

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 16th March, 2022**

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 23 February 2022. 5 - 8
4. To receive and consider the attached planning applications. 9 - 34
5. **Planning Appeal Decisions.** 35 - 38

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PLANNING COMMITTEE

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

on Wednesday, 23rd February, 2022 at 10.00 am

Present: Councillor Sarah Madigan in the Chair;

Councillors Samantha Deakin, Arnie Hankin,
Rachel Madden, Andy Meakin, Lauren Mitchell,
Helen-Ann Smith and Jason Zadrozny.

Apology for Absence: Councillor Phil Rostance.

Officers Present: Lynn Cain, Louise Ellis, Mick Morley,
Ashley Patel, Naira Raof and Hannah Woods.

P.28 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

P.29 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 18 January 2022, be received and approved as a correct record.

P.30 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions

1. V/2021/0741, E Olden, Change of Use of Detached Garage to a Dog Groomers, 90 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:-

To provide further clarification an amended site plan had been submitted showing the detached garage accurately and providing further measurements of the front garden to show the additional 2 parking spaces to create 3 in total.

As an amended plan had been submitted it was recommended that condition 2 be amended to remove the proposed parking and access plan received 26/01/2022 and replace it with the amended parking and access plan received 22/02/2022.

The proposal now included a larger parking area that needed to be hard surfaced in a permeable material prior to the use commencing and it was

recommended that a further condition be added.

Michelle Bell, an Objector, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded that the application be deferred for a site visit and submission of an accurate parking plan.

2. V/2021/0320, N Porter, Outline Application with All Matters Reserved for Residential Development, Land Adj. Teversal House, Peartree Lane, Teversal

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 Council had been contacted by a resident requesting that an objection submitted using their details be removed, as they state they did not submit the objection.

Therefore, the resulting number of representations submitted was now 9 comments submitted by 7 individuals/properties.

It was moved by Councillor Rachel Madden and seconded by Councillor Andy Meakin that:

- a) officer's recommendation contained within the report be rejected and planning consent be granted subject to conditions:
- b) delegated authority be granted to the Assistant Director, Planning and Regulatory Services, in consultation the Planning Committee Chairman and Councillor Rachel Madden (as proposer), to consider and approve the required conditions and S106 contributions as deemed appropriate.

Reasons for rejecting officers' recommendation:

The proposed development is not contrary to policies ST1, EV2 and HG5 in the Ashfield Local Plan Review 2002 since the land is considered to be previously developed land and its development would not adversely affect the open character and appearance of the countryside or adversely affect highway safety.

For the motion:

Councillors Samantha Deakin, Arnie Hankin, Rachel Madden, Sarah Madigan and Andy Meakin.

Against the motion:

Councillors Helen-Ann Smith and Jason Zadrozny.

Abstention:

Councillor Lauren Mitchell.

3. V/2021/0776, Ashfield District Council, 20no Dwellings Comprising of 4no 1 Bed Flats, 4no 2 Bed Flats, 6no 2 Bed Semi's & 6no 3 Bed Semi's, Land North of Midland Road, Sutton In Ashfield

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

Nottinghamshire Clinical Commissioning Group confirmed that they did not require any financial contribution towards local health care provision, as the number of dwellings proposed fell below their threshold for requesting contributions.

Martin Rigley, an Objector and Councillor Matthew Relf, as Ward Councillor, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded that conditional consent be granted as per officer's recommendation, subject to delegated authority being granted to the Assistant Director, Planning and Regulatory Services, in consultation the Planning Committee Chairman and the Portfolio Holder for Regeneration and Planning to seek amended plans and agree changes to conditions, with additional conditions and an informative in respect of the following:

Additional Conditions

Amend the boundary in southeast corner of the site to reduce the size of the site.

Increase the size of the balancing pond in northeast corner.

Provide absorbing acoustic boundary treatments and native evergreen planting.

Informative

Advise developer to apply to the County Council and fund a Traffic Regulation Order along Midland Road.

P.31 Planning Appeal Decisions

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

RESOLVED

that the report be received and noted.

The meeting closed at 11.15 am

Chairman.

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BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

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

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Site Visits Planning Committee

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

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Director – Place and Communities or the Assistant Director Planning and Regulatory Services by 5pm 11th March 2022.

This can be done by either telephone or e-mail and should include the reason as to the request for the site visit. The necessary arrangements will then be made to obtain access to the site or an objector's property, if such is required.

