in detrimental harm to the character and openness of the Green Belt.

Therefore notwithstanding the objections received, it is recommended that this application be granted planning permission, subject to the below conditions:

Recommendation: Grant Conditional Consent.

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: Proposed Site Layout Plan, Drawing No.(90)002 Rev.5, Received 15/07/2021. Proposed Goal Store Elevations and Floor Plans, Drawing No.(20)002 Rev.4, Received 15/07/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. Prior to the goal storage enclosure being brought onto site, drainage plans and details for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. Details shall include an assessment of the proposal on the nearby attenuation pond, and include mitigation measures where necessary if the proposal impacts upon the modelled capacity of the attenuation pond.**

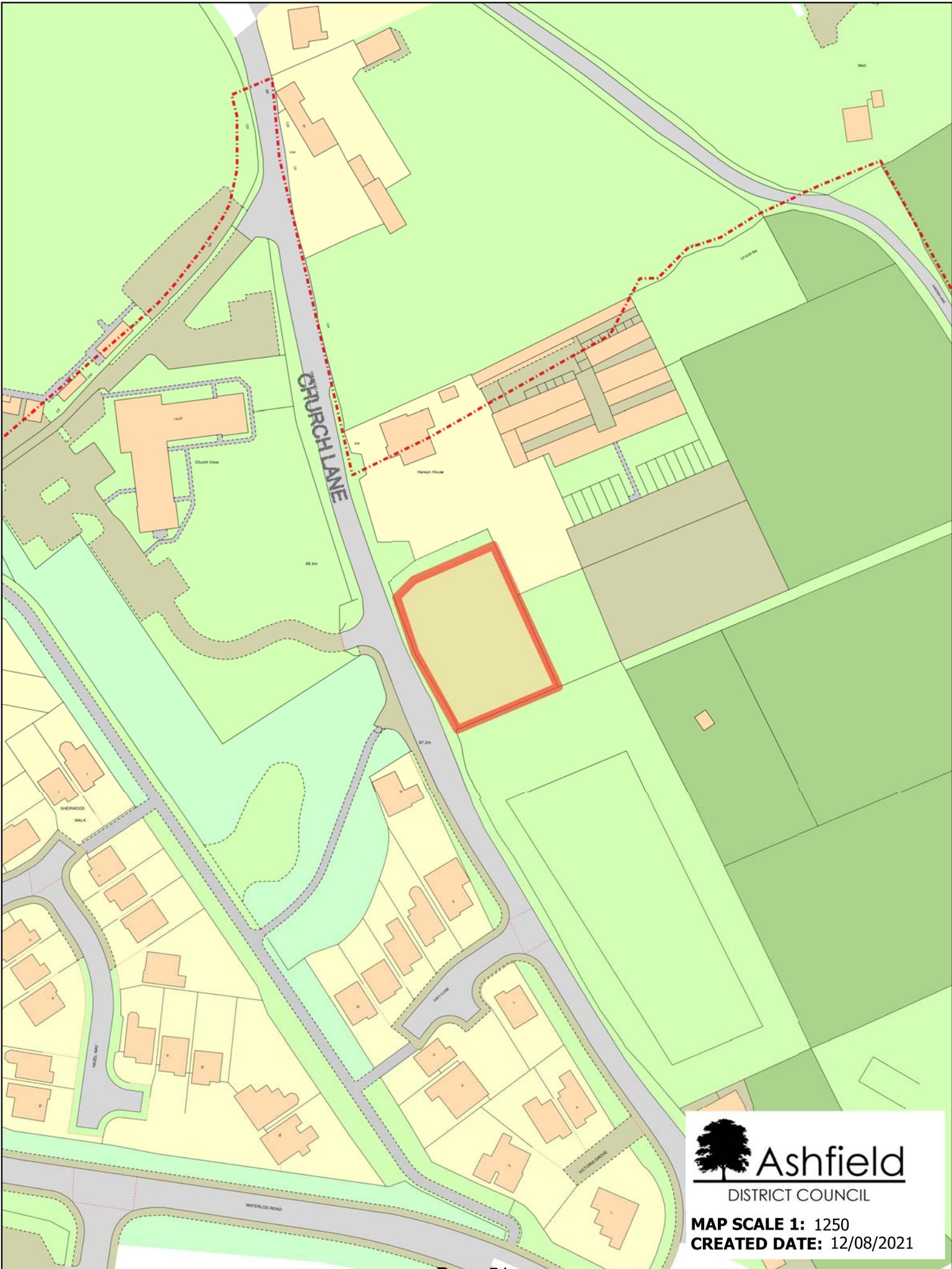
REASONS

- 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 the development has provision for adequate facilities to dispose of surface water, and to ensure the capacity of the attention pond is not adversely affected.**

