

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 15th December, 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/or Non-Registrable Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Committee held on 17 November 2021. 5 - 10
4. To receive and consider the attached planning applications. 11 - 68
5. **Planning Appeal Decisions.** 69 - 72

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PLANNING COMMITTEE

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

on Wednesday, 17th November, 2021 at 10.00 am

Present: Councillor Andy Meakin in the Chair;

Councillors Samantha Deakin, Rachel Madden, Kevin Rostance (as substitute for Phil Rostance), John Smallridge (as substitute for Arnie Hankin), Helen-Ann Smith, Daniel Williamson (as substitute for Sarah Madigan) and Jason Zadrozny.

Apologies for Absence: Councillors Arnie Hankin, Sarah Madigan, Lauren Mitchell and Phil Rostance.

Officers Present: Lynn Cain, Louise Ellis, Mick Morley, Ashley Patel and Christine Sarris.

In Attendance: Councillor Will Bostock and Councillor Matthew Relf.

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

Councillor Jason Zadrozny declared a Non-Registrable Interest in respect of V/2020/0832, Platform Housing Ltd, 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. His interest arose from the fact that he had previously been vocal about the vandalism and historical relevant of the stone wall contained on the site but in doing so had not expressed any opinions on the application at any point.

P.17 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 6 October 2021, be received and approved as a correct record.

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

Prior to consideration of the applications and in accordance with Council Procedure Rule 4 (Order of Business), the Chairman advised that he would be considering the fourth application, V/2021/0506, Mrs Bird, Change of Use

from Existing Dwelling house C3 Use Class to 7 Bedroom HMO Sui Generis Use Class, 248 Mansfield Road, Skegby, as the first item. Committee Members concurred with this course of action.

1. V/2021/0506, Mrs Bird, Change of Use from Existing Dwelling house C3 Use Class to 7 Bedroom HMO Sui Generis Use Class, 248 Mansfield Road, Skegby

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:-

Carrie Bird, the Applicant and Councillor Will Bostock, who had jointly called-in the application but was not on the Planning Committee, 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.

Councillor Kevin Rostance also read out a statement on Councillor Melanie Darrington's behalf as she had jointly called-in the application but could not attend the meeting in person.

It was moved and seconded that the application be deferred to enable officers to seek a management plan and travel plan from the Applicant with the application being re-submitted to Committee at the earliest opportunity.

The meeting was adjourned at 10.50am and reconvened at 11.00am.

2. V/2020/0832, Platform Housing Ltd, 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

(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:-

A local resident was concerned over the loss of another wall within the District and suggested that the wall along the frontage of the site should be rebuilt seamlessly using original bricks and mortar.

Comments had also been received from the Clinical Commission Group regarding Health Care contributions and Severn Trent had advised that they might need to undertake capital improvements works in the catchment area but this was not a requirement of the applicant.

Officer Response

The implications for the wall had been addressed within the officer report and the Health Care contributions were covered in the Section 106 legal agreement associated with the outline consent. No changes were therefore required.

Leeven Fleet, 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.

3. V/2021/0278, Wolsey Investments Limited, Application to Vary Condition 13 of Planning Permission V/2000/0823 - to Allow B2 and B8 Use, Sonocco Ltd, Unit 1, Julias Way, Kirkby in Ashfield

Committee Members were informed prior to commencement of the presentation that the officer's recommendation in respect of this application had changed from 'Approved' to 'Refused'. Details of the reasoning behind the change were outlined accordingly.

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

The applicant had rejected 6 of the 10 suggested conditions:

- The submitted plans were only indicative and the internal layout was not a planning matter.
- The permission should not prohibit class B1 and B8 uses.
- Acoustic Fencing was not necessary. A 4m acoustic fence in its own right would have a severe detrimental impact on the amenity of the nearby residential use which has not been considered.
- Additional Plant – The spray booth flues would be going out of the roof.
- Noisy/Overnight Activities – No restrictions could be placed on what tooling could be used within the building; this was an unrealistic condition.
- Operational hours - The tenant was yet to decide on hours so any restrictions around timing was not acceptable. The site would potentially be a 7-day operation and restrictions within the site at weekends could not be in place.

- No other unit on the estate had any form of restrictions as part of their use.

The applicant's agent had further suggested that it was the end user who had raised these concerns and suggested further negotiation to come to an acceptable permission.

Officer response

The conditions were suggested in the report after an assessment of the proposal and were formulated based on the information submitted to the Council and having taken guidance from statutory consultees. The conditions as set out in the committee report were considered necessary to ensure the development operated in a way which would not adversely affect the living conditions of nearby residents. The draft conditions had been sent to the applicant over 1 month ago and their comments were only received on Monday.

Members could consider the conditions, amend, remove or add further conditions if they were minded to grant permission.

The rejection and questioning of the conditions by the applicant raised concerns that the scheme submitted would not be carried out and would result in inappropriate development. In light of these late comments the recommendation had been changed to refuse planning permission and any negotiations on conditions needed to be taken through a new application with clear submitted details.

Reason for refusal (as advised to Members):

The proposed use would have a detrimental impact upon the amenities of neighbouring residential properties. It has not been demonstrated by the applicant that mitigation measures would be secured which results in the impact being minimised to an acceptable level. This is contrary to Policy ST1 (a and b) of the Ashfield Local Plan Review (2002), which only permit development which will not adversely affect the character, quality, amenity or safety of the environment. The proposal also conflicts with Part 12 of the National Planning Policy Framework, which seeks to secure a high quality environment which functions well and adds to the overall quality of the area, is sympathetic to the surrounding built environment, and creates better places to live and work to help make development acceptable to communities.

Jamie Foot, on behalf of the applicant and Councillor Matthew Relf, having called-in the application but not being a member on the Planning Committee, 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 the application be refused as per officer's recommendation.

4. V/2021/0617, JMT Property Developments, Two Detached Dwellings, 26 Nottingham Road, Selston

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

A further comment had been submitted from a nearby resident who raised a concern with construction and the impact on the bridleway to the rear.

Officer Response

This issue could be covered by a construction management plan.

It was moved by Councillor John Smallridge and seconded by Councillor Helen-Ann Smith that the officer's recommendation contained within the report be rejected and planning consent be granted subject to the following conditions:

Conditions:

1. Standard time limit
2. Approved plans
3. Materials details required
4. Planting a new hedgerow to bridleway
5. Boundary treatment details required
6. Visibility splays to be provided prior to occupation and maintained free from obstruction
7. New access/parking areas to be bound with hard wearing materials with surface water drainage provision
8. Foul and surface water drainage details required
9. Provision of bird boxes.

Reasons for rejecting officers' recommendation:

The proposal would not have an impact on visual amenity or highway safety and the scheme complied with policies ST1 (a),(b) and (c) and HG5 (e) of the Ashfield Local Plan Review (2002).

For the motion:

Councillors Samantha Deakin, Andy Meakin, John Smallridge, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

Against the motion:

None.

Abstentions:

Councillors Rachel Madden and Kevin Rostance.

P.19 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 12.12 pm

Chairman.

BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

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

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Site Visits Planning Committee

At the request of the Committee a site visit has been arranged to view the Chimney at The Mews Barn, Land at The Triangle, Felley Mill Lane South, Underwood at 9.00am on Tuesday 14th December 2021. An invite has been sent to all committee members.

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

Should any Planning Committee Member wish to visit any other site on this agenda they are advised to contact either the Director – Place and Communities or the Assistant Director Planning and Regulatory Services by 5pm 10th December 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**.

D. Lawrence

Interim Director – Place and Communities

Tel: 01623 457365

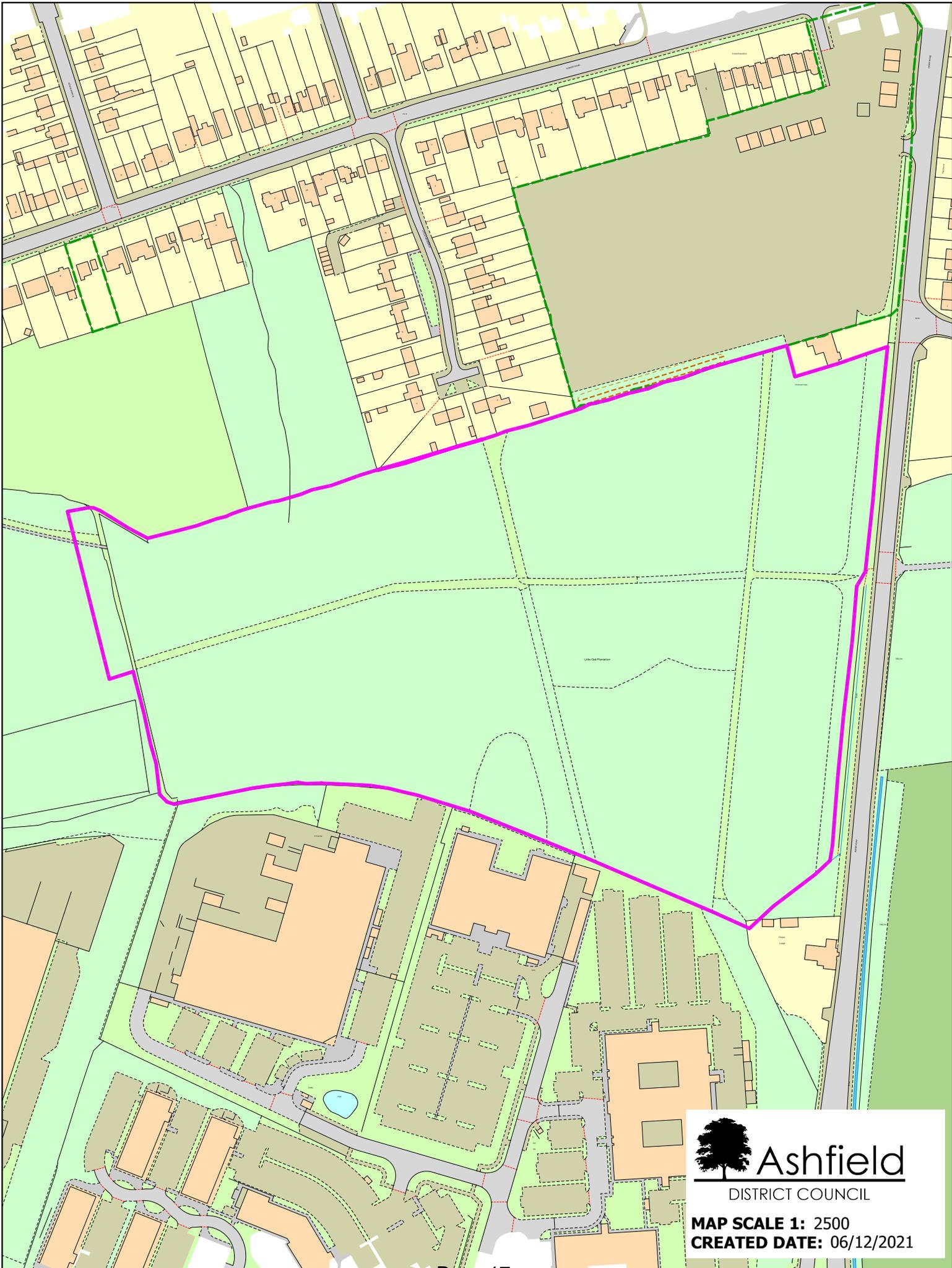
E-mail: David.lawrence@ashfield.gov.uk

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**PLANNING COMMITTEE – 15th December
2021**