Members are asked to use their own means of transport and **observe social distancing guidance** time and date to be arranged.

D. Lawrence

Interim Director – Place and Communities

Tel: 01623 457365

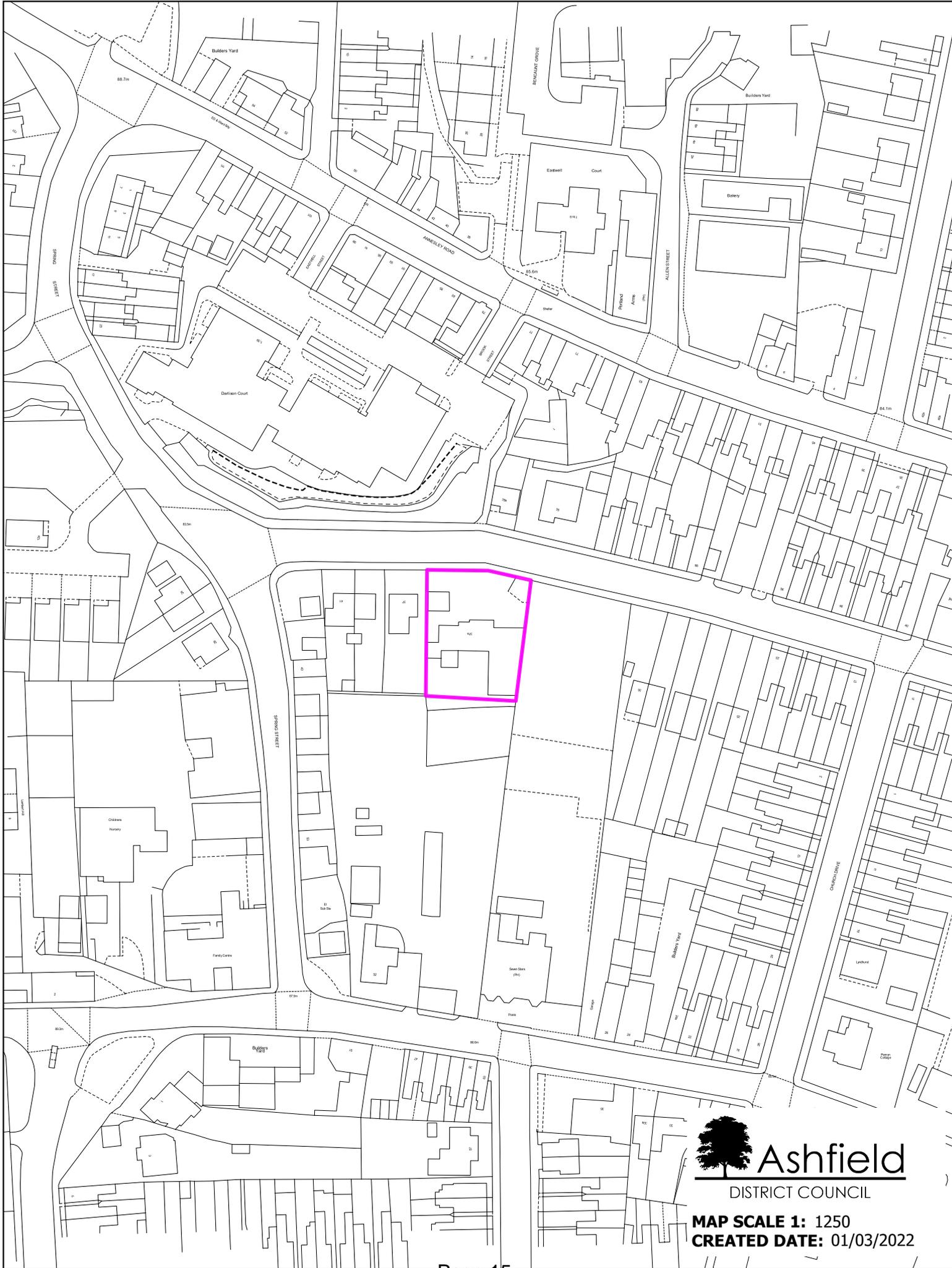
E-mail: David.lawrence@ashfield.gov.uk

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**PLANNING COMMITTEE – 16th March
2022**

