

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 20th July, 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 Andy Meakin

Vice-Chairman: Councillor Jamie Bell

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 1 June 2022. 5 - 8
4. To receive and consider the attached planning applications. 9 - 64
5. **Tree Preservation Order - Chesterfield House, Titchfield Avenue, Sutton in Ashfield.** 65 - 70
6. **Planning Appeal Decisions.** 71 - 74

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PLANNING COMMITTEE

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Wednesday, 1st June, 2022 at 10.00 am**

Present: Councillor Andy Meakin in the Chair;

Councillors Samantha Deakin, Arnie Hankin, Tom Hollis (as substitute for Jamie Bell), Rachel Madden, Phil Rostance, John Smallridge (as substitute for Helen-Ann Smith) and Jason Zadrozny.

Apologies for Absence: Councillors Jamie Bell, Lauren Mitchell and Helen-Ann Smith.

Officers Present: Lynn Cain, Mick Morley and Christine Sarris.

P.1 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

Councillor Jason Zadrozny, on behalf of all Cabinet Members present at the meeting (Councillors Samantha Deakin, Tom Hollis and Rachel Madden), declared a Non-Registrable Interest in relation to the following applications due to previous consideration of the housing initiatives at a Cabinet meeting:

- V/2022/0195, Ashfield District Council, Demolition of Existing Garages and Erection of 3No. 2 Bed Dwellings, Land Off Darley Avenue, Kirkby in Ashfield.
- V/2022/0198, Ashfield District Council, Construction of 3No. 2 Bed Dwellings and 2No. 3 Bed Dwellings, Land Off Spruce Grove, Kirkby in Ashfield.

P.2 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 13 April 2022, be received and approved as a correct record.

P.3 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions

1. V/2022/0195, Ashfield District Council, Demolition of Existing Garages and Erection of 3No. 2 Bed Dwellings, Land Off Darley Avenue, Kirkby in Ashfield

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

Linda Bend, 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 conditional consent be granted as per officer's recommendation subject to additional informatives as follows:

Informatives

1. The applicant is advised that double yellow lines or other parking restrictions should be provided on the private driveway to restrict parking and ensure that access through the site is not restricted by parked vehicles.

2. The applicant should ensure that a communications plan is produced and circulated to all neighbouring properties and those who require access over the site, to advise of any closures of the site or limited access that may occur during the construction of the proposal.

3. The applicant is advised to ensure that they liaise with the owner/occupier of No. 13 Farm View Road to ensure that their trailer can be accessed and egressed from their rear access.

2. V/2022/0198, Ashfield District Council, Construction of 3No. 2 Bed Dwellings and 2No. 3 Bed Dwellings, Land Off Spruce Grove, Kirkby in Ashfield

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

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

3. V/2022/0148, Ashfield District Council, Alterations to the Facade Including New Fenestrations and Cladding, Landscaping and New Vehicular Access, Minor Internal Alterations, 70-72 High Pavement, Sutton in Ashfield

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

P.4 Tree Preservation Order - 66 High Tor, Skegby

Members were advised of an objection received in response to the making of a Tree Preservation Order at 66 High Tor, Skegby, Sutton in Ashfield and notwithstanding the objection, were asked to confirm approval accordingly.

RESOLVED

that having considered and notwithstanding the objection, the Council proceeds to confirm the Tree Preservation Order without modification on the terms outlined in the report.

The meeting closed at 10.47 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 15th July 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.

R Docherty

Director – Place and Communities

Tel: 01623 457365

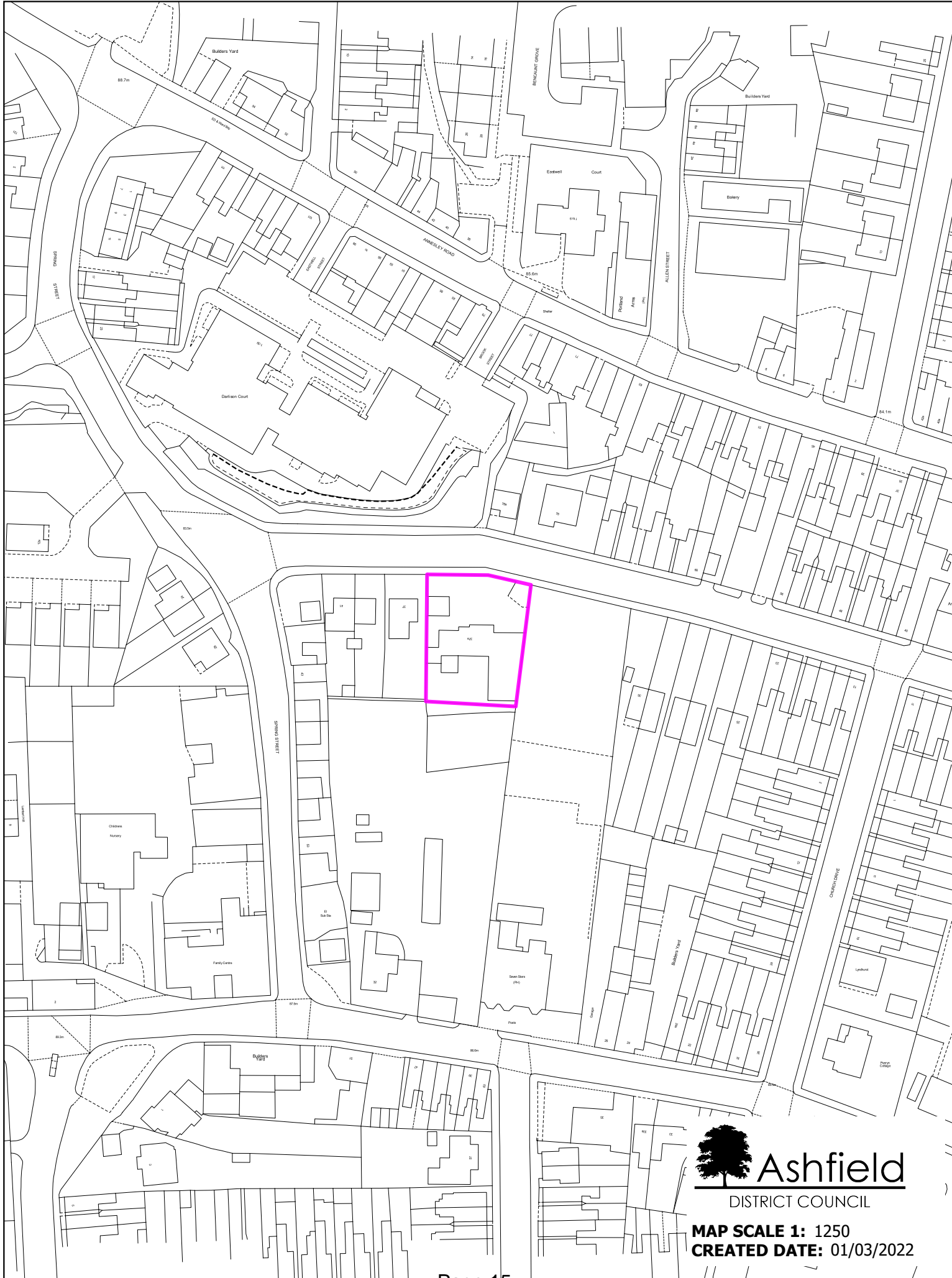
E-mail: Robert.Docherty@ashfield.gov.uk

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**PLANNING COMMITTEE – 20th July
2022**

Page	App No	Applicant	Recommendation	Proposal	Location
Hucknall Central					
15-32	V/2021/0904	Crossover Consulting & PM Limited	Approve	Change of Use from Residential Care Home to House in Multiple Occupation	37A Ogle Street Hucknall
Hucknall North					
33-42	V/2022/0299	L Westerman	Refuse	Application to remove condition 2 – sound amplifying equipment of planning permission V/2019/0728.	4A Annesley Road Hucknall
Kirkby Cross and Portland					
43-48	V/2022/0385	Ashfield District Council	Approve	Application for Consent to Display an Advertisement - Main Building Signage "Kirkby Leisure Centre" 1no. Illuminated	Festival Hall Hodgkinson Road Kirkby in Ashfield
Larwood					
49-58	V/2022/0456	Mr J Zadrozny	Approve	Replacement Dwelling and Detached Garage	74 Sutton Road Kirkby In Ashfield
Sutton St Mary's					
59-64	V/2022/0379	Mr F McDermott	Refuse	Application for Tree Works: Works to Trees Subject to a Tree Preservation Order - TPO Ref:178 - Fell 7 Trees T1-T7, Pollard to 5M, 3 Trees T8-T10, Plus Ongoing Maintenance Authority TPO Ref:086 Fell 4 Trees T9-T12	105A Alfreton Road Sutton In Ashfield

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<u>COMMITTEE DATE</u>	20/07/2022	<u>WARD</u>	Hucknall Central
<u>APP REF</u>	V/2021/0904		
<u>APPLICANT</u>	Crossover Consulting & PM Limited		
<u>PROPOSAL</u>	Change of Use from Residential Care Home to House in Multiple Occupation.		
<u>LOCATION</u>	37A Ogle Street, Hucknall, Nottingham, NG15 7FQ.		
<u>WEB-LINK</u>	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.