Page	App No	Applicant	Recommendation	Proposal	Location
Annesley and Kirkby Woodhouse					
17-24	V/2021/0682	Ashfield District Council	Approve	Application for Tree Works: Works to Trees Subject to Tree Preservation Order TPO Ref No. 283. Crown lift Trees Along Boundary, Remove Holly Shrub and two Oak trees	Woodlands Little Oak Plantation Derby Road Annesley Woodhouse
Hucknall North					
25-34	V/2021/0688	Ashfield District Council	Approve	Extension to the Main Pool Hall, Addition of a New Learner Pool Hall and Associated Plant Equipment	Hucknall Leisure Centre Linby Road Hucknall
Skegby					
35-50	V/2021/0506	Mrs Bird	Approve	Change of Use from Existing Dwellinghouse C3 Use Class to 7 Bedroom HMO Sui Generis Use Class	248 Mansfield Road Skegby
Underwood					
51-60	V/2021/0558	Mr S Lewis	Approve	Chimney Flue	The Mews Barn Land at The Triangle Felley Mill Lane South Underwood
61-68	V/2021/0611	Mrs C Dennis	Approve	Vehicular Access	103 Cordy Lane Brinsley

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 2500
CREATED DATE: 06/12/2021

COMMITTEE DATE 15/12/2021 **WARD** Annesley & Kirkby
Woodhouse

APP REF V/2021/0682

APPLICANT Ashfield District Council

PROPOSAL Application for Tree Works: Works to Trees Subject to Tree Preservation Order TPO Ref No. 283. Crown lift Trees Along Boundary, Remove Holly Shrub and two Oak trees

LOCATION Woodlands Little Oak Plantation, Derby Road, Annesley Woodhouse, Nottingham

WEB-LINK <https://www.google.com/maps/@53.0760225,-1.245374,496m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, C & K.

App Registered: 08/09/2021 Expiry Date: 02/11/2021

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

This application has been referred to Planning Committee in the interest of transparency as Ashfield District Council is the applicant.

The Application:

Little Oak Plantation is covered by a woodland Tree Preservation Order (TPO). The woodland is also classified as an ancient woodland, it forms a Local Wildlife Site, and is included on the Council's Local Heritage List as a nominated site.

This application seeks consent to undertake pruning and limited felling to various trees within the woodland. Also submitted with the application are drawings which detail proposed works relating to the footpath network, and the installation of new access gates and fences to help prevent access into the woodland by unauthorised vehicles. These aspects do not require planning permission, but form part-and-parcel of the Council's future plans for the woodland and these tree works would assist in achieving these plans. The decision on this application is only in respect of the works to the trees.

The section of woodland subject to this application is within the ownership of Taylor Wimpey Development Ltd, and is not owned by Ashfield District Council. Written confirmation has been provided from Taylor Wimpey, stating that they are happy for the Council to enter the land to undertake the works.

Consultations:

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

The following responses have been received:

Resident comments:

5 letters of objection have been submitted, raising the following:

- The plantation is within the Green Belt, covered by a TPO, is an ancient woodland and local wildlife site, and has a public rights of way network.
- Works could permanently damage the historic site.
- Footpath widening will damage the natural flora and fauna.
- Bridleway widening is unnecessary.
 - Cyclists can currently pass one another.
 - Forestry commission can move equipment along it.
- Watercourse could be affected by gravel footpath works.
- Vehicles using the improved bridleway could cause further damage to the woodland.
- Crown rising would expose the plantation to adverse weather conditions.
- Lack of community consultation.
- Ecological impact.
- Lack of maintenance by the Council.
- Not enough information submitted on plans for footpath works.
- Source of funding questioned.
- The cycle path route differs in the latest draft Local Plan.
- An alternative to connect to Newstead train station should be explored.

1 letter of support has been submitted by a resident, making the following points:

- Removal of several fallen dead trees already in the wood.

An additional representation was submitted which raised questions as to the location of the proposed works.

Ashfield District Council Tree Officer:

The Tree Officer is satisfied that the works as detailed will have a minimal impact upon the public visual amenity of the area and are necessary to ensure the safe use of the footpath system.

A condition should be attached requiring the proposed works to be undertaken in accordance with BS3998 2010.

Nottinghamshire County Council Rights of Way:

No objection. General informatives advised.

Relevant Planning History:

V/2016/0595 - Crown Raise 14 Oak Trees, 16 Sycamore Trees, 2 Maples and 1 Elm Tree and Make Safe 1 Dead Sycamore Tree - TPOCC.

V/2018/0295 - Crown Lift a Mixed Group of Trees on Factory Side to 7m, Remove Dead Wood and Remove 1 Dead Tree - TPOCC.

Comment:

Natural and Historic Environment:

Little Oak Plantation is classified as an Ancient Woodland, which is an area which has had continuous tree cover of native trees and plants since at least 1600 A.D., and having neither been cleared or extensively replanted since then. The woodland is also a nominated site on the Council's Local Heritage List.

The tree works are split into two sections. Firstly is the area marked T1 on the submitted plan, which is along the western boundary of the woodland. Permission is being sought to raise the crown of the TPO trees along this boundary up to a height of 4m. Secondly is the area marked P1 on the submitted plan, which is the removal of two oak trees includes various other works which do not require consent such as, vegetation clearance, and the removal of fallen trees.

The proposed pruning works are considered to constitute good practice arboricultural management to ensure the longevity and structural integrity of the trees are maintained.

The limited and localised removal of trees along the bridleway has to be considered against the recreational value the woodland holds, and the further potential of the site to provide wider public benefits such as a contribution to the communities

physical and mental health. It is recognised that the planning system should aim to achieve healthy and inclusive places which promote social interaction and enable and support healthy lifestyles. Public Rights of Way should also be protected and enhanced through the planning system to provide better facilities for their users, which includes the creation of clear and legible pedestrian and cycle routes (NPPF, Paragraphs 92 & 100).

The Council's overall project aim is to install new footpaths in and around the plantation for community use. Although the Council's installation of new footpaths/fences/gates does not require planning permission, it is considered that these works to the trees would enable this project to be delivered and would not cause harm to the special character of the woodland or the woodland character of the area.

Ecology:

A joint Preliminary Ecological Appraisal & Preliminary Roost Assessment have been provided as part of the application. The report identifies that the pruning and felling of trees will have a positive impact upon woodland ground fauna, surrounding trees and the woodland understorey by clearing space for growth and reducing shading. The works could however potentially have a negative impact upon bat roosting and bird nesting habitat without appropriate mitigation.

The report also identifies that vegetation clearance could have a negative impact upon foraging and commuting habitat for reptiles, mammals and birds without mitigation. No rare/notable plant species were observed on site during the survey.

The report considered that as the proposed works would be limited to a relatively small area of the woodland, that they would not lead to a significant loss of habitat, nor impact any habitats within the wider landscape.

The report proposes mitigation measures including the provision of bat boxes and leaving sections of dead/felled trees within the woodland (where this would not block or impede footpaths/bridleways) understorey to provide shelter and habitat, and adopting precautionary working methods relating to equipment and seasonal working.

A condition is recommended that the proposed tree works are undertaken in accordance with the recommendation/mitigation measures as outlined within the submitted Preliminary Ecological Appraisal & Preliminary Roost Assessment.

Amenity:

The small-scale and localised pruning and removal of the trees within the identified sections of the woodland are considered not to adversely affect the character or amenity of the locality.

Conclusion:

The pruning works to the trees are considered to constitute good practice arboricultural management and will help the Council to implement wider strategies to enhance local footpath infrastructure to improve the communities physical and mental health.

The limited removal of select trees within the woodland is considered not to cause substantial harm to the significance of the ancient woodland nor the nominated local heritage asset.

It is therefore recommended that consent be granted subject to the below conditions:

Recommendation: Grant TPO consent, subject to conditions.

Conditions:

1. This consent shall authorise the carrying out of the approved tree works within 2 years of the date of this permission.
2. The agreed works, other than felling, shall be carried out in accordance with the appropriate recommendation of BS3998; 2010 (Tree Work) and in general shall in no way prejudice the health, balance and natural appearance of the tree(s).
3. The felling shall be carried out in a manner that will avoid damage to trees to be retained.
4. This consent shall authorise the felling of the identified tree(s) only.
5. The hereby approved works shall be carried out in accordance with the details and recommendations contained within the submitted Preliminary Ecological Appraisal & Preliminary Roost Assessment, Dated November 2021.

Reasons:

1. To define the time scale of the permission and to allow further assessment in the event of the works not being carried out.
2. To safeguard the visual amenity of the area.
3. To safeguard the visual amenity of the area.
4. To safeguard the visual amenity of the area.
5. To reduce the impact of the works on habitats and species.