Page	App No	Applicant	Recommendation	Proposal	Location
Hucknall					
15-26	V/2021/0904	Crossover Consulting & PM Limited	Grant conditionally	Change of Use from Residential Care Home to House in Multiple Occupation	37A Ogle Street Hucknal
Sutton Central and New Cross					
27-33	V/2021/0889	Ashfield District Council	Grant conditionally	Redevelopment to Include Mixed-Use Office Space on the Ground Floor With Two Apartments on the First Floor	14 Low Street Sutton in Ashfield

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COMMITTEE DATE 16/03/2022 **WARD** Hucknall Central

APP REF V/2021/0904

APPLICANT Crossover Consulting & PM Limited

PROPOSAL Change of Use from Residential Care Home to House in Multiple Occupation.

LOCATION 37A Ogle Street, Hucknall, Nottingham, NG15 7FQ.

WEB-LINK <https://www.google.com/maps/place/Elm+Tree+Rest+Home,+37A+Ogle+St,+Hucknall,+Nottingham+NG15+7FQ/@53.0396577,-1.2092474,135m/data=!3m1!1e3!4m5!3m4!1s0x48799554b2a7031b:0x8433ee2c45b5f8bb!8m2!3d53.0397828!4d-1.2092574>

BACKGROUND PAPERS A, B, C & D.

App Registered: 23/12/2021 Expiry Date: 16/02/2022

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

This application has been referred to Planning Committee by Cllr Baron to discuss the impact upon residential amenity and highway safety.

The Application:

This is an application for the creation of a 20-bedroom House of Multiple Occupation (HMO), providing a supportive living environment for tenants. The existing property was previously used as a 16-bedroom care home.

Whilst tenants will live independently, there will be staff on site in an office 7 days a week (9:00am to 5:00pm) to provide additional support should this be required by any tenant.

A limited number of alterations are proposed to the exterior of the property, namely:

- The removal of a door at ground floor on the rear elevation.
- The replacement of a door at first floor on the rear elevation with a window to match existing.

Some off-street parking is to be provided to the front of the property, a cycle store is also to be provided.

The surrounding area is residential in nature, with a mix of property types within the vicinity.

The site is located within the Hucknall Town Centre Conservation Area.

Consultations:

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

The following responses have been received:

Resident comments:

A petition has been submitted containing 143 signatures objecting to the proposal, in addition to 9 objections being received by 7 residents, making the following comments:

- Security and safety concerns.
- Will increase crime and anti-social behaviour.
- Will put vulnerable and elderly people at risk.
- Noise and disturbance.
- No longer a police station in Hucknall.
- Overlooking and loss of privacy.
- Negative impact on character of the area.
- Increase in litter.
- Will impact the close knit, family orientated area.
- There are schools/nursery's and public areas in close proximity.
- Not suitable for tenants with drug/alcohol problems.
- Already so many HMO's in Hucknall.
- Proposal is too large for the area to absorb.
- The accommodation is cramped, which may prove to be difficult for vulnerable women.
- No objection to the building being converted to apartments.
- Could be hostel accommodation.
- Application form makes incorrect reference to trees on site. A tree survey should be carried out.
- Increase in traffic generation.

- Area already suffers from parking problems.
- Inadequate information regarding staffing.

Nottinghamshire County Council Highways:

Part 4.1 of the Nottinghamshire Highway Design Guide indicates that Houses in Multiple Occupation should be providing 1 space per bedroom. This could be more if rooms are to be double occupancy.

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.

Part 16: Conserving and enhancing the historic environment.

Ashfield Local Plan Review (ALPR) (2002):

ST1: Development.

ST2: Main urban area.

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

Supplementary Planning Documents (2014):

Residential Design Guide.

Residential Car Parking Standards.

Relevant Planning History:

V/1975/0407 - Erection of house and double garage - Conditional consent.

V/1987/0071 - Extension over garage for snooker room with single storey link - Refused.

V/1990/0217 - Change of use to residential care home - Conditional consent.

V/1996/0112 - Extend Existing Residential Home from 17 to 28 Beds - FULCC.

V/1996/0721 - Boiler and sluice room and food store - FULCC.

V/2001/0488 - Certificate of lawfulness for use of premises for 17 residents - Refused.

V/2008/0482 - Extension to existing care home - FUL Refusal.

V/2009/0034 - Extension to existing care home - FULCC.