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).**

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 12/08/2021

COMMITTEE DATE 25/08/2021 **WARD** Hucknall North

APP REF V/2021/0445

APPLICANT Mr Ian Glen

PROPOSAL Outline Application with all Matters Reserved for a Maximum of 2 Dwellings

LOCATION Land at Linby Boarding Kennels, Church Lane, Hucknall, NG15 8AB

WEB-LINK <https://www.google.com/maps/place/Church+Ln,+Hucknall,+Nottingham/@53.0505397,-1.2017614,248m/data=!3m1!1e3!4m5!3m4!1s0x4879bfd1759acdd:0xc3d3ee7525ab75b9!8m2!3d53.0487356!4d-1.2008773>

BACKGROUND PAPERS A, B, C, D, E & G

App Registered: 07/06/2021 Expiry Date: 01/08/2021

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

This application has been referred to Planning Committee by Councillor Waters to discuss Green Belt policy.

The Application:

This is an outline application with all matters reserved for two detached dwellings. The application site comprises of a dog training area, which is used in association with an operational boarding kennels.

Directly to the north of the site are the boarding kennels, in addition to a residential property known as Harwyn House, which is occupied by the owners of the boarding kennels.

The application site is located outside of the Districts main urban areas or named settlements, in an area designated within the Nottinghamshire Green Belt, as identified by policy EV1 of the ALPR 2002.

Consultations:

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

The following responses have been received:

Resident comments:

1x objection, making the following points:

- Intrusive over-development of the site.
- The development would damage the characteristics of Church Lane, which is bordered by mature trees, hedges and grassed banks.
- Previous development on Church Lane has been on previous redundant colliery land, which implemented landscaping to preserve the appearance of the area.
- It is not clear how the proposal reflects the needs in the District and Parish local plans.

3x support, making the following comments:

- The removal of the kennels would benefit the area by reducing noise.
- The homes would help achieve the relocation of the kennels to a more suitable location.
- A small plot with well-built and designed homes would be perfect.
- No reason to object to two more homes on this site given the amount of houses being built off Papplewick Lane and on Top Wighay Farm within the Linby Parish, none of which benefit Ashfield.

Ashfield District Council Environmental Health:

No objections from a contaminated land perspective.

Ashfield District Council Planning Policy:

Based on the 2019-20 Housing Monitoring Report, adjusted for a 20% buffer required by the results of the Ashfield Housing Delivery Test, the Council has a 2.21 years housing delivery supply.

Under the NPPF, all development in the Green Belt is prima facie inappropriate and can therefore only be justified by very special circumstances (para 148) unless they fall within the specific exceptions set out in paragraphs 149, and/or paragraph 150. This reflects that in terms of the policy, development in the Green Belt is, by definition, harmful as the fundamental aim of Green Belt policy in keeping land permanently open. NPPF paragraph 148 requires that local authorities should ensure that substantial weight is given to any harm to the Green Belt.

Taking the wider context of Linby Boarding Kennels, the Kennels are located on the District boundary with Gedling Borough Council and the Parish of Linby, although it

is considered that the site is not part of the Parish of Linby. The paddock forms a buffer between the Kennels and the built-up area of Linby village. The application site itself is even further away from the physical boundary of Linby.

The application site does not display the characteristics to constitute an infill plot, in that infill was interpreted as 'development in a gap in an otherwise built up frontage'. It is acknowledged that there is an outline planning permission for 9 dwellings to the east of the application site, however, this permission has not been implemented. The immediate locality retains a largely open and undeveloped character. In these circumstances, it is not considered that the proposal comprises infill or benefit from the exception set out in criterion e) under paragraph 145 of the NPPF.

The application form identifies the current use as a field used for training dogs associated with the kennels. In this context it is not a brownfield site. Even if it was regarded as being in the curtilage of the Kennels (a brownfield site) then:

- a) Annex 2 of the NPPF provides a definition of previously developed land, which includes the proviso that '*it should not be assumed that the whole of the curtilage should be developed.*'
- b) It is only acceptable development where it would "not have a greater impact on the openness of the Green Belt than the existing development". Clear this is an open field and the development of two dwellings on the site will have a substantial impact on the openness.

The proposed development, although potentially altering views into and out of the Conservation Area, is anticipated to have a limited visual impact on the Conservation Area.

Paragraph 105 of the NPPF states that planning should actively manage patterns of growth in support of objectives set out in paragraph 104, including that opportunities to promote walking, cycling and public transport use are identified and pursued.