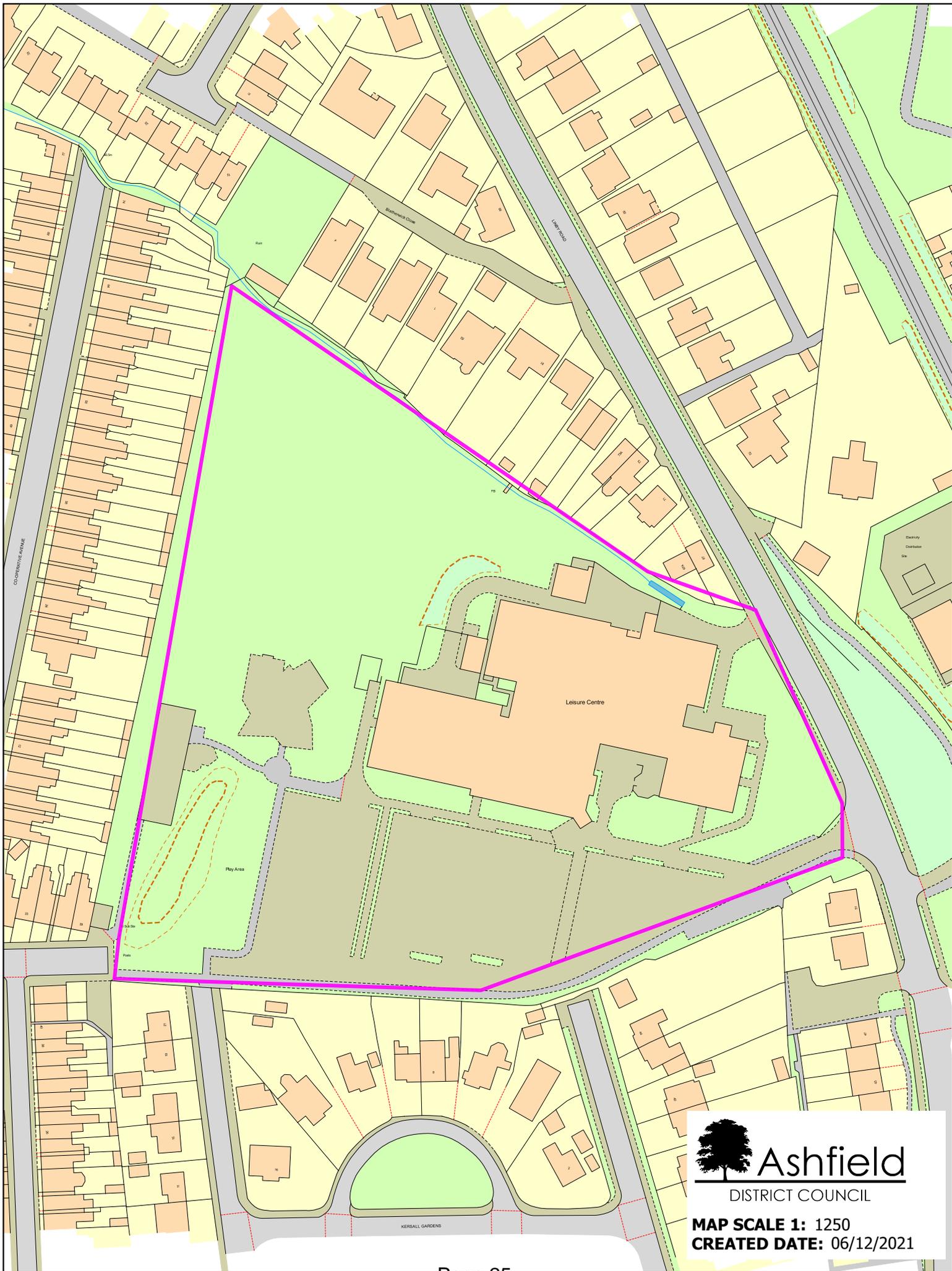
Informatives:

1. There should be no disturbance to the surface of the bridleway without prior authorisation from the Rights of Way team.
2. The safety of the public using the path should be observed at all times. A Temporary Closure of the Bridleway may be granted to facilitate public safety during the works subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks notice is required to process the closure and an alternative route on should be provided if possible.
3. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
4. If a structure is to be built adjacent to the public bridleway, the width of the right of way is not to be encroached upon.
5. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
6. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption.
<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffoldinghoarding-and-advertising-boards>

If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks notice is required), email countryside.access@nottscc.gov.uk

7. If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit (<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit>) and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic

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 **Ashfield**
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 06/12/2021

COMMITTEE DATE 15/12/2021 **WARD** Hucknall North

APP REF V/2021/0688

APPLICANT Ashfield District Council

PROPOSAL Extension to the Main Pool Hall, Addition of a New Learner Pool Hall and Associated Plant Equipment.

LOCATION Hucknall Leisure Centre, Linby Road, Hucknall, NG15 7TX.

WEB-LINK <https://www.google.com/maps/place/Hucknall+Leisure+Centre/@53.0408561,-1.2011245,248m/data=!3m1!1e3!4m5!3m4!1s0x4879bfff0dc8c2bb:0x9552b5ca05473e94!8m2!3d53.04086!4d-1.1999177>

BACKGROUND PAPERS A, B, C, & K.

App Registered: 13/10/2021 Expiry Date: 12/01/2022

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

This application has been referred to Planning Committee in the interest of transparency as Ashfield District Council is the applicant.

The Application

This is an application for a single storey extension to the Hucknall Leisure Centre. The extension will facilitate the creation of a new swimming pool and installation of associated plant equipment. The works will also include the renovation of the existing wet change area and the provision of associated plant and filtration room. It is envisaged that the existing leisure centre will remain active throughout the works insofar as is reasonably practicable.

The proposal also seeks to make a number of improvements to the leisure centre with regards to increasing its sustainability and increasing the offer of facilities available to the public, such as the installation of solar panels and electric vehicle charging points.

Consultations

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

The following responses have been received:

Nottinghamshire County Council Rights of Way:

The extension will project over the legal line of the public footpath (footpath No.25).

A separate application should be submitted to deal with the diverting/stopping up of a public right of way.

Resident Comments:

1 letter of objection has been received, raising the following:

- No need for a second pool.
 - Edgewood Leisure Centre had a small pool.
- Developing any tiny space within Hucknall, at what cost.

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.

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) as amended by 'saved policies' 2007:

ST1 – Development.

ST2 – Main Urban Area.

EV8 – Trees and woodlands.

TR3 – Pedestrians and people with limited mobility.

National Planning Policy Framework (NPPF):

Para 11 – Sustainable development.

Part 8 – Promoting healthy and safe communities.

Part 12 – Achieving well designed places.

Part 16 – Conserving and enhancing the historic environment.

Relevant Planning History

V/1980/1066 - Site for sports centre - Conditional.

V/1982/0336 - Erection of leisure centre - Conditional.

V/1986/0402 - Extension youth and community centre - Unconditional.

V/1990/0151 - Swimming pool - Conditional.

V/1990/0570 - Boiler house - Conditional.

V/2010/0553 - Entrance lobby - FULCC.

V/2021/0221 - Creation of 2 New Windows in the Side Elevation - FULCC.

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.

Visual and Residential Amenity:

The extension is to project southward from the existing building into the car park area. It will reach a height of approximately 4.2m and will incorporate a parapet wall around the perimeter of the roof to create a uniform appearance.

The roof level within the parapet will be sloped, and photovoltaic (PV) panels will be installed facing south. These shall be concealed by the proposed parapet.

The extension shall be constructed from brickwork to match the existing leisure centre, and dark grey windows are to be fitted. The windows in the south elevation

will have angled openings to provide greater sight lines and to provide some architectural detailing and interest to this elevation.

New areas of hard and soft landscaping are to be created. New tree planting is proposed on the west side of the building and areas of amenity planting, utilising shallow rooting shrubs, are also proposed. The existing public footpath is to be realigned around the perimeter of the extension.

The extension will be located approximately 40m+ from the closest noise sensitive receptor (rear garden areas of the residential properties on Kersall Gardens). A Noise Assessment was undertaken which identified the likely noise sources associated with the development to be general ambient traffic noise, car park traffic movements and noise breakout from the mechanical equipment associated with the proposed plant room. The assessment concludes that there is unlikely to be any adverse impact on any nearby residents with regards to noise associated with the proposed development.

Healthy & Sustainable Development:

The National Planning Policy Framework (NPPF) identifies that the planning system should seek to provide social and recreational facilities (including sports facilities) for communities which enable and support healthy lifestyles. The provision of or extension to such facilities can also help to support the delivery of other local strategies to improve health, social and cultural well-being for all sections of the community, ultimately helping to promote social interaction.

In addition to the physical and mental health benefits associated with the proposal, the development also seeks to incorporate features to increase the buildings sustainability and green credentials.

The design of the roof provides the opportunity to utilise renewable energy in the form of solar PV panels. PV panels will provide significant benefits to the scheme in terms of energy and carbon reduction. The energy generated by the PV installation will be used to power essential building demands such as the lighting requirements, small power demands and the buildings heating, ventilation, and air conditioning needs.

Electric vehicle (EV) charging points for patrons and staff are also to be installed to encourage and support a modal shift away from the use of petrol engines, to both reduce carbon emissions and improve local air quality. The energy generated by the PV installation will also contribute towards the EV charging points.

The extension will also incorporate various new pieces of plant and equipment to act principally as energy saving features, which include but are not limited to, ventilated heat recovery systems, reduced and variable fan powers and speeds and highly efficient LED lighting.

Natural and Historic Environment:

Six semi-mature cherry trees along the south side of the current building will need to be removed to facilitate the development. These trees have however been identified as being 'Category C' trees, meaning they are of low quality with limited merit. Nevertheless a number of trees are proposed to be planted on the west side of the extension to ensure there are no net losses. Protective barriers are to be erected around the trees which are to be retained.

The submitted Ecology Report identified that the site consisted of a variety of habitat types, including scattered trees, dense scrub and amenity grassland.

The trees to be removed were identified as having negligible bat roosting potential. It was also identified that soft landscaping works should be implemented to compensate for the expected habitat loss. Some mitigation measures were also proposed, such as minimising light pollution to reduce the impact on foraging bats, and to follow good practice working and adopt a precautionary approach to avoid any undue harm to wider habitats and species etc.

Assessments relating to Air Quality and Flood Risk were undertaken. The findings of the Air Quality Assessment identify that the impact of dust emissions generated through demolition, earthworks and construction were considered to be negligible based on good practice dust control measures being implemented. Any impact from potentially increased exhaust emissions during the development phase were considered not to be significant. Ultimately the proposal was considered to be acceptable from an air quality perspective, based on best practices being adhered to where necessary.

In relation to flood risk, the proposed extension will be located in Flood Zone 1, away from areas of increased fluvial flood risk that are present at other area on the site. Therefore the proposed extension is considered to be at low risk of fluvial flooding. The site is also considered to be at low risk of flooding from surface water, sewers and artificial sources, and at negligible risk of flooding from reservoirs.