Material Considerations:

- Principle of Development.
- Visual Amenity.
- Historic Environment.
- Residential Amenity.
- Highway Safety & Transport.
- Other.
- Conclusions.

Principle of Development:

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 site is located within the main urban area, where the principle of development is acceptable.

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 NPPF sets out three overarching objectives to achieving sustainable development. These are economic, social and environmental objectives. The social objective, amongst other things, seeks to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

This objective is reflected in Part 5 (delivering a sufficient supply of homes) of the NPPF 2021, which sets out the Government's aims to significantly boost the supply of homes. Within this context, paragraph 62 of the NPPF specifies that the size, type and tenure of housing needs for different groups within the community should be considered. This, amongst other things, includes rented properties such as HMO's.

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.

Visual Amenity and the Historic Environment:

There are limited external alterations proposed to the property itself, largely limited to the removal of a door at ground floor level on the rear elevation, and the replacement of a door at first floor on the rear elevation with a window to match the existing. Furthermore one of the existing external staircases is to be removed to coincide with the replacement door at first floor level.

The trees along the front of the property boundary are proposed to be retained, with a bin storage area to be created, utilising an existing screened area. As the site is within a designated Conservation Area, notification would need to be submitted to the Local Planning Authority in the event that any works were proposed to the trees.

The NPPF (2021) states, at paragraph 194, that "in determining applications, local planning authorities should require an applicant to describe the significance of any

heritage assets affected, including any contribution made by their setting". Any harm or loss of significance to a designated heritage asset requires clear and convincing justification.

No standalone Heritage Statement has been submitted, and only a minor reference to the historic environment has been made within the submitted planning statement. However due to the limited extent of the proposed external alterations, it is considered that there will be no detrimental harm to the setting or significance of the any designated or non-designated heritage asset with the vicinity.

Additionally it is considered that the alterations as proposed would not cause any undue harm to the character of the area or wider street scene.

Residential Amenity:

At the present time the property currently has 6 bedrooms at ground floor level, and 10 bedrooms at first floor level. As a result of some internal reconfiguration it is proposed to increase this to 8 bedrooms at ground floor level, and 12 bedrooms at first floor level, all with en-suites. It is anticipated that all bedrooms would be single occupancy, with each bedroom meeting the Council's adopted standards for internal floor space, as contained with the 'Residential Design Guide'.

A communal kitchen-diner-living area is proposed at ground floor level, providing cooking and washing facilities.

To the rear of the property is a generous area of private outdoor amenity space, enclosed by a mixture of fencing and planting.

The site is also a short distance away from the identified Local Shopping Centre (Annesley Road, to the North) and the District Shopping Centre (Hucknall Town Centre, to the East), which provides ease of access to facilities and services.

A number of concerns have been raised through the consultation process which relate to overlooking/loss of privacy, an increase in noise and disturbance, increase in anti-social behaviour, safety/safeguarding concerns (for vulnerable and elderly people and due to the close proximity of the site to schools/nursery's), and an increase in litter.

It must be noted that no additional structural openings are to be created over what is already there on site, and existing windows are to be utilised. The replacement of a door to a window at first floor level as previously identified would serve an en-suite, so would likely be obscurely glazed in any event.

Additionally the removal of one of the staircases as previously identified further reduces the available opportunities for overlooking, arguably resulting in a net increase in privacy for nearby residents.

Furthermore at this time 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 the existing permitted use as a 16 bedroomed care facility, or from any nearby 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, anti-social behaviour etc), 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 16 bedroom care facility.

A bin storage area has been indicated to the front of the property within a designated enclosed area. The total number of bins would need to be determined following discussions with the applicant and the Council's Environment/Refuse team. All such responsibilities for ensuring refuse is collected from site would fall to the tenants of the 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, and would also provide an acceptable level of amenity for future occupiers.

Highway Safety:

The current care facility would have been subject to staff and visitor parking, with a parking area provided within the site boundary to the front of the building. The space available for off-street parking will remain unaffected by this proposal.

Although a plan has been submitted illustrating 7 off-street parking spaces, officers have reservations as to the functionality of this. For example should the most westerly space be occupied by a vehicle, it is unlikely access to the bin store could realistically be achieved. Similarly the space as indicated at the top of the entrance could potentially restrict manoeuvrability. Nevertheless this is to illustrate what capacity could potentially be achieved on site, and in any event a minimum of 5 vehicles could be accommodated.