Background

This application was previously presented to planning committee in both March and April 2022, where members raised concerns and requested that further details be submitted for consideration.

The concerns raised by members related to:

1. The lack of detail contained within the submitted management plan.
2. The standard of living which would be offered to future occupiers.
3. The future use of the premises by another operator.
4. Potential noise disturbance originating from the rear garden area.

Members have previously made suggestions about measures which could be implemented to try and overcome their concerns.

Following the deferral of the application additional information has been submitted which includes an updated draft management plan, covering letter and revised plans illustrating revisions to the proposed layout of the building.

The agent has confirmed that in essence the applicant is seeking a 'general' HMO use for the premises, however at this time they have stressed that it is still the intention to house tenants who have previously suffered with brain injuries, however they have stated that this cannot be categorically confirmed until planning permission has been granted and contracts exchanged with the prospective site operator. Therefore within the latest details submitted

the agent has set out a proposed way forward which they consider would be an appropriate way to deal with the application via the use of a management plan/conditions.

Management Plan

A new draft management plan has been provided to supersede those previously submitted. As previously identified the agent has confirmed that full and final details of the proposed management arrangements of the property cannot be confirmed until planning permission has been granted and contracts exchanged with the prospective operator.

The agent suggests the use of pre-occupation condition(s) relating to a future management plan being finalized, which at that point would be specific to an end operator. The submitted statement therefore proposes two conditions which could be used relating to:

- 1) the submission and approval of a management plan and subsequent implementation and compliance with that approved management plan; and
- 2) requiring the Council to be notified of any change in the owner or operator of the site, but still requiring compliance with the aforementioned approved management plan.

Should the operator change then the Management Plan would need to be updated (i.e. any condition varied), so as to remain compliant with the conditional requirements of any planning permission.

At the present time the submitted draft management plan would seek to provide information on, but not limited to, contact details for the site operator and managing agent, the responsibilities of occupiers and the operator, refuse collection, maintenance/repairs, anti-social behavior, and community engagement.

Proposed Alterations

Revised floor plans have been submitted illustrating revisions to the proposed layout of the building. The revisions seek to reduce the number of bedrooms by 2 (from 20 to 18) and provide a new 'quiet lounge' and 'consultation room' at ground floor level within the main building. An additional quiet room would be provided in the former garage building to the front of the premises, which would have its own access independent of the staff areas.

The applicant/agent envisage that these consultation rooms could be utilized by professionals acting in a support capacity or by other visitors. A booking system for the consultation/meeting rooms may be required. The quiet lounge would be in addition to the main 'open-plan' lounge area and intends to function as a quieter space where residents will be able to relax and interact.

Additionally a new laundry facility will be provided in one of the outbuildings to the rear of the premises (the other outbuilding is to be used as a cycle store), providing washing and drying facilities. The outbuilding is connected to the main building via a covered area.

Consultation

The Council has undertaken a re-consultation with residents and other stakeholders to seek their views on the latest information/plans now being considered by the Council.

Notts CC Highways

- Parking space would prevent bin store access if occupied.
- Query size of parking spaces.
- HMO's should seek to provide 1 space per bedroom.
- Have reservations about the proposal.

ADC Environmental Health

No objections.

Residents:

42 objections (some residents submitted multiple representations) have been received by neighboring residents. Many of the points of objection were reflective of those originally received, with the additional comments now made:

- Effect on property values.
- Loss of elderly persons home.
- Impact on local businesses.
- Removed the lift.
- Facilities for disabled people should be fitted at the premises to avoid them being excluded.

Conclusion

An 18 bedroomed House in Multiple Occupation is now proposed seeing a reduction of 2 bedrooms from the original proposal. Amendments have provided an additional lounge to function as a quiet room and consultation/meeting rooms have also been provided which could utilise a booking system.

The parking considerations are highlighted in the previous report.

Additionally, a new laundry area will be provided in one of the outbuildings to the rear of the premises to provide washing and drying facilities.

A revised draft management plan has been submitted, and a proposed way forward to help the Council manage the future use of the premises has been suggested by the agent which utilises conditions and management plans but avoids the need for a specific 'personal' permission at this time. The submitted detail by the agent outlines that linking any permission to a third party (i.e. any operator) who is not contractually tied to the proposal at this time would be inappropriate.

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 Layout Plan, Drawing

No.P/002 Rev.E, Received 23/05/2022. Proposed Elevations, Drawing No.P/008 Rev.B, Received 01/03/2022. Proposed Floor Plans, Drawing No's.P/006 Rev.B and P/007 Rev.A, Both Received 23/05/2022. 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. The site management plan must include, but may not be limited to, details of the proposed owner/operator responsible for the management of the site. The site shall thereafter be operated in accordance with the approved site management plan.
4. Should the owner/operator responsible for the management of the site change, a revised site management plan pursuant to Condition 3 shall be submitted to and approved in writing by the Local Planning Authority. The development must then be operated in accordance with the approved site management plan.
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 plans.
6. 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 allow the Council to assess any future changes to the operation of the premises, in the interest of amenity.
5. To promote sustainable modes of travel and an alternative to car ownership.
6. 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.

<u>COMMITTEE DATE</u>	13/04/2022	<u>WARD</u>	Hucknall Central
<u>APP REF</u>	V/2021/0904		
<u>APPLICANT</u>	Crossover Consulting & PM Limited		
<u>PROPOSAL</u>	Change of Use from Residential Care Home to House in Multiple Occupation.		
<u>LOCATION</u>	37A Ogle Street, Hucknall, Nottingham, NG15 7FQ.		
<u>WEB-LINK</u>	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.

Background

This application was previously presented to planning committee in April 2022, where members raised concerns and requested that further details be submitted for consideration.

The concerns raised by members related to:

1. The lack of detail contained within the submitted management plan.
2. The standard of living which would be offered to future occupiers.
3. The future use of the premises by another operator.
4. Potential noise disturbance originating from the rear garden area.

Members suggested that the following measures could be implemented to try and overcome the above concerns:

1. Submission of a more comprehensive management plan which details exactly how the premises would be operated, which should include measures as to how the operator will; liaise and consult with residents regarding the operation of the premises (such as via a quarterly resident meetings), outline a complaints procedure for residents, and how the outdoor space on site will be managed.
2. A reduction in the number of bedrooms at the property and provision of a quiet room.
3. Demonstrate the proposed facilities are acceptable (e.g. cooking, washing, laundry, utility areas).

4. The future use of the premises could be managed via the use of 'personal' permission to the operator by means of a condition. If a change of operator was required in the future, a further application would be required to vary the condition.
5. Explore alterations to the sites boundary treatments to help reduce any possible noise nuisance which may originate from the use of the outdoor spaces.

Since the committee the agent has supplied a revised management plan and a covering letter, which in their opinion, addresses all the points raised by members at the aforementioned committee meeting.

Management Plan

The agent maintains their position that a formal management plan would be finalized by the site operator, which they consider can be secured via planning condition, and therefore the submitted revised draft management plan only includes measures which could be included. Some points from the submitted management plan are outlined below.

Tenancies would be subject to a vetting process to consider their suitability for the property, and those deemed unsuitable will be rejected.

On-site staff

Members of staff will be on-site each day and will be responsible for the organisation and coordination of:

- The day-to-day management of the premises.
- The internal and external maintenance of the property.
- Emergency cover/insurance for plumbing and drains, electrical and wiring, boiler breakdown and central heating repairs.
- Safety testing.
- Liaison with local residents and other organizations where necessary.

Staff will undertake regular inspections to ensure the property is in good order, reporting any damages.

CCTV will be installed across the whole site, which can be accessed 24/7 by staff.

Parking & Waste

It is not expected that residents of the property would have their own vehicles, and therefore it is only anticipated that the parking area would be used by staff, visitors and vehicles.

Bins will be stored in a designated area, and moved to the front of the property (and back again) on collection days by the site operator.

Noise & Boundaries

Proportionate improvements will be made to the acoustic insulation of the property, where considered necessary.

Existing boundary treatments (fencing and planting) will be maintained in good order. This will help to reduce the propensity for noise.

Appropriate and proportionate action would be taken against any tenant repeatedly causing disturbance, which could include eviction.

Resident Consultation/Liaison

Contact details for the site operator can be provided in a format to be agreed, so that local residents can contact a representative to raise enquiries, complaints or compliments.

Opportunity for local residents to meet regularly with the site operator. The frequency of such meetings would be no less than quarterly, unless another frequency is agreed. A record of the meetings and any agreed actions would be kept.

Covering Letter

The covering letter which has been submitted aims to provide some further reasoning as to the adopted approach to the development. Some points from the submitted management plan are outlined below.

Number of Bedrooms

The applicant considers that the proposal would be able to meet and exceed all relevant standards. This includes compliance with the nationally prescribed space standards and those placed upon the property under the Housing Act.

The number of bedrooms at the premises have been increased due to the opportunity to redesign the internal layout as part of the proposed refurbishment. It is suggested that these changes had not previously been possible whilst operating as a carehome, otherwise they would already have taken place.