The Hucknall Leisure Centre is included on the Council's Local Heritage List as a 'nominated' site. Comments were provided on an earlier application (April 2021) at the site from the Council's Conservation Officer, who considered that the leisure centre building is a comparatively modern building which architecturally does not appear to have any great distinction.

The submitted Archaeological Desk Based Assessment provides an account of the archaeological and historical background of the proposed development site and wider study area. Archaeological evidence is too limited to suggest any form of permanent occupation within the study area prior to the medieval period.

It is considered that there is a low potential for archaeological remains within the site area based on the sparsity of evidenced localised finds and an analysis of historic mapping. The proposed extension to the leisure centre is planned over existing made ground in the car park area, and means the likelihood of previously

unrecorded sub-surface remains being affected is further reduced. Therefore based on the low archaeological potential of the site, no further archaeological work is recommended.

Highway Safety & Transport:

The definitive route of an existing public right of way passes along the frontage of the leisure centre. The proposed extension would disrupt the existing legal line of the footpath, however provision is to be made to ensure a new accessible hard-bound route is provided around the extension both during and after construction. An informative is proposed to advise of the need to submit a separate application under the Planning Act or Rights of Way legislation to deal with the diverting/stopping up of a public right of way.

A Transport Assessment and Travel Plan have been submitted which review the local highway network and promote strategies to encourage staff and patrons to utilise alternative means of travel besides the private car.

The site is easily accessible from a highway perspective, with vehicular and pedestrian access from Linby Road via a priority T-junction. A zebra crossing is also present. A local bus service operates along Linby Road, and the train and tram stations are located approximately 520m from the site. As such the reports identified no significant road safety issues.

There are currently 147 parking spaces at the site, 10 of which are identified accessible parking spaces. The extension will result in a loss of approximately 13 spaces (134 remaining). Of these 134, 3 shall be converted to provide EV charging points. Furthermore of the 10 blue badge spaces which are being retained, 1 of these will be converted to provide an EV charging point (provision of 4 EV charging points in total).

A parking accumulation exercise has been undertaken which demonstrates that the peak parking demand for the leisure centre is approximately 92 car parking spaces. It is therefore considered that the car parking provision of 134 spaces is appropriate to serve the site.

The capacity of cycle storage on site will also be increased. There is currently provision for 8 cycles, however it is proposed to provide a further 16 spaces, increasing provision to 24. This includes the provision of a covered bike rack.

Other:

Ground investigations:

A Phase 1 Preliminary Geo-Environmental Risk Assessment has been submitted with the application. The report primarily provides a review of historical and current land-uses and potential contaminated land risks.

The assessment follows a risk-based approach, with the potential risks determined qualitatively using the 'source-pathway-receptor' linkage concept; a risk of harm may only exist where a plausible linkage is present.

The overall risk rating for the site was assessed as being low to moderate. Potential sources of contamination were identified as being a) chemical risk associated with the leisure centre use e.g. chlorine, and b) from an electricity substation located approximately 68m west of the site.

Whilst the initial conceptual site model identified potential pollution linkages, it is considered that given the intended use of the building and the location of the identified sub-station in relation to the extension, that further intrusive ground investigations are not required in this instance. An informative advising that it would be good practice to undertake further intrusive ground investigations is proposed.

Conclusion:

Given the design, scale and function of the proposed extension it is considered that the development will not adversely affect the character of the area or cause significant harm to the living conditions of nearby residents. This judgement has been reached taking into account the results of the submitted reports/assessments.

When viewing the contemporary design of the existing leisure centre, it is considered that the extension will not adversely affect the significance and/or setting of the centre or of any nearby heritage assets.

Given the level of parking which is to be retained and the variable transport options available to access the leisure centre, it is considered that there shall be no significant impact upon the highway network or highway safety.

To address the concerns raised within the submitted ecology report, mitigation measures shall be secured via a landscaping condition(s) to ensure new tree and shrub planting to compensate for the removal of the 6 cherry trees and section of amenity grassland.

The scheme is incorporating measures to increase the green credentials of the building and to reduce its long-term environmental impact by increasing its efficiency.

Therefore based on the above, it is recommended that this application be granted planning permission, subject to the below conditions:

Recommendation: Grant planning permission, subject to the below conditions:

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.17002-GT3-00-XX-DR-A-(08)0901-RevP1. Existing Block Plan, Drawing No.17002-GT3-00-XX-DR-A-(08)0902-RevP1. Proposed Site Layout Plan, Drawing No.17002-GT3-00-XX-DR-A-(08)0903-RevP1. Demolition Ground Floor Plan, Drawing No.17002-GT3-00-00-DR-A-(08)0011-RevP1. Proposed Elevations, Drawing No.17002-GT3-00-ZZ-DR-A-(08)0051-RevP1. Proposed Basement Floor Plan, Drawing No.17002-GT3-00-B1-DR-A-(08)0001-RevP1. Proposed Ground Floor Plan, Drawing No.17002-GT3-00-00-DR-A-(08)0002-RevP1. Proposed Roof Plan, Drawing No.17002-GT3-00-02-DR-A-(08)0003-RevP1. Proposed Sections, Drawing No.17002-GT3-00-ZZ-DR-A-(08)0101-RevP1. All Received 09/09/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The materials and finishes to be used for the external elevations of the proposal shall match those used in the construction of the existing building.
4. Prior to the hereby approved extension being brought into use, a scheme of hard and soft landscaping, including detail pertaining to new tree planting, 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; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. The two Cherry trees which are to be retained, located to the south of the existing building, shall be protected during the course of the development in accordance with the detail as illustrated on the submitted Tree Protection Plan, Rev A, Received 09/09/2021.

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 satisfactory appearance of the development.
4. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
5. To safeguard the visual amenity of the area.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. A separate application should be submitted to deal with the diverting/stopping up of a public right of way.
3. It is advised to undertake further intrusive ground investigations in accordance with the comments contained within the submitted Phase 1 Preliminary Geo-Environmental Risk Assessment.



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 17/09/2021

COMMITTEE DATE 15/12/2021 **WARD** Skegby

APP REF V/2021/0506

APPLICANT Mrs Bird

PROPOSAL Change of Use from Existing Dwellinghouse C3 Use Class to 7 Bedroom HMO Sui Generis Use Class.

LOCATION 248 Mansfield Road, Skegby, Sutton in Ashfield, NG17 3DW.

WEB-LINK <https://www.google.com/maps/@53.1416446,-1.2546976,131m/data=!3m1!1e3>

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

App Registered: 29/06/2021 Expiry Date: 23/08/2021

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

This application has been referred to Planning Committee by the following Councillors for the following reasons:

Cllr Smith - Impact upon residential amenity and over intensification of the site.

Cllr Darrington – Impact upon the character of the village - Too many HMOs on this stretch.

Cllr Bostock - Parking, infrastructure and residential amenity.

Background

This application was previously presented to the November Planning Committee, where members decided to defer a decision to allow the applicant to prepare a management plan and travel statement relating to the operation of the HMO because members were concerned about a) how the HMO would be managed, and how this may impact upon neighbouring/nearby residents, and b) in relation to the impact upon the highway network due to the absence of any off-street parking.

Management Plan

The applicant has advised that a management company, Purseglove Property Management, will be used to oversee the day-to-day management of the premises and they will liaise directly with the applicant where necessary.

Tenants will be made aware of how to report problems to the appointed management company. The local community can also report any maintenance issues directly to the management company. Any issues which are raised will be investigated and resolved as soon as possible.

The tenants should keep communal and private spaces clean and tidy, although a cleaning schedule for communal areas shall be prepared. Cleaning to be undertaken by appointed cleaning staff.

The management company reserves the right to undertake inspections of rooms.

Tenants will be reminded that they should not engage in activities which could cause nuisance or give rise to complaints. Should a tenant repeatedly cause nuisance and disturbance to other tenants and/or local residents, the management company will ensure that the necessary disciplinary action is taken.

All contracts will stipulate that if a tenant has demonstrated any kind of anti-social behaviour and/or has caused any disturbance to the other HMO tenants or neighbouring properties, then they will be evicted through the court's acceleration procedure, which can be granted within 14 days.

A purpose-built lockable cycle store is to be provided, and information will be given to tenants to make them aware of the sustainable transport options that are available within the locality.

Transport Statement

The property is on a bus route; the 141 Trent Barton bus operates from the bus stop opposite. This service encompasses Mansfield Road, Forest Road, Skegby Road and onwards towards Kings Mill Hospital. Information and timetables will be displayed in the HMO for tenants.

Tenants will be advised that there is limited parking at the property and encourage the use of other forms of transport. If tenants create a disturbance by parking dangerously on the road this will be investigated by the management company.

Tenants will be encouraged to car share, and a scheme could be set up to support this by the owner and management company.

Charge points are also to be provided in the cycle store to facilitate the charging of electric bikes.

Conclusion

The Management Plan and Transport Statement indicate the applicant takes responsibility to protect the neighbours and vicinity from inappropriate behaviour and

it is recommended that a condition be added to require that these plans are followed in perpetuity.

Recommendation: Grant planning permission, subject to the below conditions.

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 Plan, Drawing No.4001 Rev.C, Proposed Floor Plans, Drawing No's.401102 Rev.C, 401103 Rev.C, 401104 Rev.C. Proposed Roof Plan, Drawing No.401105 Rev.C. Proposed Elevations, Drawing No's.401201 Rev.C, 401202 Rev.C, 401203 Rev.C, 401204 Rev.C. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The materials and finishes to be used for the external elevations and roof of the proposed outbuilding shall match those used in the construction of the existing property.
4. Prior to the occupation of the hereby approved development, the sound insulation shall be installed as detailed in Drawing No. 1055 Rev.A.
5. Prior to the occupation of the hereby approved development, secure cycle storage should be provided in accordance with the detail contained with the aforementioned approved elevations and floor plans.
6. The hereby approved development shall be undertake in accordance with the submitted Management Plan and Travel Plan, both received 01/12/2021 and the requirements of the plans shall be followed in perpetuity.

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 satisfactory appearance of the development.
4. To protect the amenity of existing and future occupiers.
5. To promote sustainable modes of travel and an alternative to car ownership.
6. To protect the amenity of existing and future occupiers.

Informative:

1. Prior to the hereby permitted change being brought into use, the applicant must apply for a House of Multiple Occupation (HMO) licence from the Council's Private Sector Enforcement Team, and liaise with this team to ensure there are sufficient amenities and room sizes for all the occupants.