There are delineated on-street parking bays available within the vicinity which are subject to a residents permit holder scheme. Concerns have been raised relating to an increase in traffic congestion in the area, and that parking is already a problem. However there is nothing to indicate that there would be a demand for on-street parking, or whether any demand would be over and above what may be reasonably required to accommodate the current permitted care facility.

Comments received from the Highway Authority suggest that 1 space should be provided per bedroom. Officers are of the opinion 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 an existing outbuilding to the rear of the site is to be converted to a secure cycle store for 20 bicycles.

Additionally the site is within close proximity to other means of sustainable transport, namely the bus terminus within the Town Centre, and the tram and train stations to the north east. The ease of access to these facilities is considered to encourage a modal shift away from the reliance on the private car to alternative forms of transport, supporting the aims of Part 9 (promoting sustainable transport) of the NPPF (2021).

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 the existing permitted care facility, and when considering other available sustainable transport alternative, the proposal is unlikely to have a detrimental impact upon the capacity or safety of the highway network.

Other:

It is understood that the operator of the premises is to provide a level of 'supported living' accommodation, by way of tenants living independently but with staff on hand to provide some support should this be required.

The staff office will be located in the outbuilding to the front of the property, which is understood to have been previously used for such purpose associated with the former care home (e.g. storage and ancillary office use). There is an extant kitchenette within this building.

Staff will be on site from 9:00am to 5:00pm, 7 days a week, but there may be an identified need for some attendance outside of these hours. Therefore on-site care will not be '24/7', but the residents will still benefit from a level of support.

It is anticipated the exact number of staff on site at any one time is likely to vary, according to service needs etc. Typical staff parking requirements are expected to be around three vehicles at any one time, so some parking spaces would most likely remain available for occupiers, visitors and deliveries etc.

Based on the nature of the proposal it is considered that a full site management plan should be submitted to and approved by the Local Planning Authority, to allow the Council to better understand how the site intends to operate. This is proposed to be

secured by way of a condition, and should be approved prior to the proposed use being brought into operation.

Conclusion:

The existing property is currently a 16- bedroom care facility, with permission being sought to change it in to a 20-bedroom HMO.

It is considered that the proposed development, consisting of a change of use and associated alterations (as identified above), would not detrimentally harm the living conditions or amenities of residents living within the vicinity of the application site, nor would the alterations be detrimental to the character and appearance of the area and wider street scene. Furthermore the limited external alterations are considered not to cause undue harm to the setting and significance of nearby designated and non-designated heritage assets.

The level of off-street parking to be provided is considered to be satisfactory given the provision and accessibility of alternative, more sustainable means of transport, and therefore there is unlikely to be any detrimental effect on highway safety.

The submission of a management plan for the site should be secured by way of a condition to allow details pertaining to the operation of the site to be submitted and approved, prior to the proposed use being brought into operation.

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

Recommendation: Grant planning permission, subject to 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.P/001, Received 22/12/2021. Proposed Site Plan, Drawing No.P/002 Rev.C, Received 01/03/2022. Proposed Elevations, Drawing No.P/008 Rev.B, Received 01/03/2022. Proposed Floor Plans, Drawing No's.P/006 Rev.A and P/007, Both Received 22/12/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. The hereby permitted use shall not be occupied until a full site management plan has been submitted to and approved in writing by the Local Planning Authority.
4. 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 plans.
5. The staircase to the rear of the premises, as illustrated on the aforementioned approved plans, shall be removed from the site prior to the hereby permitted use from being occupied.

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 protect the amenity of the area.
4. To promote sustainable modes of travel and an alternative to car ownership.
5. To protect the 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. 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.

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MAP SCALE 1: 1250
CREATED DATE: 01/03/2022

COMMITTEE DATE 16/03/2022 **WARD** Sutton Central & New Cross

APP REF V/2021/0889

APPLICANT Ashfield District Council

PROPOSAL Alterations and extension to form a Mixed-Use Office Space on the Ground Floor With Two Apartments on the First Floor.

LOCATION 14 Low Street, Sutton in Ashfield, Notts, NG17 1DG.

WEB-LINK <https://www.google.com/maps/place/14+Low+St,+Sutton-in-Ashfield+NG17+1DG/@53.1243716,-1.2624244,104m/data=!3m1!1e3!4m5!3m4!1s0x4879942a64fcec2d:0xd6cb07d320703788!8m2!3d53.1244275!4d-1.2621745>

BACKGROUND PAPERS A, B, D, & K.