The application site has hedges to the western and southern boundaries. Hedgerows are a Nottinghamshire Priority habitat (under section 41 of the Natural Environment and Rural Communities Act (2006)). The NPPF places an emphasis on net gains for biodiversity (paragraph 174) and therefore, if it is considered that permission is anticipated to be granted, the hedgerows should be retained.

Local Lead Flood Authority:

No bespoke comments to make, but general informatives advised, as follows:

- The development should not increase flood risk to existing properties or put the development at risk of flooding.
- Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

- SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
- Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Linby Parish Council:

- Inappropriate development in the Green Belt, with the proposal not constituting exceptional circumstances.
- Overall impact on the Green Belt due to previously approved housing applications at the site.
- Overlap of red lines between this proposal and the previous scheme (app V/2020/0855), which affects vehicular access and highway safety.
- Proposed development is contrary to policies ST2, ST4 and EV1 of the adopted local plan.
- Development would set a precedent for further development with the Green Belt.
- Proposal fails to meet any identified criteria within Part 5 of the NPPF, therefore does not make the case for very special circumstances.
- The site is not within a sustainable location.
- Site is not allocated for development.

Natural England:

No comments to make.

Nottinghamshire County Council Highways:

Original comments:

Whilst it is an outline application with all matters reserved, the principal of access must be acceptable to support the principle of development.

The drawings submitted show a single indicative access on to Church Lane to serve both proposed dwellings.

It appears that access on this frontage may have substandard visibility to the left and therefore we object to the application as it is thought that access may create an unacceptable highway safety issue.

Re-consultation comments:

A visibility splays plan has been submitted. It is suggested to attach a condition to any consent requiring the proposal to form the visibility splays as shown. In addition to this, a 2m wide segregated footway to the whole of the site frontage should be provided and dedicated as public highway to provide highway users with some safe harbourage on this section of the rural road.

Nottinghamshire Wildlife Trust:

Given the habitats on site it is highly likely that hedgehogs and brown hare are present within the landscape and occasionally enter the application site. To prevent harm to these species, conditions are suggested relating to measures such as covering excavations/or adding escape ramps, and to provide some permeability within structures to allow wildlife to path through the development.

The proposed development would result in the uncompensated loss of hedgerows, resulting in loss of habitat. All hedgerows should be retained, and only minimal sections removed to allow access.

Ideally vegetation removed should be timed to avoid the main breeding bird season, and a sensitive lighting strategy should be implemented on site.

Biodiversity enhancement measures should be incorporated into the landscaping scheme to deliver biodiversity net gain. Bat, bird and bee bricks should be explored if there is limited scope immediately on 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):

Part 5 – Delivering a Sufficient Supply of Homes.

Part 8 – Promoting Healthy and Safe Communities.

Part 9 – Promoting Sustainable Transport.

Part 11 – Making Effective Use of Land.

Part 12 – Achieving Well Designed Places.

Part 13 – Protecting Green Belt Land.

Part 15 – Conserving and Enhancing the Natural Environment.

Part 16 – Conserving and Enhancing the Historic Environment.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST4 – Remainder of the District.

EV1 – Green Belt.

EV8 – Trees and Woodland.

EV10 – Conservation Areas.

HG5 – New Residential Development.

Relevant Planning History:

V/2001/0079 - Change of use of agricultural land to commercial dog training centre and horse riding establishment - Refusal.

V/2002/0507 - Change of use of agricultural land to commercial dog training centre and horse riding establishment - Refusal.

V/2005/0016 - Construction of 12 replacement dog boarding kennels and exercise runs - Refusal.

V/2017/0575 - Outline application with all matters reserved. Demolition of existing buildings & erection of maximum of 4 dwellings - OUTCC.

V/2019/0472 - Application for permission in principle for residential development for a maximum of 9 dwellings - PIP Granted.

V/2020/0855 - Outline application with all matters reserved for a maximum of 9 dwellings - OUTCC.

Comment:

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 219). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

The emerging Local Plan has not reached a stage where it is considered the policies would carry any weight.

ALPR Policy ST4 sets out that permission will only be given for:

- Sites allocated for development;
- Development appropriate to the Green Belt (Policy EV1) or the countryside (Policy EV2).

The site in question is located in the Green Belt and will be subject to Policy EV1 Green Belt and the provisions of the NPPF on the Green Belt.

The site is located close to the District boundary with Gedling Borough Council. Therefore, consideration has been given to the Policies set out in the Gedling Local Planning Document (Part 2 Local Plan) adopted in July 2018.