COMMITTEE DATE 17/11/2021 **WARD** Skegby

APP REF V/2021/0506

APPLICANT Mrs Bird

PROPOSAL Change of Use from Existing Dwellinghouse C3 Use Class to 7 Bedroom House in Multiple Occupation (HMO) Sui Generis Use Class.

LOCATION 248 Mansfield Road, Skegby, Sutton in Ashfield, NG17 3DW.

WEB-LINK <https://www.google.com/maps/@53.1416446,-1.2546976,131m/data=!3m1!1e3>

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

App Registered: 29/06/2021

Expiry Date: 23/08/2021

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

This application has been referred to Planning Committee by the following Councillors for the following reasons:

Cllr Smith - Impact upon residential amenity and over intensification of the site.

Cllr Darrington – Impact upon the character of the village - Too many HMOs on this stretch.

Cllr Bostock - Parking, infrastructure and residential amenity.

The Application:

This is an application for the creation of a 7 bedroom House of Multiple Occupation (HMO). The existing property is currently a 5 bedroom detached residential dwelling. The property is bound on all sides by existing residential dwellings. A short distance to the east is the Co-op retail store and a petrol station.

The application site is located within the main urban area of Skegby, where the principle of development is acceptable as defined by policy ST2 of the Ashfield Local Plan Review 2002 (ALPR).

Consultations:

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

The following responses have been received:

Resident comments:

39 objections have been received by 36 residents, making the following comments:

- Highway safety – it is a busy road and near busy road junctions.
- Only on-street parking is available. People will park dangerously – opportune parking. May affect emergency vehicles.
- Local school adds additional pressure to parking demand and highway safety concerns.
- Public transport infrastructure in the area is poor, with a limited bus service.
- Would experience the same issues as other HMO's – crime, drugs, antisocial behaviour. Skegby already has issues with this kind of housing.
- Occupiers may be more transient, with little regard for neighbours or the area. Doubtful it would be occupied by young professionals – worried about the type of people that would reside there.
- A HMO is out of character with the area – families and older people live locally.
- Not the area for it and it is not needed, family homes are. This is not a university town/city.
- Should be flats not a HMO.
- There are other reasonably priced properties for rent and purchase in the area.
- Loss of family home which is close to a school, local park and the Teversal trail.
- This would set a precedent for further HMO's.
- Noise disturbance and disruption from comings and goings.
- Loss of privacy and security/safety concerns.
- Devalue properties in area.
- Mess and refuse – lack of space for the bins needed to accommodate 7-13 people.

- The property/tenants would be a safeguarding risk to children.
- May impact footfall on local businesses if people cant park.
- A HMO could increase local COVID-19 infections.
- Lack of notification to property 5 doors down.
- Applicant has no interest in the area and just wants to make money. It could be poorly managed.
- The 'school run' photos provided are not a true reflection on the actual situation, are misleading.

Ashfield District Council Environmental Health (Residential):

No objections. The applicant must apply for a HMO licence from the Environmental Health Residential Team.

Nottinghamshire County Council Highways:

Original comments:

No parking provision is provided. Mansfield Road (B6014) is a bus route.

The proposal is likely to result in an increased demand for parking on Mansfield Road. Need to assess parking requirements and existing circumstances in the area, through for example, a parking survey.

Re-consultation comments:

A photographic parking survey has now been submitted. survey was carried out in term time and provides a snapshot of the situation.

Site is on a bus route, and secure cycle storage is to be provided.

Current property is 5 bedrooms which has the potential to accommodate a large family, all with cars.

Would not wish to raise an objection to the proposal.

Policy:

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

National Planning Policy Framework (NPPF):

Part 2: Achieving Sustainable Development.

Part 5: Delivering a sufficient supply of homes.

Part 8: Promoting healthy and safe communities.

Part 9: Promoting sustainable transport.

Part 12: Achieving well-designed places.

Ashfield Local Plan Review (ALPR) (2002):

ST1: Development.

ST2: Main urban area.

HG8: Residential care facilities, houses in multiple occupation, bedsits, flats and hostels.

TR2: Cycling provision in new developments.

Teversal, Stanton Hill & Skegby (TSS) Neighbourhood Plan (2016-2031):

NP1: Sustainable development.

NP3: Housing type.

Relevant Planning History:

None for application site.

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 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:

1. 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
2. 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 planning system should support a strong, vibrant and healthy community by ensuring that a sufficient number of range of homes can be provided to meet the needs and opportunities of each area.

The Council have over 85 licenced Houses in Multiple Occupation (HMO's) within its district as a whole, however there are no licenced HMO's (of 5 or more people) in the vicinity of the application site or within the Skegby area.

It is worth noting that a residential dwelling could be converted to a HMO, accommodating up to 6 people, without the need for planning permission.

Residential and Visual Amenity:

It is proposed to have 7 bedrooms at the property spread across 3 floors, each with their own en-suite. At ground floor level is an open plan kitchen/dining/living space.

To the rear of the property is a garden area consisting of a patio and an area of amenity planting. At the time of the Council's visits to the property, this planting area is overgrown. This is likely to be due to the property currently being unoccupied.

As part of the proposal a dormer window is proposed in the rear roof slope to facilitate the creation of the seventh bedroom in a portion of the roof space. Three roof lights are proposed on the principle roof slope. The dormer window will have two windows in its rear elevation, one serving the bedroom and the other serving the bathroom. The dormer window is considered to have a limited impact upon the character of the area and wider street scene.

It is considered that there would be no detrimental loss of privacy from these windows over and above any overlooking which may already occur from existing windows at the property.

A new outbuilding is also proposed in the rear garden which will be utilised for storage/cycle parking. This building will reach an eaves and ridge height of approximately 2.1m and 2.85m respectfully. A hipped roof is proposed to slope away from neighbouring boundaries. The outbuilding will not be visually prominent, and is considered not to be harmful to the visual amenity of the area.

A number of concerns have been raised by residents which relate to an increase in noise and disturbance, loss of privacy, safety/safeguarding concerns due to the tenants (for residents and children), and hazard concerns relating to waste/refuse.

The applicant has proposed to address concerns relating to noise via the installation of sound insulation on internal walls. This attempts to mitigate any possible noise reverberation which may be heard from the use of the internal spaces, and will be fitted across all three floors.

Beyond this, there is no evidence to suggest that future occupiers would emit a level of noise which would be over and above that which may be generated from an ordinary family occupying a C3 dwellinghouse.

The Council must consider the application before it based on its planning merits and assess the proposed use. The planning system does not assess/discriminate against specific social demographics. Should any specific issues arise as a result of the occupation of the property as a HMO (for example, noise complaints), this would need to be investigated/dealt with via the appropriate channels, and would follow the same process as if the property remained as a 5 bedroom C3 dwellinghouse.

A bin storage area has been indicated to the rear/side of the property. The total number of bins would need to be determined following discussions between the applicant and the Council's Environment/Refuse team. It would be unreasonable to assume any type/level of waste would constitute a hazard, and all such responsibilities for ensuring refuse is collected from site would fall to the tenants of such property.

Overall it is considered that the proposed development would not detrimentally harm the living conditions or amenities of residents living within the vicinity of the application site, nor would the alterations/additions be detrimental to the character of the area and wider street scene.

Previous Appeal Decisions:

Appeal decisions for other HMO applications (change of use from C3 dwellings) have recently been approved through the Planning Inspectorate following the Council's refusal of such applications. Two applications in particular are:

- V/2020/0213 (54 Titchfield Street, Hucknall) – Change of use from dwelling C3 to 6 bedroom (8 person) house of multiple occupation.
 - Council’s reasons for refusal summarised as follows:
 1. Intensification of use would result in the loss of a family home in a primary residential area. 3 floors results in overlooking, increase in noise and disturbance/comings and goings means significant impact on neighbours.
 2. Fails to provide adequate off-street parking provision where on street parking is significantly restricted for residents, visitors and deliveries. Unacceptable impact upon highway safety.
- V/2020/0671 (2 Russel Street, Sutton in Ashfield) – Conversion of dwelling (C3) to a house of multiple occupation (sui generis) and removal of one window).
 - Council’s reason for refusal summarised as follows:
 1. 8 person HMO considered to be an overdevelopment of the site, loss of a family home in a primarily residential area. Noise and disturbance from intensification and increase comings and goings significantly impacting neighbours.

These appeal decisions are a material consideration during the determination of this application, with both appeals being subject to a consistent assessment. Both appeals were determined by different Inspectors.

Firstly, both Inspectors recognised that both dwellings could be converted to a HMO (6-bedroom, 6 person) within the C4 use class without planning permission (under Permitted Development (PD)), which is a material consideration during the determination of this application.

Both applications were refused in part due to the loss of a family home. However the Inspectors identified that no specific development plan policies sought to protect family-sized dwellings over other forms of accommodation.

In the context of the Titchfield Street application, five other HMO’s were identified within the vicinity. However despite this the Inspector still concluded that this is a modest number set against the total stock of dwellings in these streets, and as such the proposal would not result in an over-concentration of HMOs in the locality. As such, due to the low proportion of HMO’s locally, they did not accept that the proposal for an additional HMO would result in any materially unacceptable alteration to the character of the area, and that no evidence had been provided to demonstrate that the change of use to a HMO would be significantly at odds with any established character, and it had not been demonstrated that there is a shortage of family-sized dwellings.

The Inspector reinforced that the loss of a family-sized dwelling could take place outside the consideration of a formal planning application for a HMO. It was therefore considered that the proposal would not further undermine the provision of family-sized accommodation, and would not have an adverse effect on the character of the area.

In both applications an acknowledgement of the areas character was identified, being either a) primarily residential, or b) a mix of residential and commercial uses. Where commercial uses were present within the vicinity, it was considered that an increased level of activity is to be expected compared to a wholly residential area.

The Inspectors also determined that, in the context of assessing overdevelopment/intensification and the subsequent impact upon the amenity of neighbours, that the necessary assessment had to be based on whether any increase in bedrooms/occupants over and above the 6 which could be created under PD would cause harm. They concluded that a greater number of occupants is not in itself evidence that a larger HMO would cause material harm to neighbouring occupants' living conditions or the character of the area, and that there was no evidence to suggest that an increase in comings and goings would be significant in number, would occur continuously, or at such volume that it would cause significant harm to the living conditions of neighbours.