Therefore the operator considers the number of bedrooms to be appropriate.

Facilities

Within the communal kitchen there will be 4 of each: sinks, hobs, ovens, microwaves and fridges (with freezer compartments). The amount of space for these communal facilities, including laundry facilities and storage space, will comply with the requirements for licensing under the Housing Act.

The communal dining room area will have seating for at least 8 seated diners. Not all residents would be expected to want to eat at the same time, and some may prefer to sit on the sofas whilst eating, hence this capacity would be more than adequate.

Personal Permission

The applicant is not the operator. Contract with the proposed operator cannot be exchanged until planning permission is granted for the change of use.

Consider that restricting the use of the premises to a specific operator via condition is not appropriate, but consider that conditioning the use of the premises to operate in accordance with the future management plan to be more appropriate.

Site Boundaries

There are substantial boundary treatments already in place. If members were not happy with the current boundary treatments a condition could be imposed requiring changes to be submitted for approval.

Material Considerations

The comments contained within the submitted covering letter attempt to justify the applicants approach to the development, with the revised draft management plan also providing some further information on what measures 'could' be implemented.

However based on the information which has been forthcoming, it is disappointing to see that the concerns of members have not been addressed to enhance the quality of life for future occupiers and nearby residents, despite an opportunity having been provided for concerns to be addressed prior to determination. The draft management plan also appears somewhat non-committal, and does little to allay the concerns of members, who considered that a full management plan would be required prior to determination so that the full scope of the proposal could be suitably considered.

Conclusion

A 20-bedroomed House in Multiple Occupation is still proposed, and there has been no reduction in the number of bedrooms. The explanation into the type and level of facilities to be provided for the proposed occupiers, such as cooking and laundry space etc, is considered to be limited.

A full management plan has not been submitted, and therefore it is considered that the information contained within the submitted draft plan lacks detail and commitment.

No changes have been proposed to the sites boundaries to attempt to allay member concerns about noise disturbance from the use of the outdoor garden area, and no details have been submitted about how the outdoor spaces at the site would be appropriately managed.

The use of a condition to restrict the use of the premises to be 'personal' to the operator has been dismissed, with the agent considering the use of the premise could be suitably controlled by a future management plan.

<u>COMMITTEE DATE</u>	16/03/2022	<u>WARD</u>	Hucknall Central
<u>APP REF</u>	V/2021/0904		
<u>APPLICANT</u>	Crossover Consulting & PM Limited		
<u>PROPOSAL</u>	Change of Use from Residential Care Home to House in Multiple Occupation.		
<u>LOCATION</u>	37A Ogle Street, Hucknall, Nottingham, NG15 7FQ.		
<u>WEB-LINK</u>	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 Governments 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 bedrooled 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.



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 11/05/2022

COMMITTEE DATE 20/07/2022 **WARD** Hucknall North

APP REF V/2022/0299

APPLICANT L Westerman

PROPOSAL Application to remove condition 2 – sound amplifying equipment of planning permission V/2019/0728.

LOCATION 4A, Annesley Road, Hucknall, Notts, NG15 7AB

WEB-LINK <https://www.google.co.uk/maps/place/Havana+Blue/@53.039911.2053069,17z/data=!3m1!4b1!4m5!3m4!1s0x487995dcd125ac2f:0xb97acd77fb9c56eb!8m2!3d53.03991!4d-1.2053069?hl=en-GB>

BACKGROUND PAPERS A, B, E

App Registered 13/04/2022 Expiry Date 07/06/2022

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

This application has been referred to Planning Committee by Cllr Hennigan to discuss impact on the street scene and impact on residential amenity.

The Application

This is an application for Application to remove condition 2 – sound amplifying equipment of planning permission V/2019/0728.

Consultations

A press notice has been posted along with individual notification of surrounding residents. During the process it was found that the application reference number referred to in the description was not the latest approved application and needed amending. Once the description was amended a re-consultation was undertaken.

Residents:

1st consultation

6 letters of objection have been received raising the following:

- Parking issues, patrons parking on pavement and junctions
- Extended opening hours could cause further parking issues
- Noise already unbearable

- Flashing lights and flood light come from property
- Already nuisance
- Cannot have windows open
- Disturbed sleep, ear plugs needed
- Patrons gather outside whilst open and after closing
- Loud intoxicated customers walking street
- Different to those located on pedestrianized area which are surrounded by more business than residential
- Impact resident well being
- Disturbance to residents
- Homes were there before the bar
- Rear service door and front entrance used frequently
- Volume of music will increase as doors open
- Venue will go from no noise to as loud as other bars on high street
- Has acoustic testing been done with doors open

7 letters of support were received raising the following:

- Owners are considerate and approachable
- No bottles smashed into bins at night anymore
- Security light rarely comes on
- Owners don't park on street
- Other pubs, clubs have music
- Support local businesses
- Feel safe at this pub
- Noise expected from town centre
- No issue with bar
- Previous issues have been resolved
- Bar would not contribute excessively to existing noise in area
- No issue with noise
- No issue with people leaving

2nd Consultation

2 letters of objection have been received raising the following:

- Experience rowdy people
- Vandalized cars
- Environmental health were involved when the previous pub was open and playing music which was deemed too loud
- Noise unbearable already
- Cant have windows open
- Have to sleep in ear plugs
- Patrons gather outside

ADC Environmental Health:

1st Consultation

- Newly submitted Environmental Noise conducted by E2 consultant addresses some of the outstanding comments made in the planning inspectors dismissal

of the appeal related to V/2019/0575 and comments made by ADC Environmental Health on withdrawn application V/2022/0023

- Noted the mitigation measures in place as part of the assessment which included windows remained closed, doors remained closed excluding the existing and entering of patrons and noise limiter set to 80-82dB
- Combination of measures implemented by the applicant is suggested in the supporting statement to indicate that the playing of amplified music will not impact the existing background noise levels and will not result in a detriment to residential amenity
- Minded to accept the conclusion of the Acoustic Consultants and recommend removal of the condition subject to all of the control measures referenced in the report being implemented in full and retained thereafter.
- Notwithstanding the comments above the music noise level is relatively low for music lead entertainment and it is a concern that this may be lower than what is desired by patrons.
- Music noise level may present practical difficulty to manage when patrons desire higher level of noise immersion during such events.

2nd Consultation

- E2 Environmental Noise consultants completed a noise survey of music being played through the noise limiting systems which included:
 - o Windows to remain closed and sealed,
 - o Doors to remain closed excluding the existing and entering of patrons and
 - o The noise limiter machine set to 80-82dB
 - o The noise limiter would only limit sounds emitted via electronic means and would not consider non amplified acoustic instruments and live vocals and singing etc.
- Music noise level may present practical difficulty to manage when patrons desire higher level of noise immersion during such events.
- If the mitigation measures are adhered to, this should suitably abate nuisance in theory.
- Notwithstanding the comments above the music noise level is relatively low for music lead entertainment and it is a concern that this may be lower than what is desired by patrons.
- Previous history of the premises in 2018 and then under new management in 2019 resulted in complaints about noise and general disturbance and music which affected the residential amenity of the area.
- On that basis, it is believed that there may be an increased level of complaints about this venue due to the proximity of it to residential dwellings and in particularly taking into account the proposal of entertainment until midnight.

Policy

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

Ashfield Local Plan Review (ALPR) (2002)

ST1 – Development

ST2 – Main Urban Area

SH1 – District Shopping Centre

National Planning Policy Framework (NPPF) (2021)

Part 2 – Achieving sustainable development

Part 6 – Building a strong, competitive economy

Part 8 – Promoting Healthy and safe communities

Part 12 – Achieving well designed places

Relevant Planning History

V/2017/0616 - Change of use from A1 to A4 – Cocktail and Prosecco Bar –
Conditional

V/2018/0735 - Application to vary condition 4 of planning permission V/2017/0616 –
to alter opening hours to 18:00PM to 23:00PM Monday to Thursday, 17:00PM to
00:00AM Friday, 12PM to 00:00AM Saturday, 12PM to 23:00PM Sunday and
Closing hours for Christmas Eve and New Years Eve 1AM – Conditional

V/2019/0407 - Application to Vary Condition 3 of Planning Permission V/2018/0735 -
Alter Opening Hours to 12:00pm - 01:00am Monday to Saturday and 12:00pm -
00.0am Sunday – Refused

V/2019/0575 – Application to remove condition 2 of V/2018/0735 – To allow sound
amplifying equipment – Appeal Dismissed

V/2019/0728 - Application for a Variation of Condition 3 of Planning Permission
V/2018/0735 - to Alter Opening Hours to 12.00pm to 23.00pm Monday to Thursday
and 12.00pm to 00.00am Fridays, 12.00pm to 00.00am Saturdays and 12.00pm to
23.00pm Sundays – Conditional

V/2022/0023 – Remove Condition 2 of Planning Permission V/2018/0735 – To Allow
Sound Amplifying Equipment - Withdrawn

Comment :

The Site

The application site is located on Annesley Road in the main urban area of Hucknall. Although the site falls within the designated district shopping centre boundary it is located within a predominantly residential area. There are residential properties located opposite, above and to the rear of the site.