The land to the north of Harwyn House (Linby Boarding Kennels) is identified as being subject to the following policies in the Gedling Borough Local Planning Document 2018:

- Policy LPD 28 - Conservation Area;
- Policy LPD 18 - Local Wildlife Site: Linby Paddock subject to the Protecting & Enhancing Biodiversity.
- Policies LPD 12 - LPD 15 - Green Belt.

Principle of Development:

The application site is located within the Nottinghamshire Green Belt, and as such Policy EV1 of the ALPR 2002 and Part 13 (Protecting Green Belt land) of the NPPF are applicable.

Policy EV1 of the ALPR identifies that permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances, and identifies various forms of 'appropriate' development. All development must be located and designed so as not to adversely affect the purposes of the Green Belt, its openness, and the purposes of including land within it. Openness has a spatial aspect as well as a visual aspect.

Part 13 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances (paragraph 147). Paragraph 149 of the NPPF goes on to identify various forms of development which are deemed to be 'appropriate' uses within the Green Belt, however residential dwellings are not identified, and as such, is considered to be an inappropriate use within the Green Belt.

Paragraph 148 of the NPPF states that "substantial weight" should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Greenbelt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The wider kennel site area does benefit from existing planning permissions for residential development. A previous outline application (V/2017/0575) was granted permission in April 2018, for the demolition of the existing kennel buildings and the subsequent erection of up to 4 dwellings on that respective parcel of land.

Since then further applications have come forward at the wider site, a permission in principle for 9 dwellings (V/2019/0472) was approved in September 2019, and a subsequent outline application for 9 dwellings (V/2020/0855) in February 2021.

This application now seeks outline planning permission with all matters reserved for up to 2 further dwellings on a parcel of land in the south east corner of the site. This parcel of land is currently utilised as an area for dog training associated with the kennels, as identified within the submitted application form.

Paragraph 149 (g) of the NPPF, an exception to Green Belt policy is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

In this context the Local Planning Authority consider the site does not constitute a brownfield site. Even if the site was regarded as being within the curtilage of the Kennels (a brownfield site) *'it should not be assumed that the whole of the curtilage should be developed.'* And it should only be acceptable where it would "not have a greater impact on the openness of the Green Belt than the existing development". This is clearly an open field and the development of two dwellings on the site will have a substantial impact on the openness.

Consequently, it is considered that the application does not fall within NPPF paragraph 149 (g).

Within the submitted planning statement, it is argued that the site would constitute a form of infill development, in accordance with NPPF Paragraph 149 (e).

The NPPF does not define what is meant by the terms "limited" and "infilling". However, the Local Plan defines an 'infill site' as "an area which can accommodate

one or two dwellings within a small gap in existing development.” (ALPR paragraph 3.21).

In *Wood v Secretary of State for Communities and Local Government* [2014] EWHC 683 (Admin) infill was interpreted as ‘*development in a gap in an otherwise built up frontage*’. This would indicate that to constitute an infill plot, the land must be flanked or at least closely bounded by existing buildings such that the proposed development would effectively be occupying a gap. However, the application site does not display these characteristics. There is a residential property and kennels to the north and north east with open fields beyond, but these do not enclose the site to any great extent. To the west there are the extensive grounds to the nursing home and a landscaped public right of way. To the south are open hedge lined fields and then a cricket ground. It is acknowledged that there is an outline planning permission for 9 dwellings to the east of the application site, however, this permission has not been implemented. The immediate locality retains a largely open and undeveloped character. In these circumstances, it is considered that the proposal does not comprise infill or benefit from the exception set out in criterion (e) under paragraph 149 of the NPPF.

Any residential development on the application site would introduce built development on an undeveloped part of the application site, which would therefore result in an adverse impact on the openness and permanence of the Green Belt in this location. Furthermore, the introduction of residential paraphernalia associated with the dwellings and removal of the established hedgerow on the street frontage would result in a further urbanising impact, further reducing the openness of the Green Belt, resulting in the area having a more suburban feel to it, and much less of a rural character.

The Council is presently unable to demonstrate a five year housing land supply, and therefore the presumption in favour of sustainable development applies, as outlined within Paragraph 11 of the NPPF. Paragraph 11 identifies that where the policies which are most important for determining the application are out of date, then permission should be granted unless:

- i. The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Green Belt is identified in the footnote for paragraph 11 as a protected area. As such, the proposal needs to be considered against Part 13 – Protecting Green Belt Land of the NPPF, as discussed above.