As such, it was ultimately considered that any noise generated from a HMO would not necessarily be any greater than from a single large family or from occupiers of self-contained flats.

The Inspector considered that a HMO use would not exacerbate the potential for overlooking or necessarily contribute to loss of privacy. It was considered that these arguments were somewhat conjectural, and not supported by evidence.

Anti-social behaviour and a lack of upkeep of the property were also considered by an Inspector. Objections of this nature were considered to be anecdotal, and there was no evidence to suggest that such behaviour would occur at the site. Ultimately there was no firm basis to conclude that anti-social behaviour is a likely consequence of the proposed HMO use, and it was not demonstrated that antisocial behaviour is significantly more likely to occur through a HMO use as opposed to a family occupying the property as a single dwellinghouse.

The demand for on-street parking was considered during both appeals. The Inspector considered that it would be wrong to presume that additional persons above the 6-person PD threshold would automatically lead to a significantly higher demand for parking. Furthermore, it is a reasonable assumption that future residents could utilize opportunities to use public transport, or walk or cycle to local services and employment, and that there is no evidence to suggest that car owners would occupy the premises.

Nevertheless there was an acknowledgement that occupancy levels/demand for on-street parking would fluctuate, which was considered to be higher in the evenings when people were returning from work.

The precedent for further HMO developments within the area was also considered during the appeal, with the Inspector concluding that each application must be judged on its own merits, taking account of various factors which will differ in each case depending on a site's location and the nature of the proposal. Therefore it was considered that a decision to allow the appeal would not establish a precedent which would jeopardise the character of the area.

Highway Safety:

The current property has 5 bedrooms, with no existing off-street parking capacity.

Officers accept the view previously adopted by the aforementioned Inspectors, in that there is no evidence to suggest all occupants would be solely reliant on the use of a private vehicle. It is a reasonable assumption that other sustainable forms of travel could be utilised, and a new outbuilding is to be erected offering secure cycle storage.

It is acknowledged that there may be some degree of demand for on-street parking associated with the property, however there is nothing to indicate this would be over and above what may be reasonably required to accommodate a family. Furthermore this level of demand is likely to fluctuate, being higher in the evenings when people return from work (e.g. typically outside of the school run hours).

It is recognised that there will be an increased demand for parking within the area more generally during school times (e.g. the pick-up and drop-off of children), however this would only be for a short period of time each day, and in real terms it is considered to be unreasonable to assess likely demand for on-street parking in accordance with the higher level of demand which may be experienced during school runs.

The Highway Authority have provided comments on the application, who originally raised uncertainty with regards to the level of demand for on-street parking along Mansfield Road. Consequently a parking survey has been submitted in the form of a photographic compilation of images showing a snapshot of the parking situation within the vicinity of the site on various days and times during term time. Having reviewed this, the Highway Authority would not wish to raise an objection to the proposal on the grounds of intensification.

The Council's Residential Car Parking Standards Supplementary Planning Document (SPD) seeks to secure 3 off-street parking spaces for a 4+ bedroom residential dwelling, although it is recognised that there is no off-street parking provision at present, nor the opportunity to create any. The Highway Authority

consider that the addition of two further bedrooms at the property is an unlikely cause of concern from a highway safety perspective in relation to an intensification of use. Additionally the aforementioned standards from the SPD do not explicitly apply to HMO's.

Additionally the Highway Authority recognise that a family could utilise the property and potentially have a number of cars between them and still have no off-street parking provision. They also acknowledge the property is on a bus route, the presence of a bus stop opposite the site, and that secure cycle storage is to be provided.

Paragraph 111 of the NPPF highlights that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative effects on the road network would be severe. It is considered that the proposal would not significantly increase the demand for on-street parking over and above what may be reasonably required to accommodate the needs of an existing family home, and as such is unlikely to have a detrimental impact upon the capacity or safety of the highway network.

Conclusion:

The existing property is currently a 5 bedroom residential dwelling, with permission being sought to change it in to a 7 bedroom HMO.

The Council's Residential Environmental Health team have confirmed that there are no licensed HMO's (of 5 or more people) within the vicinity of the application site or within the Skegby area.

It is considered that the proposed development, consisting of a change of use and associated additions/alterations (dormer window, roof lights, cycle store etc), would not detrimentally harm the living conditions or amenities of residents living within the vicinity of the application site, nor would the alterations/additions be detrimental to the character and appearance of the area and wider street scene.

Although this application has to be considered on its own merits previous appeal decisions are a material consideration and should be attributed due weight accordingly during the determination of this application.

Based on current provision and capacity, it is considered that the proposal would not significantly increase the demand for on-street parking, nor would the proposal detrimentally affect the capacity or safety of the highway network.

Therefore within the planning balance, it is recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant planning permission.

Conditions:

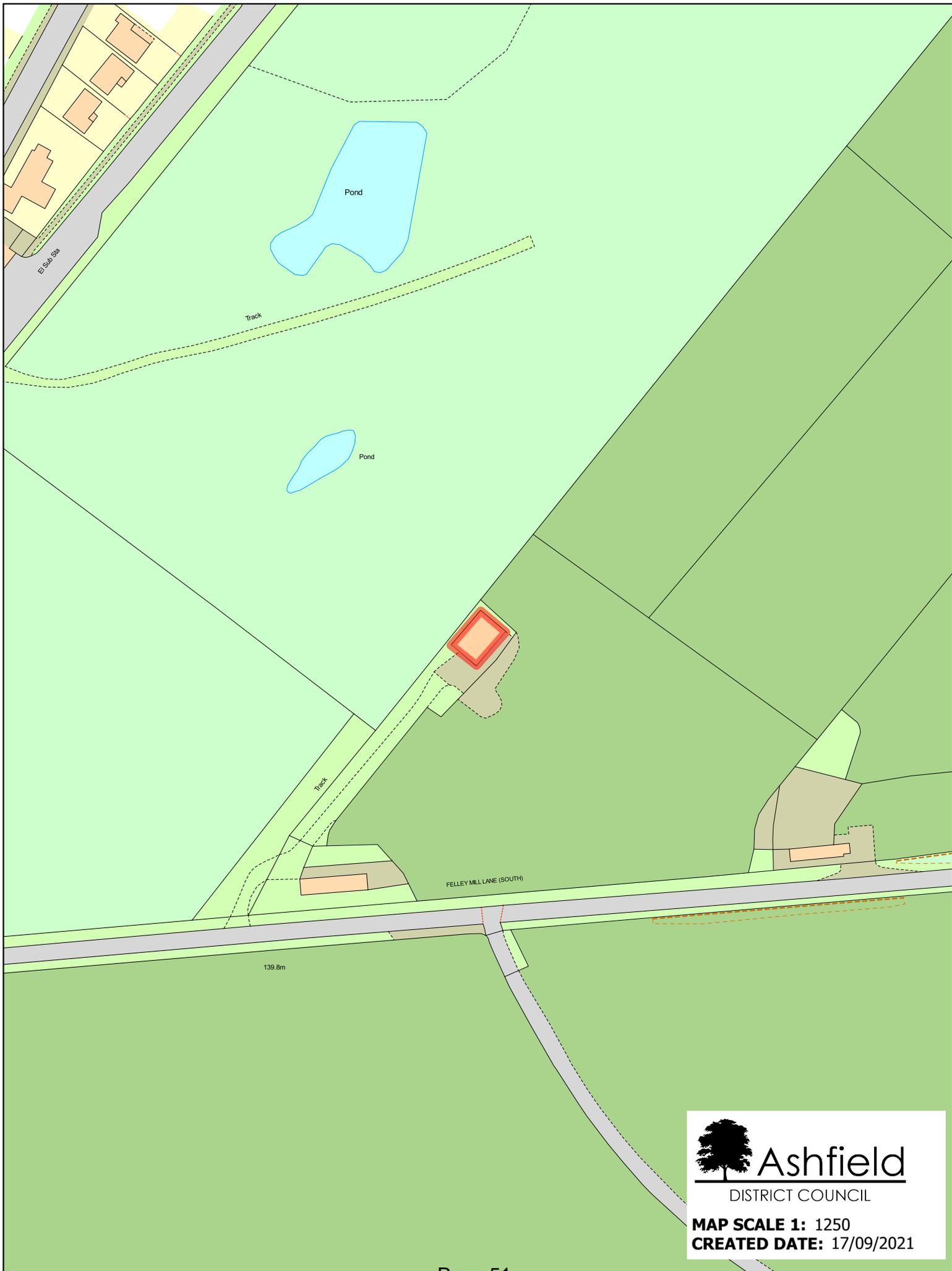
1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Proposed Site Plan, Drawing No.4001 Rev.C, Proposed Floor Plans, Drawing No's.401102 Rev.C, 401103 Rev.C, 401104 Rev.C. Proposed Roof Plan, Drawing No.401105 Rev.C. Proposed Elevations, Drawing No's.401201 Rev.C, 401202 Rev.C, 401203 Rev.C, 401204 Rev.C. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The materials and finishes to be used for the external elevations and roof of the proposed outbuilding shall match those used in the construction of the existing property.
4. Prior to the occupation of the hereby approved development, the sound insulation shall be installed as detailed in Drawing No. 1055 Rev.A.
5. Prior to the occupation of the hereby approved development, secure cycle storage should be provided in accordance with the detail contained with the aforementioned approved elevations and floor plans.

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 satisfactory appearance of the development.
4. To protect the amenity of existing and future occupiers.
5. To promote sustainable modes of travel and an alternative to car ownership.

Informative:

1. Prior to the hereby permitted change being brought into use, the applicant must apply for a House of Multiple Occupation (HMO) licence from the Council's Private Sector Enforcement Team, and liaise with this team to ensure there are sufficient amenities and room sizes for all the occupants.



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 17/09/2021

COMMITTEE DATE 15/12/2021 **WARD** Underwood

APP REF V/2021/0558

APPLICANT Mr Lewis

PROPOSAL Chimney Flue.

LOCATION The Mews Barn, Land at The Triangle, Felley Mill Lane South,
Underwood, NG16 5GS.

WEB-LINK <https://www.google.com/maps/@53.0502532,-1.2914475,295m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, & C.

App Registered: 16/07/2021 Expiry Date: 09/09/2021

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

This application has been referred to Planning Committee by Councillor Hankin to discuss visual impact on countryside and green belt

Background

This application was previously presented to the October Planning Committee, where members decided to defer the application to enable a site visit to be undertaken and to allow further investigations to be undertaken into the potential impact the chimney/smoke may have upon the adjacent Site of Special Scientific Interest (SSSI). The applicant has now submitted an Air Quality Appraisal for consideration.