Planning permission was granted in 2017 for the change of use for the premises from retail to a cocktail and prosecco bar (V/2017/0615). As part of this permission a condition was placed on the decision restricting sound-amplifying equipment stating the following:

‘(3) No sound-amplifying equipment shall be installed within the hereby approved premises, with only background/acoustic music to be played in the main bar area’,

In 2018 planning permission was granted (V/2018/0735) to extend the opening hours. This allowed the premises to be open on Christmas Eve and New Years Eve. The above condition restricting sound-amplifying equipment was again applied. Planning applications were submitted in 2019 (V/2019/0407 and V/2019/0575), one was to vary the opening hours under condition 3 of V/2018/0735 and one was to remove condition 2 of V/2018/0735. Both applications were refused however the applicant appealed against the refusal of removing condition 2 and the appeal was dismissed.

Further to these two applications another application was submitted (V/2019/0728) to vary condition 3 of V/2018/0735 and extend the opening hours of the business. This application was granted condition consent. The above-mentioned condition restricting sound amplifying equipment was included on the conditional consent.

Similar Uses in the Vicinity

There are a number of similar small scale bars within Hucknall that have all forms of sound-amplifying equipment restricted by condition because of their location in a predominantly residential area. For example:

- ‘Damo’s’ 30a Annesley Road (V/2017/0091)
- ‘Baker and Bear’ 19 Watnall Road (V/2019/0084)
- ‘The Hideout’ 2 Yorke Street (V/2018/0101)
- ‘Door 57’ 57 Nabbs Lane (V/2019/0401), Application V/2020/0148 to allow background music refused

Whereas sites located in more central Hucknall locations that are not located in predominantly residential areas, do not require sound-amplifying equipment to be restricted. For example:

- 'Byron's Rest' 8 Baker Street (V/2016/0789)
- 'H20' 76-78 High Street (V/2012/0207)

Main Considerations

The main issues to consider in the determination of this application are:

- Principle of Development
- Residential Amenity

Principle of Development

Policy ST1 of the Ashfield Local Plan Review (2002) sets out that development will be permitted where it does not adversely affect the character, quality amenity or safety of the environment. This is also reflected in paragraph 130 of the National Planning Policy Framework (2021), which seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Residential Amenity

A number of letters of support and objection have been received from residents in the local area. The letters of support suggest that there are no current issues with noise from the bar, patrons and parking issues. They have commented that the owners are considerate and have resolved any previous issues and that the bar would not contribute excessively to the existing noise in the area. They have also commented that other pubs are allowed it and allowing sound-amplifying equipment would support a local business. As raised above there are other situations where bars in predominantly residential areas have a condition to stop the use of sound-amplifying equipment therefore it is considered that the restriction is not unreasonable to protect the amenity of nearby residents.

The letters of objection raise various concerns surrounding increased on street parking, increased noise, increased disturbance and impact on wellbeing of residents. Comments raised that residents cant have their windows open, have to sleep with ear plugs in and experience noise and vandalism from patrons. The letters have also raised that the noise increases when the doors to the premises are opened and they already experience noise and disturbance from the property.

Sound-amplifying equipment consist of a number of forms which include: live music performances, live sport played via televisions, pub quiz, bingo nights and karaokes. All forms of sound amplifying equipment result in intermittent bursts of noise which are uncontrollable.

As part of the application a supporting statement and noise assessment were submitted. The noise assessment confirmed that the applicant has installed a noise limiter which is proposed to be set at 80-82dBA. It also sets out different measures the applicant has taken such as insulation to mitigate against potential noise. The assessment was carried out by playing amplified music within the premises.

Ashfield District Councils Environmental Protection team were consulted as part of the process and have reviewed the submitted information. They have commented that they are minded to accept the conclusions of the submitted report. However further comments were provided which outlined that previous complaints had been made in relation to noise, disturbance and music at the property. They also commented that the music noise levels may present a practical difficulty to manage when patrons desire higher levels of noise and that the proposed music noise level is relatively low for music lead entertainment and it is a concern that this may be lower than what is desired. The additional comments concluded that it is believed that there may be an increased level of complaints about the venue due to the proximity of it residential dwellings especially taking into account the proposal of entertainment until midnight.

The level of sound was queried with the agent and they confirmed in a an email that the noise limiter is already installed and the applicant is happy with the level of sound, as this is the max output of the sound system installed.

Whilst it is acknowledged that the noise assessment claims that the proposed sound-amplifying equipment would not have a detrimental impact there are still concerns over the impact on residential amenity. The survey does not take into account sound-amplifying equipment required for entertainment events nor does it reflect noise disturbances generated by the comings and goings that would likely be exacerbated from the proposal.

The removal of this condition was applied for and dismissed at appeal in 2020(V/2019/0575). Within the decision the inspector reported that *“noise from the sound amplifying equipment when the doors to the premises are open was much greater. I find that the noise may be of a level that would be harmful to residents of nearby properties on Annesley Road, particularly in warmer months when windows may be open.”* The inspector also recognised that noise spill from customers entering and existing the property would not last for an extended time and would be restricted to the opening hours of the business. However the inspector raised the point that there is no guarantee that the doors would remain shut throughout the use of the equipment and at busy times could be opened and closed frequently resulting in the potential to cause harm to the living conditions of neighbouring resident.

The concerns raised by the inspector are considered to still be valid even with the submission of the new noise assessment and were also one of the points raised by objecting residents. Due to the concerns around the level of noise when opening and closing the door it was queried with the agent whether a lobby could be provided within the premises to mitigate against some of the impact. The agent confirmed in an email that the applicants have explored the possibility of forming a lobby area however to ensure it meets building regulations etc this would take a significant area of the property which would make it not viable. They also confirmed that all doors are fitted with closers and can not be left open. There are also doormen in the evening

who ensure the doors are closed when not being used so that people cannot hold them open for prolonged periods of time.

Whilst it is acknowledged that the doors are self closing there is still potential for them to be opened frequently. It is also acknowledged that the door men will do their best to keep the doors shut. However it is considered that these mitigation measures would not stop the impact that the sound-amplifying equipment would have on the amenity of nearby residents and there may be instances when the doormen cannot stop the door from being opened.

In addition to the above the application site benefits from extended opening hours within a predominantly residential area. As such whilst the local planning authority have recognised the need to support local businesses, this need does not outweigh the significant impact that allowing sound amplifying equipment would have on the amenity of neighboring properties.

Conclusion :

The removal of condition 2 to allow sound amplifying equipment at the premises is considered to create an unacceptable level of additional noise and disturbance to neighbouring and nearby residential occupiers, to the detriment of their amenity and the enjoyment of their homes. A further condition ensuring a restrictor is in place could be imposed, but is this realistic in stopping noise being generated from the property. A restrictor would not stop the resulting singing and noise from patrons which would cause a disturbance especially each time when music or commentary cuts out.

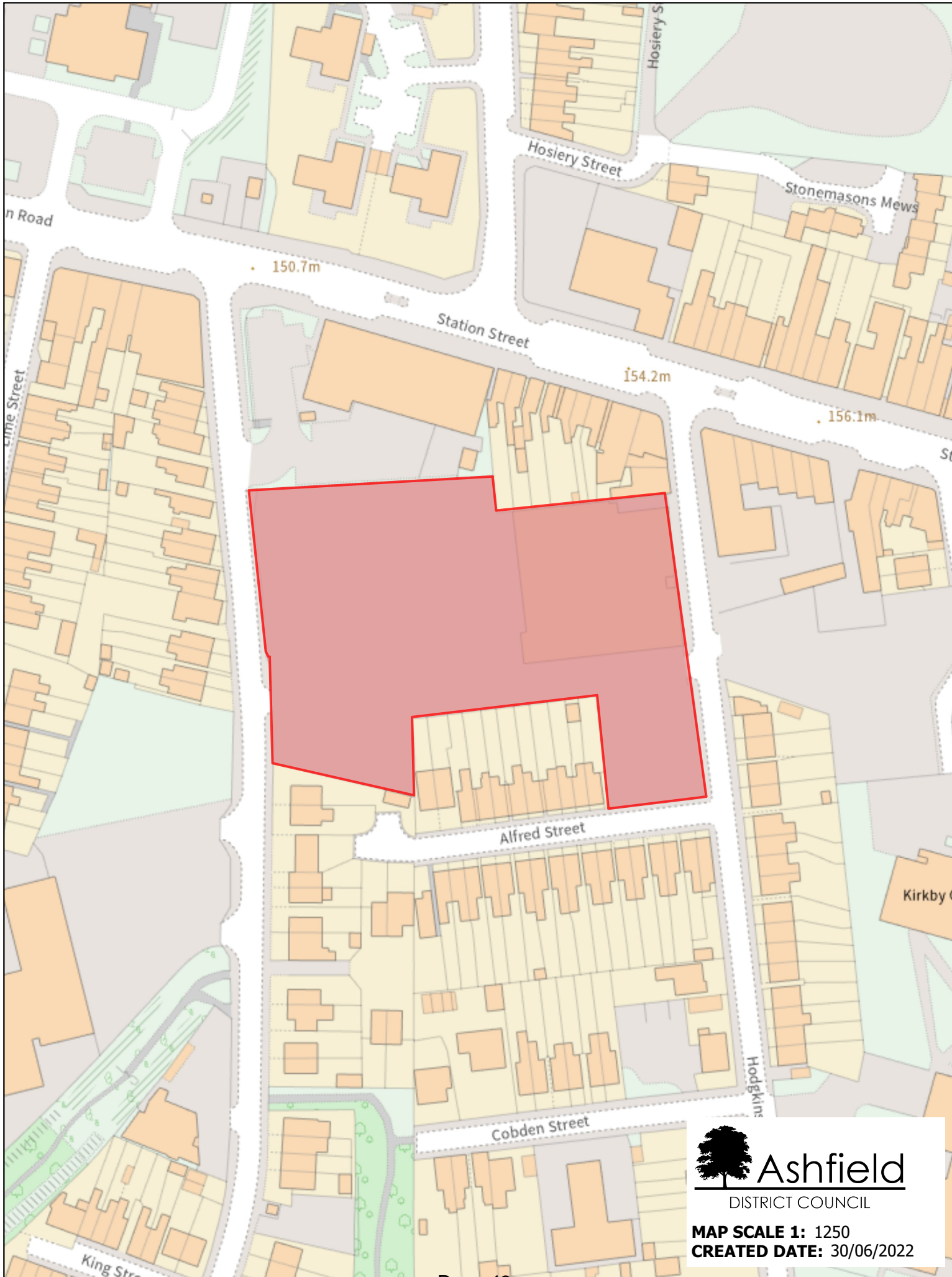
It is therefore considered that the application does not accord with the relevant saved policies contained within the Ashfield Local Plan Review (2002), and also those outlined within the National Planning Policy Framework (2021). It is therefore recommended that this application is refused for the reason outlined below.