It is therefore considered that the current proposal conflicts with policies contained within the ALPR and NPPF, and represents an inappropriate form of development which is harmful to the fundamental aims and purposes of Green Belt policy, which amongst other things, seeks to prevent urban sprawl and safeguard the countryside from inappropriate encroachment. Additionally, no exception circumstances have been presented to justify the development.

Amenity:

The site is located on the frontage of Church Lane, and therefore development on this site will be highly visible within the street scene. The removal of the front (south west) hedgerow would be required to provide access and a footpath as indicated on the illustrative layout would accentuate any built form on this site. It is acknowledged that the illustrated vehicle access is for indicative purposes only, however it is considered that the removal of even a section of this hedgerow would significantly affect the character and appearance of the area.

Church Lane has a distinctively rural character, to the north of the site it does not have footpaths and only has a footpath on the opposite side of the road to the south, it is also bounded by well established hedges and acts as a transition between the parish of Linby and the more intensely urbanised area of Hucknall. Therefore the loss of some of this hedgerow, the construction of a new access and a footpath is considered to significantly harm the character of the street scene.

Hedgerows are a Nottinghamshire Priority habitat (under section 41 of the Natural Environment and Rural Communities Act (2006)). The NPPF places an emphasis on net gains for biodiversity (paragraph 174) and it has not been demonstrated in this proposal that this can be achieved.

There are also concerns in relation to the impact upon the residential amenity of future occupiers relating to noise and disturbance stemming from the existing dog kennels. It is acknowledged that planning permission has been granted, in outline, for these kennels to be demolished to make way for residential development, however as these kennels are still in-situ, and there is no guarantee the site will be developed for residential purposes, then an assessment has to be made on the context currently before the Council and the impact the lawful use of the adjacent site may have on the future residents.

Other:

The proposal needs to be considered against ALPR Policy ST1, which specifies a number of provisions including that development will be permitted where:

- a) It will not conflict with other Local Plan policies.
- b) It will not adversely affect the character, quality, amenity or safety of the environment.

- c) It will not adversely affect highway safety or the capacity of the transport system.
- d) It will not prejudice the comprehensive development of an area.
- e) It will not conflict with adjoin or nearby land use.

The Policy identifies that the proposal should not prejudice the comprehensive development of the area. The Council is concerned in relation to whether or not the proposal represents a form of sustainable development due to the piecemeal approach taken to the wider development at this site as a whole.

It is considered that the application in question is being associated with the existing permission for 9 dwellings. Therefore the proposal would represent a contrived form of development which is effectively attempting to negate the payment of planning contributions. Accordingly the proposal does not represent a form of sustainable development, and that if members were minded to approve the development, then contributions should be sought for all the 11 properties proposed to be developed on this site:

- Public open space;
- Public realm;
- Transport and travel;
- Primary and secondary education;
- Healthcare;
- Affordable housing (10%).

Highway Safety:

The submitted indicative layout shows the entrance to the site would be directly off Church Lane, with a new opening created through the raised bank and hedgerow.

The Highway Authority have been consulted, who consider that although access is a reserved matter, the principle of the access must be acceptable to support the principle of development. Concerns were raised in relation to the substandard visibility to the left of the access, and therefore the Highway Authority objected to the application on highway safety grounds.

Since the Highway Authority made their original comments, the applicant/agent has submitted a plan showing the visibility splays at the indicative egress point.

A re-consultation has been undertaken with the Highway Authority, who consider that if approval was to be issued for the proposal, then a condition should be attached to ensure the visibility splays are provided in accordance with the submitted detail. In addition to the visibility splays, they would also request a 2m wide footway across the whole of the sites frontage to provide highway users with some safe harbourage on this section of the rural road. Such footway should be dedicated as public highway.

Conclusion:

Although the Council cannot demonstrate a 5 year housing land supply, it is considered that this in its own right does not justify the granting of planning permission. It is considered that the proposal does not represent a form of infill development, nor is the site considered to constitute brownfield land. As such the proposal is considered to represent a form of inappropriate development within the Green Belt, which adversely affects the purposes of the Green Belt, its openness, and the purposes of including land within it. Additionally no very special circumstances have been present to justify the development.

Furthermore the Council considers that the proposal would cause detrimental harm to the character and appearance of the street scene through the removal (either in part or full) of an established mature hedgerow along the sites frontage, with hedgerows being an innate and intrinsic feature of the area.

The proposal also fails to represent a comprehensive form of development, attempting to negate the need to pay planning obligations to ensure a sustainable form of development is delivered.