App Registered: 13/12/2021 Expiry Date: 06/02/2022

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 the alterations and extension of an existing building to create an office space at ground floor and two, 2-bedroomed flats at first floor level.

The extension comprises a single storey to the rear of the building to accommodate a bin storage area.

New boundary treatments are also proposed to be erected around a proportion of the rear car park to provide a greater level of security. This would consist of the erection of railings on top the existing boundary wall.

The alterations include new access doors, new windows at first floor level, installation of solar panels on the western roof slope, installation of external condenser units, and improvements to the existing fascia.

Consultations

A site and press notice have been posted together with individual notifications to surrounding residents.

The following responses have been received:

Nottinghamshire County Council Highways:

Bin storage areas are indicated, and details should be obtained relating to refuse collection to avoid impacting the highway.

Although no parking provision is to be provided at the site, the location and nature of the site has access to public transport, and therefore the absence of parking provision is acceptable.

Ashfield District Council Conservation Officer:

Site is within the town centre Conservation Area, although the historic core is generally focussed on the church and market place.

The local building style is mainly late Victorian and early c20 with an older street pattern, although the existing building is considered not to be of high architectural merit.

The site is on the boundary of the Conservation Area and some distance from the historic core, the solar panels are considered not to make a positive contribution to the character of the Conservation Area, however the proposals are considered to be generally supportable.

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.

EV10 – Conservation Area.

HG5 – New Residential Development.

HG8 – Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels.

National Planning Policy Framework (NPPF):

Part 2 – Achieving sustainable development.

Part 5 – Delivering a sufficient supply of homes.
Part 6 – Building a strong, competitive economy.
Part 7 – Ensuring the vitality of town centres.
Part 8 – Promoting healthy and safe communities.
Part 9 – Promoting sustainable transport.
Part 12 – Achieving well designed places.
Part 16 – Conserving and enhancing the historic environment.

Supplementary Planning Documents (2014):

Residential Design Guide.
Residential Car Parking Standards.

Relevant Planning History

V/1981/0723 – Redevelopment and Refurbishment – Conditional consent.
V/1982/0675 – Bank Front – Conditional consent.
V/1997/0315 – Removal of side entrance door, installation of window and alterations to both elevations – FULCC.
V/2013/0315 – New frontage to existing bank – FULCC.

Material Considerations:

- Visual Amenity.
- Historic Environment.
- Residential Amenity.
- Highway Safety & Transport.
- Conclusions.

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 Amenity and the Historic Environment:

Replacement entrance doors are proposed to the property to facilitate level access into the office and lobby area serving the flats.

A new single storey extension is proposed to be erected to the rear of the premises which will have a mono-pitch roof and be constructed of materials to match the existing. This extension shall provide an enclosed bin storage area.

The existing planting on site is to be trimmed back, removed in part, and new 1.1m high railings are to be added to the existing low level wall to the rear of the premises. The railings are to be finished with a matt black colour.

A new timber fascia board is to be installed on the north and east elevations to replace the existing, which is currently in a poor state of repair. Surrounding brickwork is to be made good as necessary.

The five existing air conditioning units attached to the premises are to be removed from the rear (west) elevation, and the elevation made good as necessary to match the existing. Four new air source heat pumps are to be installed on the rear (south) elevation.

Solar panels are also proposed to be installed on the rear (westerly) roof slope, providing an opportunity to utilise renewable energy to increase the buildings sustainability and green credentials.

Comments received from the Council's Conservation Officer confirm that given the location of the site and its distance from the historic core of the Conservation Area, it is considered that the proposed development is acceptable from a conservation perspective. This was however on the proviso that the solar panels were omitted from the proposal. Having assessed their siting it is considered that the installation of the solar panels would amount to less than substantial harm to the character of the Conservation Area, and as such, the benefit of securing a renewable source of energy is considered to outweigh the negligible harm potentially caused to the character of the Conservation Area. This approach also supports the aim of the National Planning Policy Framework to adopt and mitigate against climate change.

Residential Amenity:

The Council has adopted minimum standards for internal room sizes, contained within the adopted 'Residential Design Guide' Supplementary Planning Document

(2014). Each flat will have two generous sized bedrooms with bathrooms/en-suites, each having a combined kitchen-diner-living space. All rooms within both flats meet or exceed the Council's adopted standards.