Recommendation: - Refuse Planning Permission

REASONS

- 1. The removal or variation of condition 2 of planning permission V/2019/0728, to allow sound amplifying equipment at the premises with a noise limiter will have a significant impact on the living conditions of nearby residents by virtue of additional noise and disturbance emanating from the premises, above what can reasonably be expected in a predominantly residential area. As such the proposal is contrary to policy ST1 of the Ashfield Local Plan Review 2002 which seeks to ensure that development will not adversely affect the character, quality or amenity of the environment and will not conflict with an adjoining or nearby land use. Furthermore the proposal would also be contrary to**

part 12 of the National Planning Policy Framework 2021 which seeks to ensure that development creates places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.



COMMITTEE DATE 20/07/2022 **WARD** Kirkby Cross and Portland

APP REF V/2022/0385

APPLICANT Sarah Daniels (Ashfield District Council)

PROPOSAL Application for Consent to Display an Advertisement - Main Building Signage "Kirkby Leisure Centre" 1no. Illuminated

LOCATION Festival Hall, Hodgkinson Road, Kirkby in Ashfield, Notts, NG17 7DJ

WEB LINK <https://www.google.co.uk/maps/place/Festival+Hall+Leisure+Centre/@53.0988967,-1.2494665,17z/data=!3m1!4b1!4m5!3m4!1s0x487995b0dbad093d:0x74ce801eb5cabbc2!8m2!3d53.0988931!4d-1.2472827>

BACKGROUND PAPERS A, B, D & E

App Registered 16/05/2022

Expiry Date 10/07/2022

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

This application has been called into the planning committee as Ashfield District Council is the applicant.

The Application

This application seeks consent to display the main building signage for the new Kirkby Leisure Centre. The display is set to be erected on the eastern elevation of the building which will act as the main entrance upon completion.

The advertisement will read as 'Kirkby Leisure Centre', the sign will have a width of 2.65 metres with a height of 2.93 metres. The colour of the signage will be brushed stainless steel and will feature internally illuminated components that are proposed to be static and have an illuminance level of 500 cd/m² (candelas per metre squared)

Consultations

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

Ashfield District Council Environmental Health:

No objections.

Nottinghamshire County Council Highways:

Do not wish to raise any objections.

Residents Comments:

No comments have been received from residents in respect of this application.

Policy

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

National Planning Policy Framework (NPPF) (2021):

Part 12 – Achieving well designed places.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST2 – Main Urban Area.

Relevant Planning History

Application Reference: V/2020/0201

Description: New Leisure Centre and Associated Infrastructure

Decision: Conditional Consent

Decision Date: 17/06/2020

Comment:

Material Considerations

- Visual Amenity
- Residential Amenity
- Highway safety

Visual Amenity:

The proposed signage offers a simplistic design that is both sympathetic to the design of the building and the wider street scene. It is considered that the signage will not lead to significant harm in terms of visual amenity.

Residential Amenity:

There are nearby properties to the signage and as the sign is illuminated it is important to assess whether this will create significant issues to the nearby residents. Based on the guidance from the institute of lighting engineers, signage up to 10m² (proposed signage is 7.76m²) that is located within a town centre, can reach a maximum of 1000 cd/m², as the proposed signage is only 500 cd/m² this is well within the maximum lamination provided by the guidance and therefore should not pose itself as a significant impact on any nearby residents.

Highway safety:

The location of the signage is considered to be reasonable to identify the use and building, the luminance of the sign is within the guidance as stated above and the County Council as the highway authority do not raise any concerns. There is therefore considered to be no impact on highway safety caused by this proposal.

Conclusion:

Overall, the proposed advertisement is considered appropriate. The impact on the visual, residential amenity and highway safety have been assessed, and it is considered that there will be no undue harm to neighboring properties and no loss of visual amenity in the street scene and surrounding area and no harm to highway safety.

It is therefore recommended that this application is granted advertisement consent, subject to the following conditions.

Recommendation: - Conditional Consent

CONDITIONS

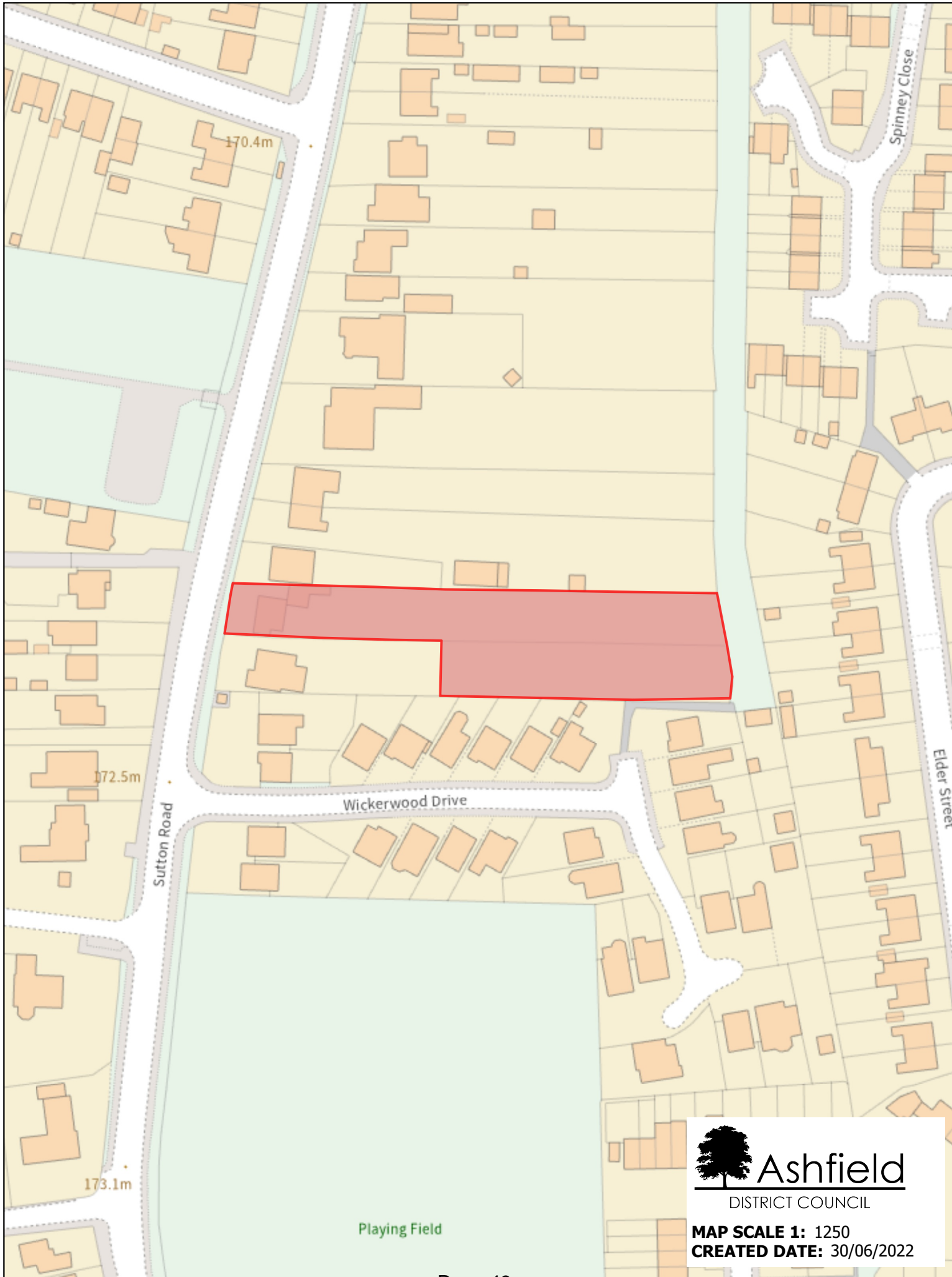
1. This grant of consent expires at the period of five years from the date of this decision.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
6. The intensity of illumination of the sign shall not exceed 500 candelas/square metre.
7. The advertisement(s) hereby granted consent shall be displayed solely in accordance with the details and specifications shown on the submitted plans, received on 11/05/2022