It is therefore recommended this application be refused planning permission, for the reasons as outlined below:

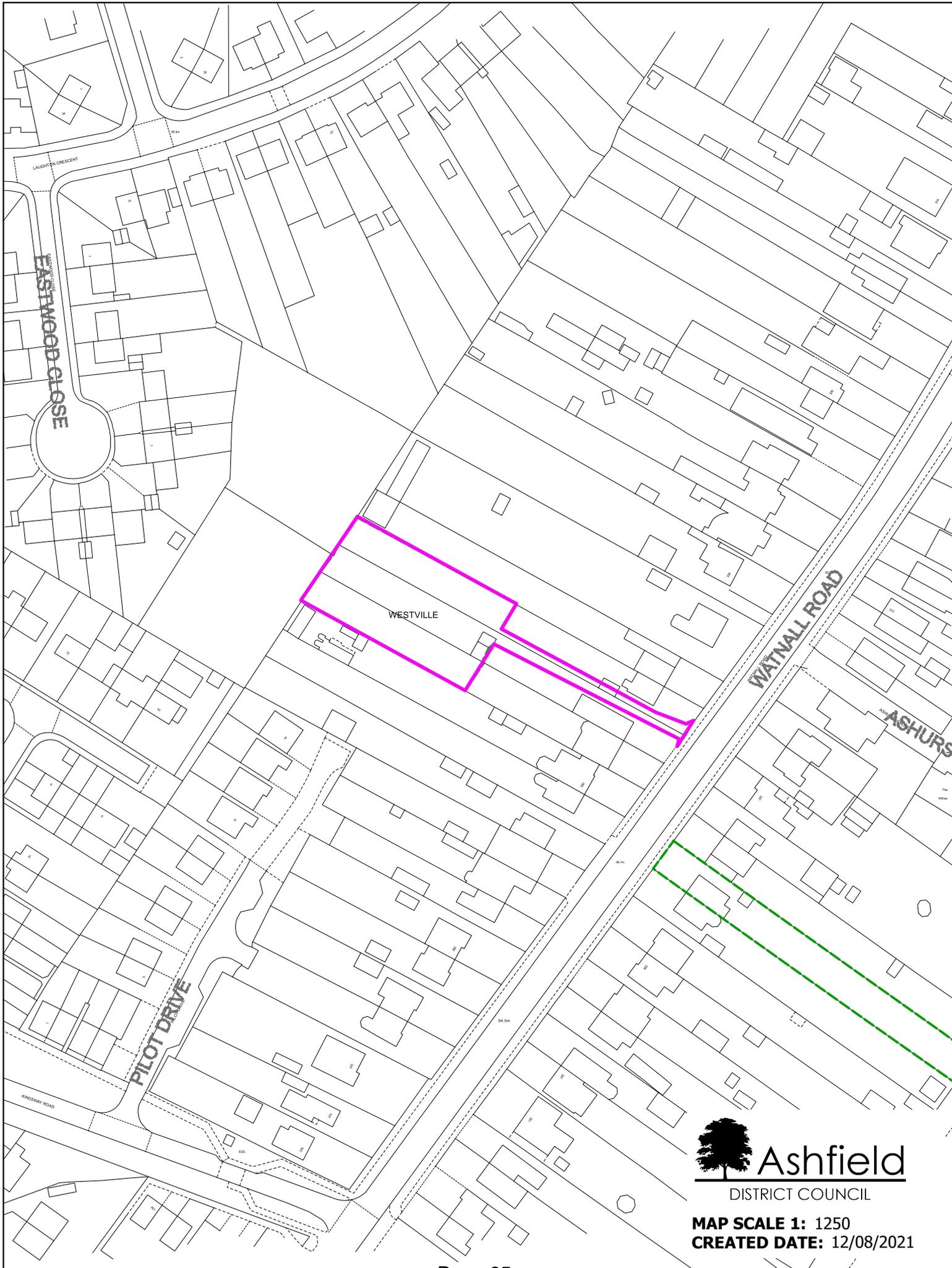
Recommendation: Refuse planning permission.

Reasons:

1. The proposal is considered to constitute an inappropriate form of development within the Greenbelt, which is harmful to the fundamental aims and purposes of Green Belt policy, which seeks to safeguard the countryside from urban sprawl and encroachment to maintain the openness and permanence of the Green Belt. The substantial weight given to protecting the Green Belt from harm is not outweighed by any other matters, and thus the very special circumstances required to allow the development do not exist. The proposal therefore conflicts with Policies ST1 (a and b), ST4, and EV1 of the Ashfield Local Plan Review (2002), and Part 13 (Protecting Green Belt land) of the National Planning Policy Framework.
2. The proposal is considered to represent a contrived form of development due to the adopted piecemeal approach, which prejudices the comprehensive development of the wider site, and fails to deliver appropriate contributions to facilitate a sustainable form of development, which has negated the need to assess the overall cumulative impact of the wider development. As such it is

considered that the proposal is contrary to policies ST1(b, c, and d), ST4, and EV1 of the Ashfield Local Plan Review (2002), and Part 12 (Achieving well-designed places) of the National Planning Policy Framework.