Consultations:

Resident comments:

1 additional objection has been received since the submission of the Air Quality Assessment, making the following comments:

- Proposal could have a catastrophic effect that is irreversible on the adjacent SSSI.
 - Smoke could kill the very rare plants on the adjacent SSSI.
- Black smoke comes out the chimney.

1 letter of support has been received since the submission of the Air Quality Assessment, making the following comments:

- Underwood has been burning coal for over 100 years (former coal mining village).
- The SSSI is down wind from Underwood village, with smoke and pollutants blown onto SSSI. The SSSI is still flourishing despite this.
 - The proposed chimney is down wind of the SSSI.
- Underwood is a "smoke controlled area" but not a 'smoke free zone'.
 - Smoke is always more visible when first lighting.

Natural England:

No objection. Agree with the conclusion of the submitted report in that there will be no significant impact on the SSSI as a result of the development. No further assessment is necessary.

Comment:

At the previous meeting concerns were raised by members with regards to the potential impact on the adjacent SSSI from the fumes which would be discharged from the chimney stack, generated from the use of a multi-fuel burning stove.

The submitted Air Quality Appraisal (Dated 05/11/2021) reviews the details of the site, the anticipated level of use of the appliance, and considers that the appliance is new and efficient. The stove itself will burn smokeless fuel and has been designed to meet Defra's latest requirements to reduce particle emissions.

The site has a predominantly westerly and southerly wind, meaning that any particles are blown away from the SSSI. Winds which blow from the application site towards the SSSI are relatively rare.

Guidance relating to pollutant concentration suggest that an increase of up to 1% is considered "inconsequential" in terms of impact. This level of 1% is also used by the Environment Agency.

Conclusion

The submitted assessment concludes that neither pollutant concentrations nor deposition rates exceed 1% of the relevant critical loads or levels and therefore there will be no adverse impact on the SSSI.

Recommendation: Grant planning permission, subject to the below conditions:

Conditions

1. This permission shall be read in accordance with the following plans and details: site location plan, photo of chimney (09/09/21), proposed elevation

1:100 (13/07/21). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.
3. The chimney must only use the fuel as stated by the applicant.

Reasons

1. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
2. To ensure the satisfactory appearance of the development.
3. To ensure no adverse impact upon the environment.

COMMITTEE DATE 06/10/2021 **WARD** Underwood

APP REF V/2021/0558

APPLICANT Mr Lewis

PROPOSAL Chimney Flue.

LOCATION The Mews Barn, Land at The Triangle, Felley Mill Lane South,
Underwood, NG16 5GS.

WEB-LINK <https://www.google.com/maps/@53.0502532,-1.2914475,295m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, & C.

App Registered: 16/07/2021 Expiry Date: 09/09/2021

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

This application has been referred to Planning Committee by Councillor Hankin to discuss visual impact on countryside and green belt

The Application:

This is an application for the erection of a chimney stack to an existing dwelling. The chimney stack is already in-situ, and the application has been submitted following investigations by the planning enforcement team.

Prior approval for a proposed change of use from agricultural to dwelling was granted at appeal (planning application ref X/2017/0049). The site is located within the Nottinghamshire Green Belt.

Consultations:

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

The following responses have been received:

Resident comments:

1 objection has been received, making the following comments:

- Does not meet fire regulations or building regulations due to height of the chimney.
- Is not the size as indicated on the elevation plan.
- The chimney is next to protected SSSI land, which could cause contamination.

Nottinghamshire Wildlife Trust:

No longer able to provide free ecological advice. No response does not mean no objection.

Natural England:

The application could have potential significant effects on Friezeland Grassland SSSI. An assessment of the impacts of gases and particulates released by the installation of a flue should be submitted. The fuel to be used, and in what quantity, should also be provided.

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 12 – Achieving well designed places.

Part 13 – Protecting the Green Belt.

Part 15 – Conserving and enhancing the natural environment.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST4 – Remainder of the District.

EV1 – Green Belt.

HG7 – Residential extensions.

Jacksdale, Underwood and Selston Neighbourhood Plan (2017-2032):

NP2 – Design principles.

NP3 – Protecting the landscape character.

Relevant Planning History:

V/2007/0365 – Stable Block – FULCC.

V/2008/0626 – Barn – Prior notification unconditional consent.

X/2016/0060 – Prior approval for change of use from agricultural to dwelling – Prior approval refused.

X/2017/0013 – Prior approval for a proposed change of use from agricultural to dwelling – Prior approval refused, appeal dismissed.

X/2017/0049 – Prior approval for a proposed change of use from agricultural to dwelling – Appeal allowed, prior approval granted.

V/2020/0878 – Prior approval for timber building to house poultry – Refused.

V/2021/0055 – Prior approval for agricultural storage building – Refused.

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.

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.

The proposed development is considered to constitute an appropriate use within the Green Belt, representing a limited extension/alteration as identified by policy EV1 (b iii) of the ALPR 2002.

Similarly Paragraph 149 of the NPPF identifies that the extension or alteration of a building is an appropriate use, providing that the works do not result in disproportionate additions over and above the size of the original building.

The NPPF also states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and identifies openness as an essential characteristic of the Green Belt (Paragraph 137). It is considered that the chimney stack as built, attached to the existing property in its current location, would have a limited impact upon the openness of the Green Belt.

Amenity:

The chimney stack is located on the northern elevation, nearest to the boundary line which is comprised on an existing hedgerow. The chimney is constructed from red brick and includes a metal cowl, and is set lower than the ridgeline of the existing property. After visiting the site, it was observed that the chimney is less visible from the street due to the property being set back behind an existing hedgerow. Due to the siting, size, scale and design of the chimney, it is considered that the proposal would represent a subservient addition to the existing property, and will not adversely impact the character and appearance of the area. Additionally it is considered that the proposal complies with saved policy ST1(b) of the ALPR and NP2 of the Jacksdale, Underwood and Selston Neighbourhood Plan.

One objection has been received from a neighbouring property, which raises concerns in relation to the chimney meeting building regulations requirements due to its height. Concerns have also been raised in terms of the accuracy of the submitted plans and any potential environmental impact on the nearby SSSI stemming from the burning of materials associated with the chimney.

The applicant has confirmed that the chimney will be used in respect of the central heating system which will utilise smokeless fuels. The applicant anticipates they

would burn no more than one ton of smokeless fuel per year, which would mainly be in the winter months, which equates to approximately 2.73kg per day. An elevation plan and photos have been provided, and a site visit has been undertaken to assess the proposal. The applicant confirms the chimney has been built in accordance with building regulations requirements, however it is understood the applicant is awaiting the outcome of this planning application before seeking formal building regulations approval.

The nearest residential property to the north (5 Mansfield Road) is approximately 168m away, with the closest residential property to the west (9 Alfreton Road) being approximately 218m away. Due to the siting, size, scale and design of the proposal, it is considered that the chimney stack will not be detrimental to the living conditions of any nearby residential properties.

The site lies adjacent to the Friezeland Grassland SSSI. Although Natural England have requested further information, and Nottinghamshire Wildlife Trust have not provided comments on this application, it is considered that the erection of the chimney in this location would have a negligible impact on the adjacent SSSI.

Conclusion:

Based on the above assessment it is considered that the development would have a limited impact upon the character and openness of the Green Belt.

Based on the chimneys siting, size, scale and design, it is considered that it would represent a subservient addition to the existing property, and will not adversely impact the character and appearance of the area, is unlikely to cause detriment to the living conditions of nearby residents, if operated in accordance with the details submitted.

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

Recommendation: Grant planning permission.

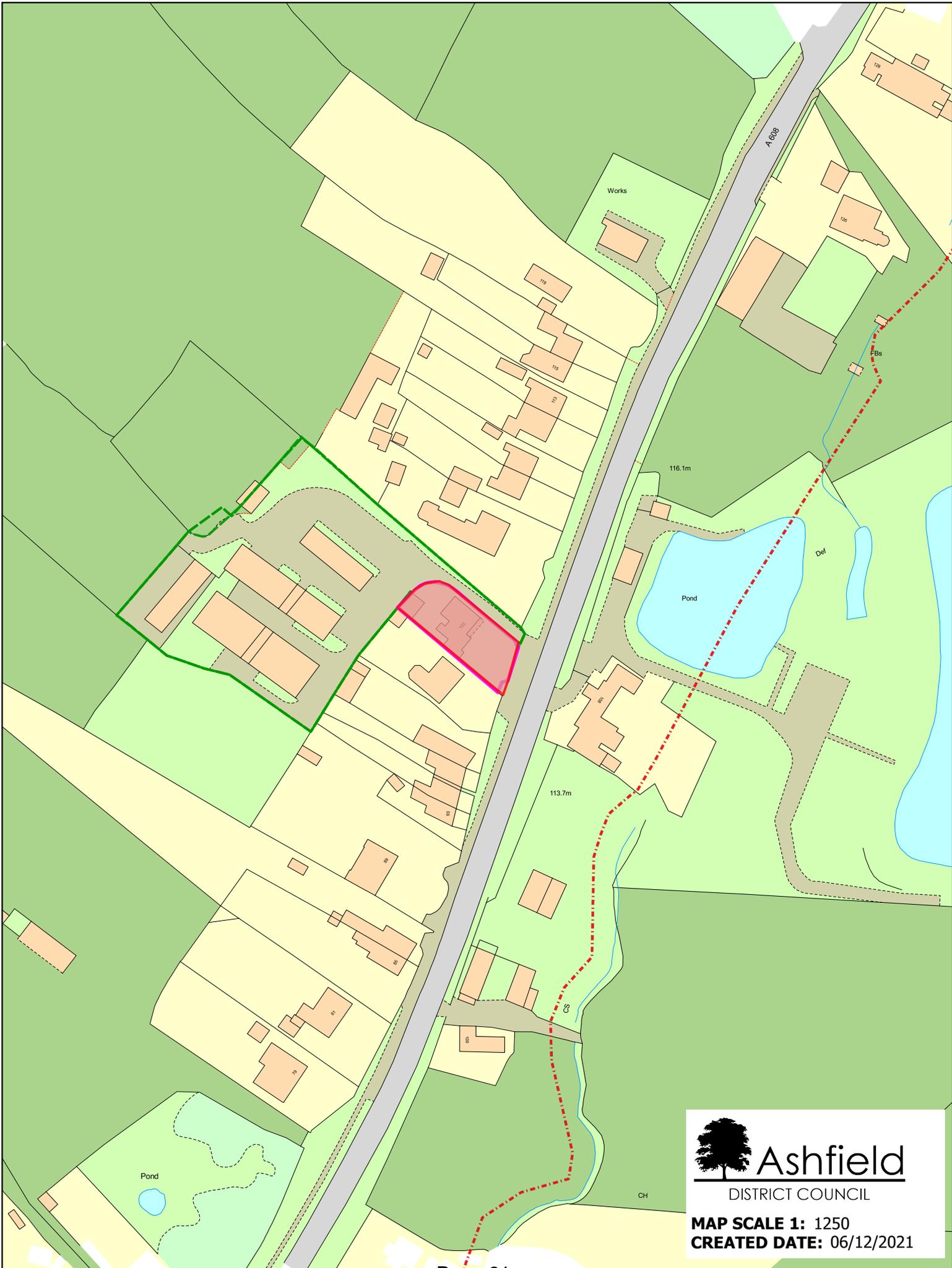
Conditions

4. This permission shall be read in accordance with the following plans and details: site location plan, photo of chimney (09/09/21), proposed elevation 1:100 (13/07/21). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
5. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.