REASONS

1. To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.
2. To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.
3. To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.
4. To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.
5. To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.
6. To ensure that the display does not appear as an unduly prominent feature in the area.
7. To ensure that the display takes the agreed form, and the level of advertising is not excessive, in the interests of amenity.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in legal action being taken by 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 to contact the development & Building Control Section of the Authority on Mansfield (01623 450000)



COMMITTEE DATE 20/07/2022 **WARD** Larwood

APP REF V/2022/0456

APPLICANT J Zadrozny

PROPOSAL Replacement dwelling and detached garage

LOCATION 74, Sutton Road, Kirkby in Ashfield, Notts, NG17 8GZ

WEB-LINK <https://www.google.co.uk/maps/@53.1046749,-1.2691536,18z?hl=en-GB>

BACKGROUND PAPERS A, B, F

App Registered 09/06/2022 Expiry Date 03/08/2022

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

This application has been referred to Planning Committee due to the applicant being an elected member

The Application

This is an application for the demolition of an existing two storey detached dwelling and associated outbuildings and the erection of a detached two storey dwelling with a detached garage to the rear.

Consultations

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

Severn Trent Water

- Disposal of surface water by means of soakaway should be considered as primary method. If this is not practical and there is no watercourse available as an alternative other suitable methods should be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.
- The use or reuse of sewer connections either direct or indirect to the public sewerage system will require the applicant to make a formal application to the company under section 106 of the Water Industry Act 1991.
- Suggested Informative

Policy

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

Ashfield Local Plan Review (ALPR) (2002)

ST1 – Development

ST2 – Main Urban Area

HG5 – New Residential Development

National Planning Policy Framework (NPPF) (2021)

Part 5 – Delivering a sufficient supply of homes

Part 11 – Making effective use of land

Part 12 – Achieving well designed places

Supplementary Planning Documents (SPD)

Residential Design Guide (2014)

Residential Car Parking Standards (2014)

Relevant Planning History

V/2012/0161 - Demolition of Existing Dwelling, Replacement Dwelling with Detached Garage – Conditional

V/2018/0630 - Fence and Posts – Conditional

Comment :

The Site

The application site is located within the main urban area of Kirkby in Ashfield in a predominantly residential area. The site itself comprises of a two-storey detached dwelling with an attached garage and vehicular access to the front of the property. To the front of the property is a small garden area and driveway currently and to the rear is a large garden.

Main Considerations

The main issues to consider in the determination of this application are:

- Principle of development
- Visual amenity
- Residential amenity
- Highway safety

Principle of Development

The application site is located in the main urban area of Kirkby in Ashfield where the principle of development is considered to be acceptable, providing no other material planning considerations indicate otherwise.

The principle of development on this site for the demolition of the existing house and erection of a new dwelling has already been set with an application being given conditional consent in 2012 under ref V/2012/0161. The approved application unfortunately lapsed, and this application seeks consent for the same proposal.

Visual Amenity

As previously mentioned, the area surrounding the application site is predominantly residential in nature. Properties within the vicinity of the site vary in terms of size, type and design but are predominantly two storey detached properties.

The proposed development will comprise of one two storey detached property. The property will be set slightly higher than No.76 Sutton Road and slightly lower than No.72 Sutton Road. The design is considered in keeping with properties within the area and consists of a pitched roof gable ended property with two small pitched roof sections to the front. There is a two storey pitched roof section that extends from the rear and drops down into a flat roofed single storey element.

The materials proposed are facing brickwork with hanging tiles to the sections above the ground floor windows. The gables over the bay windows are to be constructed using treated oak posts with white render between them. A condition is recommended for samples of materials for the external elevations and roof of the proposal to be submitted and agreed in writing prior to commencement of the development.

As part of the proposal the front garden will be block paved with an area of landscaping and a sliding gate is proposed to the front along with a 1m high wall with 0.8m brick piers and steel railings in between. To the side of the property is proposed a driveway which will lead down to the proposed detached garage. Down the side of the dwelling is proposed a timber gate, this is set back slightly from the front elevation of the proposed dwelling. Along the boundary with No. 76 Sutton Road is also proposed a 1.8m high fence with concrete posts and plinths. Due to the varied nature of boundary treatments within the area to both front and rear gardens the proposed are considered of an acceptable design.

The proposed garage is set a distance away from the proposed dwelling in the rear garden. It will be approximately 15.4m in length by 6.5m in width with an

approximate height of 2.3m to the eaves and 5.5m to the ridge. The garage will provide a garage, garden store, garden room and WC at ground floor and storage within the roof space.

Overall the design and siting of the proposal is considered acceptable. It is considered that due to the varied street scene the proposal will be in keeping and will not appear out of place and will not have a detrimental impact on visual amenity.

Residential Amenity

The proposed dwelling has windows at ground floor, first floor and attic level on the side elevation facing No.76. The windows at ground floor raise no concerns as a 1.8m high fence is proposed along this boundary which will mitigate against any overlooking. No.76 has one stained glass window in the side elevation at first floor level. Although the proposed dwelling has windows in the side elevation at first floor and attic it is considered that due to the siting of the windows it is unlikely that any detrimental overlooking will occur. It is also considered that whilst the neighbouring window may experience some loss of light to this window this would not be significant enough as to warrant a refusal.

No.72 has two windows in the side elevation, one at ground floor which is believed to serve a toilet and one at first floor which is believed to serve a landing. Both rooms are not habitable rooms therefore no concerns are raised in relation to loss of light. The proposed dwelling has 3 windows in this side elevation ground floor serving a pantry, first floor serving a bathroom and attic serving a bedroom. Due to the positioning of these windows and the rooms they serve it is considered that they would not result in a detrimental overlooking impact.

On the submitted block plan the 45degree rule has been applied to relevant windows on neighbouring properties both a first floor and ground floor and demonstrates that the proposed dwelling will not breach.

On the rear elevation of the proposal at first floor level a patio door is proposed which opens onto the flat roof of the single storey element of the proposal. In the interests of residential amenity and safety it is recommended that a condition is included for a barrier to be installed prior to occupation to stop the flat roof from being used as a balcony. This will allow the door to be used as a Juliette balcony. Due to the positioning of the balcony set off the boundaries it is considered that whilst there will be a view into the neighbouring gardens this will not be direct and there will be no direct view into neighbouring properties windows. The overlooking

that will occur is considered to not be much more than a view that would be achieved from looking out of a window.

In respect of future occupiers, the proposed dwelling provides an acceptable level of internal space. In addition to this, the dwelling has adequate levels of private outdoor amenity space in line with the minimum requirements as set out in the adopted Supplementary Planning Document, 'Residential Design Guide'.

The proposed garage is sited a distance away from the proposed dwelling in the rear garden. No.76 has a large garage on the boundary and the proposal will run in line with this extending slightly further to the rear. Due to the size and siting it is considered that it would not have a detrimental impact on residential amenity.

Highway Safety

In accordance with the Councils adopted supplementary planning document 'Residential Car Parking Standards' (2014) a 5 bedrooomed property should provide 3 off-road car parking spaces. Also proposed in a detached garage and there is sufficient space within the site to provide the required amount of off-road parking.

The proposed dwelling will be served by the established existing vehicular access with a new boundary treatment and gate proposed to the front boundary.

The parking arrangements and access are the same as what were approved in 2012 where they were considered to be acceptable.

It is therefore considered that the proposal will not have any detrimental impact on highway safety.

Other

As part of the application a demolition method statement has been submitted which appears to be the same as what was provided in the original application. This appears acceptable subject to the works being carried out in accordance with the document.

Within the submitted information no drainage plans have been received. The proposed dwelling and garage will both require drainage therefore it is recommended that a condition be attached requesting drainage plans be submitted to and approved in writing by the local authority prior to commencement of the development. Severn Trent Water have also been consulted on the application and have commented that the use or reuse of sewage connections will require a formal section 106 approval. Therefore, the applicant will also need to correspond with Severn Trent Water.

Conclusion :

Overall, the proposed development is considered to be acceptable. It is considered to not have any detrimental impact on visual amenity of the area or character of the street scene or the residential amenity of existing and future occupiers. It has sufficient off-street parking space and is accessed from an existing established vehicular access.