3. The proposal is likely to result in unavoidable harm to the character and appearance of the street scene as a result of the loss of a portion or all of the mature principle hedgerow and embankment. The removal of the hedgerow is also considered to accentuate the proposed dwellings, which would emphasize the detrimental impact upon the character and openness of the Green Belt. As such the proposal is considered to be contrary to policies ST1 (a and b), ST4, EV1, EV8 and HG5 (d) of the Ashfield Local Plan Review (2002), and Parts 12 (Achieving well-designed places) and Part 13 (Protecting Green Belt Land) of the National Planning Policy Framework.
4. It is considered that the proposed development would result in detrimental harm to the living conditions of future occupiers by way of noise and disturbance generated from the dog kennels on site. Accordingly the proposal is considered to be contrary to policies ST1 (a, b, e) and HG5 (g) of the Ashfield Local Plan Review (2002)



MAP SCALE 1: 1250
CREATED DATE: 12/08/2021

COMMITTEE DATE 25/08/2021 **WARD** Hucknall West

APP REF V/2021/0497

APPLICANT Craig Chambers

PROPOSAL Full Planning Consent for Two Detached Dwellings with
Associated Access and Car Parking

LOCATION 344 348 Land Rear of, Watnall Road, Hucknall, Notts

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

BACKGROUND PAPERS A, B, D, E

App Registered 24/06/2021 Expiry Date 18/08/2021

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

This application has been referred to Planning Committee by Councillor Rostance on the grounds of the impact on the character and appearance of the area.

The Application

This is full application for 2 detached dwellings with associated access, off-street and private amenity space.

It should be noted that planning permission for 2 bungalows (v/2020/0760) was granted at January 2021 Planning committee. The reason for granting approval was that the proposal included 2 bungalows which will have no significant impact on the street scene due to the single storey design of the proposed development set back from the highway.

Recently, planning permission for 2 detached two storey dwellings (V/2021/0268) was refused. The proposed dwellings were significantly larger in height and footprint than the previously approved bungalows and therefore the two storey dwellings were considered to be visually imposing to the detriment of the visual amenity of the locality.

This is a resubmission of an application for 2 detached two storey dwellings which are significantly larger in height, width and depth than the previously approved 2 bungalows.

Consultations

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

ADC Environmental Health – no objections subject to mitigation measures.

- Mitigation measures including 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 is carried out as stated in Report undertaken by MAS Environmental, Dated: 18th November 2020.

ADC Environmental Protection (contamination) – No objections. Due to a former landfill to the south-east of the site, the following condition is recommended:

- The development shall not be occupied unless either a:
 - a) Reinforced concrete cast in situ floor slab (suspended, non-suspended or raft) with at least 1200 g DPM and underfloor venting; or
 - b) Beam and block or pre-cast concrete and 2000 g DPM/reinforced gas membrane and underfloor venting are first installed with all joints and penetrations sealed so that the gas protection measures shall meet the requirements of CIRIA Report C665 (Assessing risks posed by hazardous ground gases to buildings, London, 2007).

Following completion of gas protection measures and prior to occupation, a verification report which demonstrates that the measures were effectively carried out shall be produced, and subject to the approval in writing of the Local Planning Authority. Evidence of the installation of effective gas protection measures should include photos, receipts, builders' letters etc to accompany the verification statement.

NCC Highways - no objections subject to conditions.

- 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.

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 2021

- 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).

- **V/2020/0760** – Two Bungalows (approved 15.02.2021)
- **V/2021/0268** - Two Detached Dwellings (refused 27.05.2021)

Comment:

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.

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

Planning permission for 2 3-bedroom bungalows (v/2020/0760) was granted in this location. As a result, the principle of 2 bungalows to the rear of 344-348 Watnall Road is accepted.

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 124 of the NPPF 2021, 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 130 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).

Planning permission has been refused for residential development and an appeal has also been dismissed because of the impact on the character and appearance of the area. Planning permission was however granted for 2 bungalows (v/2020/0760) in January 2021. The proposal included a pair of detached 3-bedroom bungalows, set back from the highway by approximately 86m. The approved scheme consisted of two bungalows approximately 5.3m in height, 11.5m in width and 9.1m in depth.