6. The chimney must only use the fuel as stated by the applicant.

Reasons

4. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
5. To ensure the satisfactory appearance of the development.
6. To ensure no adverse impact upon the environment.



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 06/12/2021

COMMITTEE DATE 15/12/2021 **WARD** Underwood

APP REF V/2021/0611

APPLICANT Clare Dennis

PROPOSAL Vehicular Access

LOCATION 103, Cordy Lane, Brinsley, Notts, NG16 5BZ

WEB-LINK <https://www.google.com/maps/@53.0445239,-1.3018717,557m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, C, D

App Registered 11/08/2021 Expiry Date 05/10/2021

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

This application has been referred to Planning Committee by Cllr Martin on the grounds of impact on Highway Safety.

The Application

This is an application to create a new vehicular access. The application site is located on Cordy Lane, Brinsley which currently benefits from a vehicular access. This application seeks to create a new 6m wide access, located central to the property and close the existing access. It also proposed to move the dropped kerb crossing to the east to align with the access.

Consultations

Individual notifications have been sent to surrounding residents and the following responses have been received:

Resident Comments:

Three letters of objection were received raising the following:

- Property already has sufficient vehicular access and driveway with double dropped kerb and double access gate with excellent visibility. Moving access will not create safer entrance.
- Removing space for people to park on pavement will result in on street parking.
- Busy and fast road with 30mph speed limit exceeded

- The applicant dislikes residents parking cars on pavement in front of application site
- Pavement outside of property has manhole and services laid underneath for local properties
- Works have already started, and boundary wall removed without consent
- If application is granted can existing dropped kerbs be replaced with full kerbs
- Re-instating the kerbs will restrict users of the business at No.108 from entering and exiting the property due to people parking on reinstated kerb and reducing ability to turn into property. No.108 run two businesses from property with up to 1700-2000 cars through their entrance per year and can have up to 20 cars leaving at same time
- 5 new houses located to rear of the site have access to the east, dropping the kerb will mean that there is no corner kerb into the new road for the proposed dwellings.

Councillor Comments:

Comments have been received from a councillor raising the following:

- Change is not required
- Installing raised kerb will allow neighbours to park there
- Since 103 rearranged their access to deter residents from parking in front of the property, cars park outside 101 forcing oncoming traffic into oncoming carriageway
- Potential for collisions and causing traffic to queue
- 5 new dwellings have been granted to the rear of the application site, adding a dropped kerb will mean residents will likely cut the corner to access the new development
- Suggestion to leave the kerbs as existing as 103 can still enter and exit their property as it currently is
- Should resident park on the pavement when development is complete put double yellow lines on the entrance

Nottinghamshire County Council Highways:

The Highways Authority provided the following comments which are also discussed in more detail later in this report.

- If the proposal is followed up the HA will require the existing vehicle access on the public highway that will be made redundant to be fully reinstated to full height kerbs.
- Clear access visibility splays on this section of the A608 appear to be more than the required 2.4mx47m which is appropriate for a 30mph road
- 6m wide private access is greater than the 3.6m required between wall piers and provides additional setback of 1.2mx2m which will assist in visibility

- Setback falls slight short of the required 2mx2m but the HA recognize the footway is wide and most pedestrian movement will be away from the drive therefore no concerns are raised
- The Paved driveway falls towards highway and discharges private surface water onto highway, therefore any changes to access will require addition of new private surface water system
- Planning conditions and informatives are recommended

Additional comments from the Highways Authority in response to the comments received:

- From a highways safety perspective there is no material characteristic that the HA can suggest to refuse the proposal.
- Private vehicle access over footways alongside each other or joined are common place on most streets and are considered not to be detrimental to highway safety unless there are significant vehicle movements likely to conflict with visibility/ ability to manoeuvre.
- There is a solid white line edge marker on the road but on street parking is still permitted
- This is no different to other streets where drivers are expected to exercise a level of courtesy and avoid dropping a dropped kerb. In this case there is no grass verge and the wide pavement does provide addition areas for overspill parking which has got to be more favorable and safer than parking on the road as long as no obstructions are caused
- The HA considers the proposal to be minor in nature and will have no discernible impact on highway safety.

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

EV1 – Green Belt

National Planning Policy Framework (NPPF) (2021)

Part 12 – Achieving well designed places

Part 13 - Protecting Green Belt Land

JUS-t Neighbourhood Plan (2017 – 2032)

Relevant Planning History

V/2012/0066

Two Storey Rear Extension

Decision: Conditional, 29/03/2012

V/2013/0184

Attached Garage

Decision: Conditional, 22/05/2013

Comment :

Visual Amenity

To the front of the dwelling is a large paved area behind a low brick wall with an existing vehicular access located to the western side of the site. The application proposes that the access is moved centrally to the frontage with 6m of the wall being removed and a new wall being erected to close the existing access.

Within the immediate vicinity of the property there are a number of properties set back from the highway with separate drives and dropped kerbs, some of which are conjoined.

Green Belt

The application site is located within the Green Belt of Brinsley, however due to the scale and nature of the proposal it is considered that it will not affect the 5 purposes of the Green Belt and will not have an impact upon the openness.

Residential Amenity

Concerns have been raised by residents regarding the proposal with the majority being in relation to highway safety.

Residents have raised the points that the application site already had sufficient vehicular access, space for 6-8 cars and has previously been used with 24hr access and no highway safety issues. It is unclear why the applicant wishes to move the access however the proposal is being assessed based on its own merits.

It has also been raised that the access has already been created apart from the dropped kerb. It was observed on a site visit that the wall has already been removed.

Along Cordy Lane are vehicular accesses, and it is considered that the movement of this access to a central location will not have a detrimental impact upon residential amenity.

Highway Safety

Various comments from residents have been received raising concerns over highway safety.

Significant concerns were raised over the impact on the driveway serving 108 and the two businesses that operate from there. However, this should not relate to the

consideration of this application. The highways concerns raised related to a separate address will need to be investigated separately as a complaint.

Concerns are raised over the potential impact of this proposal on existing limiting on-street parking, however, there is sufficient parking within the site to accommodate the needs of this property.

NCC Highways have commented that it is unclear why the existing driveway is being re-positioned centrally, they will require the existing redundant vehicular access to be fully reinstated to a full kerb. The applicant will be required to meet this additional cost as well as the cost of the new vehicle drop crossing in line with the new driveway access.

The visibility splays exceed those required on a 30mph speed limit road. The width of the access is greater than the required width for a single drive and the footway is wider than normal therefore the pedestrian visibility splays are also considered to be adequate. The driveway however will require adequate surface water drainage which prevents unregulated discharge onto the public highway which is required to be conditioned.

The conclusion of the highways authority following assessment of all the comments received is that there are no material characteristics to refuse the proposal on highway safety grounds and that this proposal will result in an access which is not dissimilar to any other access on Cordy Lane.

Conclusion :

The proposed vehicular access is considered not to have a detrimental impact upon the visual amenity of the area or the openness of the Green Belt. The highways authority have commented on the application and consider the proposal to be minor in nature and to have no discernible impact on highway safety. It is acknowledged that residents and a Councillor have raised concerns over highway safety but the proposal meets the standards and no reasonable grounds have been identified which would warrant permission to be refused.

Recommendation: - Approve – Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. No part of the development hereby permitted shall be brought into use until the drive and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) with provision to prevent the unregulated discharge of surface water from the private access**

driveway onto the public highway. The provision to prevent the unregulated discharge of surface water/loose material to the public highway shall then be retained for the life of the development.

3. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
4. No part of the development hereby permitted shall be brought into use until a new dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.
5. This permission shall be read in accordance with the following plans: Block Plan, received 20/09/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure surface water/loose material from the site is not deposited on the public highway causing dangers to road users.
3. In the interests of highway safety.
4. In the interests of highway safety.
5. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

INFORMATIVE

1. The proposal makes it necessary to reinstate an existing vehicular crossing and construct a new vehicular crossing over a verge/footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at :
<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities> or by contacting VIA East Midlands Ltd on 0300 500 8080.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).

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Agenda Item 5



Report To:	Planning Committee	Date:	15 December 2021
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	COUNCILLOR MATTHEW RELF, PORTFOLIO HOLDER FOR PLACE, PLANNING AND REGENERATION		
Ward/s:	Selston		
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

Selston

Planning Application – V/2021/0198

Site – 224 Nottingham Road, Selston Nottingham N16 6AB

Proposal –Vary Condition 3 of Planning Permission V/2018/0760 to Allow the Barn to be Used for Residential and Equestrian Use

Appeal Decision –Appeal Dismissed

The Inspector agreed that the change of use of another section of the building to an ancillary residential use would further erode the basis on which the building was originally considered not inappropriate development in the Green Belt. It would thus conflict with the purposes of the Green Belt as it would represent encroachment into the countryside. The gradual erosion of the originally acceptable purpose of the

building would therefore be inappropriate by definition. He further concluded that the proposal would also harm the living conditions of occupiers of nearby dwellings with regards to noise and disturbance from a workshop, but he did not agree that significant vehicle movements would result from the proposal.

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:

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

Report Author and Contact Officer

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David Lawrence

Interim Director Place and Communities

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