Although there is a courtyard area and car park to the rear of the premises, this is not within the ownership of the Council, but does form part of the application site boundary. Nevertheless the site is within the town centre and would have ease of access to public recreational green spaces and facilities, such as Sutton Lawn and the Lammas Leisure Centre. Therefore it is considered that the limited outdoor space available at the property would not be of detriment to the health and wellbeing of future occupiers.

In light of the above it is considered that there shall be no detrimental impact upon the residential amenity of any existing and future occupiers.

Highway Safety & Transport:

There is a car park to the rear of the premises, however this is not within the applicant's ownership and tenants will not have any access rights to these spaces. The Highway Authority consider that car parking provision on site is not essential given the sites town centre location, in close proximity to public transport facilities and several public car parks. There is also a degree of 'time-limited' on-street parking available within the locality.

Other matters

Designated bin storage areas are proposed, both within the single storey rear extension and rear yard area. It has been confirmed that the Council's waste team would have a code for the doors facilitating access to these areas, so on collection days bins can be taken from those areas to prevent any bins from blocking/obstructing the highway/car park.

Conclusion:

Given the design, scale and function of the proposed development it is considered that the development will not adversely affect the character or setting of the Conservation Area or wider street scene, nor cause significant harm to the living conditions of existing and future occupiers.

It is considered that the absence of any designated off-street parking would not be detrimental to highway safety, or cause significant harm to the capacity of the highway network due to other sustainable transport modes available.

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

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.818.1191.5-(08)002 Rev.B, Received Received 08/02/2022. Block Plan, Drawing No.818.1191.5-(08)003 Rev.B, Received 08/02/2022. Proposed Elevations, Drawing No's.818.1191.5-(21)201 Rev.E and 818.1191.5-(21)101 Rev.E, Both Received 08/02/2022. Proposed Floor Plans, Drawing No's.818.1191.5-(20)201 Rev.F and 818.1191.5-(20)101 Rev.I, Both Received 08/02/2022. Proposed Fencing Plan, Drawing No.818.1191.5-(20)301 Rev.B, Received 02/03/2022. 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.

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.

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. No consent is granted or implied for any adverts and/or lighting/illumination which may require separate advertisement consent.

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Report To:	Planning Committee
Date:	16 March 2022
Heading:	PLANNING APPEAL DECISIONS
Portfolio Holder:	COUNCILLOR MATTHEW RELF, PORTFOLIO HOLDER FOR PLACE, PLANNING AND REGENERATION
Ward/s:	ASHFIELDS
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

Detailed Information

Planning Application –Appeal Decisions

Ashfields

Planning Application – V/2021/0438

Site – 21 Chestnut Gardens, Sutton in Ashfield NG17 1LT

Proposal – appeal against a condition requiring a window in the rear elevation of a two storey extension to be obscure glass with a non-opening window below 1.7m from floor level and maintained as such in perpetuity.

Appeal Decision –Appeal Dismissed

The Inspector agreed with the Council that a window at first floor level in the new gable of the approved extension would without obscure glazing enable an outlook across all of the neighbours rear, private garden and this would be significantly more harmful than the window in the original dwelling. The condition was therefore reasonable and necessary.

Planning Application – V/2021/0494

Site – 4 Bloomer Wood View, Sutton in Ashfield NG17 1HA

Proposal – 3ft fence either side of the front of the property consisting of concrete posts, 1ft kickboards and 2ft high fence panels. Brick pillar at end to give clear boundaries between both properties either side.

Appeal Decision –Appeal Dismissed

The Inspector considered the open character to the frontage of the properties to be very apparent and was the original design intent for this part of the estate and the removal of permitted development rights ensured control could be maintained. He considered allowing the appeal would set an undesirable precedent for other residents in the surrounding area to seek to undertake similar means of enclosure, the cumulative effect of which would further undermine the open character to the frontages. It was acknowledged that the fencing was relatively low but the harm caused to the character and appearance of the area was to great.

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
N/A	N/A

Human Resources:

No implications

Environmental/Sustainability

None

Equalities:

None

Other Implications:

None

Reason(s) for Urgency

(if applicable) N/A

Reason(s) for Exemption

(if applicable) N/A

Background Papers

(if applicable) None

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