The applicant referred members at the time to similar bungalows and members were of the view that the proposed bungalows were a size, scale and design that would not significantly impact the character and appearance of the locality. As such, the

application was considered to be compliant with policy ST1 and Policy HG5 and the National Planning Policy Framework.

This year, planning permission for 2 detached two storey dwellings (V/2021/0268) was refused. Both dwellings were two storeys approximately 9.8m in height, 11.5m in width and 15.8m in depth. The proposed two storey dwellings were significantly different to the previously approved bungalows and furthermore due to their size, scale and design will be visible from Watnall Road and be visually imposing to the detriment of the visual amenity of the locality.

This application similarly proposes 2 detached two storey dwellings set back from the highway by approximately 80m and are sited side by side facing the rear gardens of 344 – 348 Watnall Road. Both dwellings are approximately 7.6m in height, 11.5m in width and 17.6m in depth. Both proposed dwellings include a dual pitched roof with a ridgeline running side by side facing Watnall Road. The resulting effect of both dwellings side by side is significantly visually imposing on the street scene due to the siting, size, scale and design of the proposed development. In particular plot B will be highly visible from Watnall Road and will appear incongruous with the prevailing character of properties in this location.

The proposed two storey dwellings are significantly different to the previously approved scheme due to the fact that the proposed dwellings are larger in size and highly visible to the detriment of the character and appearance of the locality.

The proposal is considered to be inappropriate in size, scale and design to the detriment of the character and appearance of the locality. Therefore, the proposal would not conform with saved policy ST1 (b) and HG5 (g) of the ALPR 2002 and Part 12 – Achieving Well Designed Places of the NPPF 2021, 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 130 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 51m 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.

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.

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.

Highway Safety

The application has been considered against Part 9 – Promoting Sustainable Transport of the NPPF 2021, 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.

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, the tilted 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. These benefits are however met if the approved scheme for bungalows is carried out.

The proposal is significantly different to the previously approved scheme by virtue of its size, scale and design and is considered to be out of keeping with reducing the visual impact of the proposed properties in this location to the detriment of the visual amenity of the locality. The proposal results in significant harm to the character and appearance of the area. The application is therefore recommended for refusal.

Recommendation: - Refusal**REASON**

- 1. The proposal by virtue of its size, scale and design will result in a development which is prominent and visually detrimental and out of keeping with the character and appearance of buildings in this back land location. The proposal would therefore result 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 2021.**

Agenda Item 5



Report To:	Planning Committee	Date:	25th August 2021
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	PLACE, PLANNING AND REGENERATION		
Ward/s:	HUCKNALL SOUTH, 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

Planning Application –Appeal Decisions

Hucknall South

Planning Application – V/2020/0030

Site – 26 Brickyard, Brickyard Drive, Hucknall, NG15 7PG

Proposal – Dwelling

Appeal Decision –Appeal Allowed

Costs Application by appellant – Refused

The Inspector considered that the proposed development would not appear imposing or out of place with local character, and therefore would not be harmful to the character and appearance of the area. The Inspector also considered the appeal site to be located within a sustainable location, with good accessibility to public transport.

Turning to the highway concerns, the Inspector acknowledged that the Brickyard is an unadopted highway in a poor state of repair. Due to the nature of the road, including its geometry, the condition of the surface, and its position relative to the level crossing, vehicle speeds are likely to be low. The Inspector concluded that the addition of one further dwelling in this location would be unlikely to generate a significant increase in vehicle movements or lead to a conflict between vehicles and pedestrians, to the extent that highway or pedestrian safety would be compromised.

In respect of the appellants costs application, the Inspector concluded that the reasons for refusing the proposed development had been adequately substantiated in the Council’s statement of case. The reasons were precise, specific and relevant to the application and the evidence presented was not vague, generalised, or unduly reliant on the views of local residents. The decision was a matter of Members’ judgement which differed to that of the Officer’s and the Inspector’s but was not unreasonable.

Stanton Hill and Teversal

Planning Applications – V/2021/0024

Site – Land East of Hardwick View, 118 Wild Hill, Teversal, NG17 3JE

Proposal – Dwelling

Appeal Decisions – Appeal Dismissed

The Inspector agreed with the Council that the construction of a dwelling in the proposed location amounted to inappropriate development in the countryside, which would erode the intrinsic character and beauty of the countryside, resulting in significant harm. The Inspector also considered the location of the site to be unsustainable, requiring any future occupants of the development to be heavily reliant on the use of the private motor vehicle for the majority of day-to-day trips.

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

CHIEF EXECUTIVE

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