It is therefore recommended that this application is granted planning permission, subject to the conditions detailed below.

Recommendation: - Grant Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. No development shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
3. This permission shall be read in accordance with the following plans: Site Location Plan, Proposed Block Plan, Proposed Elevations, Proposed Floor Plans, Proposed Garage Plan, all received 08/06/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
5. The hereby permitted garage shall be kept available for the parking of motor vehicles at all time. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms and their visitors and for no other purpose and permanently retained as such thereafter.
6. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
7. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

8. Any garden fence or other non-permeable structure, should be provided with a small hole (gaps 130 mm x 130 mm and/or railings and/or hedgerows) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site.
9. At least one bee brick shall be included in the design of the property, and this detail shall be provided in the constructed dwelling prior to its occupation.
10. Prior to the occupation of the hereby approved dwelling a railing shall be installed over the doors at first floor level on the rear elevation to provide a Juliette balcony and shall be retained in perpetuity.

REASONS

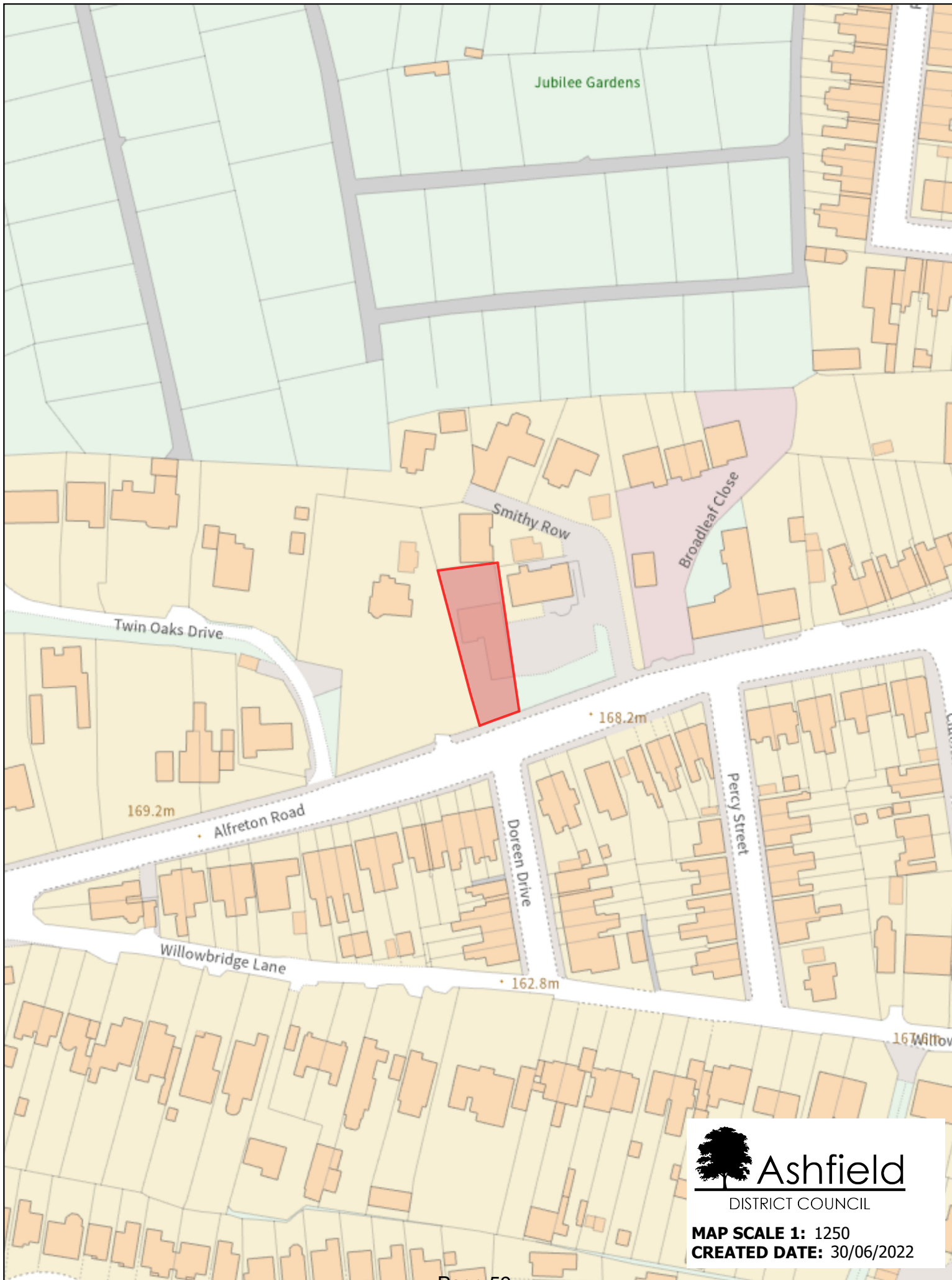
1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
5. To safeguard the amenities of residents living in the vicinity of the application site.
6. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
7. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
8. To ensure the satisfactory appearance of the completed development, an adequate level of amenity, and to enhance biodiversity.
9. In the interest of enhancing local ecology.
10. To safeguard the amenities of residents living in the vicinity of the application site.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be

built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 30/06/2022

COMMITTEE DATE 20/07/2022 **WARD** Sutton St Mary's

APP REF V/2022/0379

APPLICANT Fraser McDermott

PROPOSAL Application for Tree Works: Works to Trees Subject to a Tree Preservation Order - TPO Ref:178 - Fell 7 Trees T1-T7, Pollard to 5M, 3 Trees T8-T10, Plus Ongoing Maintenance Authority TPO Ref:086 Fell 4 Trees T9-T12

LOCATION 105A, Alfreton Road, Sutton in Ashfield, Notts, NG17 1FJ

Web Link <https://www.google.co.uk/maps/place/105A+Alfreton+Rd,+Sutton-in-Ashfield+NG17+1FJ/@53.1221713,-1.2774755,18z/data=!4m5!3m4!1s0x48799426d7152b31:0x343c299402b3b217!8m2!3d53.1221713!4d-1.2767017>

BACKGROUND PAPERS A, B, C & K

App Registered 06/06/2022 Expiry Date 31/07/2022

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

This application has been referred to Planning Committee by Councillor Tom Hollis on the grounds of highway safety and ecological implications.

The Application

The application in question relate to a proposal of comprehensive tree work around the property. The tree works in question benefit from Tree Preservation Orders (TPO's) and as such, are deemed to provide a positive visual contribution to the area. This protection, where appropriate, ensures that their visual contribution to the surrounding locality is retained. The Order also prohibits any work being completed to these trees without prior permission from the Local Planning Authority.

There are a total of two protection orders that are affected by the proposed tree work, TPO Ref:178 & TPO Ref:086. TPO 178 protects a row of trees on the western boundary of the application property, alongside a cluster of trees along the frontage of the application property and 107 Alfreton Road. TPO 086 protects trees on the

frontage and eastern boundary of 105 Alfreton Road. The protected trees on the frontage of these properties provide a strong visual contribution to the area.

A variety of tree work has been proposed with this application, I will set out a table below that will easily show the extent of the tree work proposed.

TPO Reference	Type of Work Proposed	Tree Number (T)
TPO Ref: 178	Fell	T1-T7 (7 Trees)
TPO Ref: 178	Pollard to 5 metres	T8-T10
TPO Ref: 086	Fell	T9-T12 (4 Trees)

Consultations

Site Notices have been posted together with individual notification of surrounding residents. The following responses have been received:

Residents Comments:

A total of 19 representations were made by residents in respect of this application. 15 of those were in support of this application, 4 had objections towards the proposal. I will set out below a summarisation of the points raised both in support and objection of the application.

Points Raised in Support

- Dwellings that are near these trees encounter vast amounts of shading due to the large canopies of the trees.
- The trees cause nuisance by coating cars and windows in sap. They also produce large amounts of pollen.
- During autumn the heavy leaf fall is a nuisance to residents.
- Due to the large size of the trees, during periods of high winds there are concerns these trees could fall or cause damage.
- Larger vehicles travelling down Alfreton Road often collide with the branches overhanging onto the road.
- The pavement and boundaries have been damaged by the tree roots.
- The trees visually dominate the area and make the area look untidy.
- The felling of the trees will improve the visual amenity of the area.
- The tree branches are touching properties.

Points Raised in Objection

- The trees provide a positive contribution to the visual amenity of the area.
- They act as a sound barrier to the busy road
- They support local wildlife & habitats
- Other tree work could be completed to the trees without the need of felling.

- The trees provide privacy for the properties behind them.

ADC’s Arboriculture Officer:

No justification has been submitted for the proposed works in terms of arboriculture.

Claims have been made that the trees would shade solar panels fitted onto the property however there is no evidence to support this.

Alternative pruning works could be acceptable to the trees. The trees provide a great visual contribution to the area and their felling would cause great loss of public visual amenity and therefore refusal is recommended.

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)

- ST2 – Main Urban Area
- EV8 – Trees and Woodlands

National Planning Policy Framework (NPPF) (2019)

- Part 15 – Conserving and Enhancing the Natural Environment

Relevant Planning History

Application Reference	Description	Decision	Decision Date
V/1994/0755	Pruning of 1 Tree	Conditional Consent	04/01/1995
V/2000/0052	Pruning of 14 Trees	Conditional Consent	23/03/2000
V/2004/0231	Pruning of Lime & Sycamore Trees	Conditional Consent	15/04/2004
V/2011/0506	Pruning Works to Eleven Trees and Felling of One Tree	Conditional Consent	01/11/2011
V/2015/0703	Fell One Aesculus, Pollard Two Tilia and Crown Lift Four Acer Trees	Conditional Consent	24/12/2015
V/2019/0091	Prune Sycamore	Conditional	22/07/2019

	Trees Subject to Tree Preservation Order 178	Consent	
V/2021/0332	Application for Tree Works: Works to Trees Subject to a Tree Preservation Order TPO Ref No. 178 - Fell 9no. Sycamore Trees	Conditional Consent	26/07/2021
V/2022/0100	Application for Tree Works - Works to Trees Subject to a Tree Preservation Order No.86 - Pollard to 8m (T10)	Refused	13/04/2022

Summary

The trees subject to this application predate the property in question and are an asset to Alfreton Road. The large trees provide a great positive visual contribution to the area when travelling east/west on Alfreton Road and provide a natural ethos to an otherwise uninteresting street scene.

It is not contested by the local planning authority that the trees need work so that the branches are not significantly overhanging onto the highway and touching properties in the nearby vicinity however, felling of trees should only be considered when pruning does not offer a reasonable solution, such as dead or diseased trees.

The applicant has not provided any clear justification or evidence in terms of arboriculture on why these trees should be felled. The fact that the applicant has improved the efficiency of their home which equates to the 'planting of 15.66 trees' does not constitute a material planning consideration and does not justify a real reason as to why the trees should be removed.

It is clear to see from the planning history that there has been relatively consistent and comprehensive maintenance of these trees, especially in the late nineties and 2000's. If a comprehensive maintenance plan was devised and submitted, the applicant would be able to achieve a balance of keeping the trees at a reasonable height and spread, but whilst also still achieving the great visual amenity benefits that these trees provide to Alfreton Road.

Conclusion:

In conclusion, the applicant has not provided evidence or any justifiable reasons as to why these trees should be felled. The local planning authority does not object to reasonable and justified pruning works taking place, but the removal of these trees will destroy a significantly valuable asset to the street scene.

Recommendation: - Refused**REASONS**

1. The applicant has not provided significant arboricultural evidence or justification to the removal of the 11 trees and the pollarding of the 3 trees on the site. Furthermore, the trees provide a great visual contribution to the street scene and their removal would significantly diminish the attractiveness of the street scene.

Report To:	PLANNING COMMITTEE
Date:	JULY 2022
Heading:	TREE PRESERVATION ORDER – CHESTERFIELD HOUSE, TITCHFIELD AVENUE, SUTTON IN ASHFIELD, NG17 1EU
Portfolio Holder:	DEPUTY LEADER – PLACE AND ECONOMIC GROWTH
Ward/s:	ST MARY’S
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To advise Members of one objection received in response to the making of a Tree Preservation Order at Chesterfield House, Titchfield Avenue, Sutton in Ashfield, NG17 1EU.

Recommendation(s)

Having considered and notwithstanding the objection, the Council proceeds to confirm the Tree Preservation Order without modification, in terms outlined in the report.

Reasons for Recommendation(s)

The trees in question are considered to contribute to the visual amenity of the surrounding locality and their removal would be detrimental to the character of the area. Being located in the rear garden of the address, the trees are visible from nearby streets and houses within the immediate area.

Alternative Options Considered

- A) To confirm the Tree Preservation Order subject to modifications.
- B) To refuse to confirm the Tree Preservation Order.

The alternative options above are not recommended as they would not adequately protect the trees and their high visual amenity value within the conservation area.

Detailed Information

Summary:

On 5th April 2022, a formal notice was provided to interested parties advising them that the Council had made a Tree Preservation Order in respect of one Horse Chestnut Tree and five Lime Trees at Chesterfield House, Titchfield Avenue, Sutton in Ashfield, NG17 1EU.

The Legal power to make a Tree Preservation Order is drawn from the Town and Country Planning Act 1990, and in particular section 198(1) of the Act which states:

'If it appears to a Local Planning Authority that it is expedient in the interest of amenity to make a provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order'.

Amenity:

The trees in question are visible from the surrounding roads, including Church Street, Titchfield Avenue, Brook Street and Church Hill. As a result of this, the trees are considered to have high amenity value as they contribute positively to the character of the area, alongside several similar trees which are already afforded protection by means of a Tree Preservation Order.

Letter of Objection:

The Council received one letter of objection from a neighbouring property in relation to the Tree Preservation Order being placed, and the concerns raised are as follows:

- The trees overhang the boundary and present the risk of falling branches damaging property or worse
- Moss accumulation on rear roof from water dripping from branches, moss is causing roof tiles to crack
- Guttering must be consistently cleared of leaves and twigs
- The trees are damaging the wall and causing cracks to form – additional concern as the gardens are terraced and present significant land level differences
- Loss of light to home as the boundary wall already limits light and the tree canopies reduce it further
- The trees require regular maintenance and there is evidence of previous tree works to the trees in question, as well as other protected trees in the area – concern over lack of consistency from the Council in managing tree works

Officer's Response:

The objection seems to imply that the Tree Preservation Order will result in no future remedial works being undertaken to the trees in question. The purpose of a Preservation Order is not to prevent works to a tree, but to ensure that any proposed works can be carefully assessed to ensure they are necessary and will not have a detrimental impact upon the tree's visual amenity value or health.

The trees in question would appear to be structurally sound and not in immediate danger of falling, and no further evidence has been provided to support the fact the trees have posed any risk.

However, any perceived risk the trees may cause would be considered if a future application was submitted.

Although there appears to be some movement in the wall as indicated by the objector's comment, it is not possible to say if or how the trees are implicated. Should a structural engineer examine the wall and make appropriate recommendations for dealing with the movement, this may have a bearing on the retention of the trees, but no evidence has been offered regarding this at this stage.

It is noted that the trees do overhang the adjoining boundary and appear to have done so for a number of years, given the nature of the canopy profiles. Limited lateral canopy reduction may be warranted, however this issue cannot be completely overcome without removing all lateral limbs of the trees.

It is the position of the trees and the section of the wall above ground level relative to the objector's property that contribute to these issues.

At no stage of the Trees in a Conservation Area notification or the Tree Preservation Order application process have any of these issues been brought forward as a reason to carry out the works.

As with all trees, it is the owner's responsibility to maintain the ones they own and whether the current or any future owner(s) decide to apply for works is a civil matter and is immaterial in planning terms.

It cannot therefore be readily identified from the objection letter any reasonable objection to prevent the confirmation of the Tree Preservation Order.

Options available to the Committee:

Members are reminded that they must properly consider the above issues before coming to a fully reasoned conclusion as to whether to:

- 1) Confirm the Tree Preservation Order as drafted; or
- 2) To refuse to confirm the Tree Preservation Order; or
- 3) To confirm the Tree Preservation Order with modifications.

In doing so, Members must clearly give reasons as to why they have reached their decision.

Implications

Corporate Plan:

To support the Council's place aspirations by using TPO legislation to proactively ensure the components for a good quality of life are in place and ensure attractive neighbourhoods are protected.

Legal:

There are no specific legal implications arising directly from this report.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
N/A	N/A

Human Resources:

None.

Environmental/Sustainability

No implications.

Equalities:

No implications.

Other Implications:

None.

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

N/A

Report Author and Contact Officer

Chloe Dixon

Technical Planning Officer

chloe.dixon@ashfield.gov.uk

01623 457230

Sponsoring Director

Robert Docherty

Director Place and Communities

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Report To:	Planning Committee
Date:	20 July 2022
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR SARAH MADIGAN, EXECUTIVE LEAD MEMBER FOR CUSTOMER SERVICES AND STRATEGIC PLANNING
Ward/s:	SKEGBY
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

Skegby

Planning Application Site Proposal V/2020/0346 and enforcement
 Radfords Farm Dawgates Lane Sutton in Ashfield
 Extension and Alterations to Existing Livestock Building.

Appeal Decision Appeals Dismissed

These decisions related to a refusal of planning permission and the serving of an enforcement notice in respect of the erection of buildings to house livestock. The Inspector agreed with the Council that the number of pigs being kept in the extended building was causing unacceptable noise and odour when in such a close proximity to existing residential use. This number of animals was facilitated by the extended building, the requirement of the notice to demolish the extension was therefore upheld. The Inspector however considered that silos which had been erected without planning permission were necessary for the agricultural use of the site and could remain.

The appellant requested extra time to comply with the notice if the appeal was dismissed, the Inspector however considered it is in the public interest for the notice to be complied with expeditiously, and did not extend the time period. The enforcement notice should therefore be complied with by the 21 July 2022.

It should be noted that this does not stop the keeping of animals on the site but requires the extension of the buildings to be demolished and removed from the site.

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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