

**ASHFIELD DISTRICT COUNCIL**



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

## **Agenda**

### **Planning Committee**

Date: **Friday, 23rd September, 2022**

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Time: **1.00 pm**

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

For any further information please contact:

**Lynn Cain**

[lynn.cain@ashfield.gov.uk](mailto:lynn.cain@ashfield.gov.uk)

01623 457317

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# 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 25 August 2022. 5 - 6
4. To receive and consider the attached planning applications. 7 - 54
5. **Planning Appeal Decisions.** 55 - 60

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## PLANNING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,  
on Thursday, 25th August, 2022 at 10.00 am

**Present:** Councillor Andy Meakin in the Chair;

Councillors Jamie Bell, Samantha Deakin,  
Arnie Hankin, Rachel Madden, Helen-Ann Smith  
and Jason Zadrozny.

**Apologies for Absence:** Councillors Lauren Mitchell and Phil Rostance.

**Officers Present:** Louise Ellis, Mike Joy, Mick Morley and  
Christine Sarris.

**P.10 Declarations of Disclosable Pecuniary or Personal Interests  
and/or Non-Registrable Interests**

No declarations of interest were made.

**P.11 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 20 July  
2022, be received and approved as a correct record.

**P.12 Town and Country Planning Act 1990:  
Town Planning Applications Requiring Decisions**

**1. V/2022/0326, Ashfield District Council, Construction of 34 Dwellings,  
Land at Warwick Close, Kirkby in Ashfield**

It was moved and seconded that conditional consent be granted subject to the  
receipt of a legal undertaking as per officer's recommendation with the  
following alteration. The contribution for health provision is to be used for the  
provision of outdoor gym equipment on Glen View recreation ground, Kirkby in  
Ashfield.

**P.13 Planning Appeal Decisions**

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

RESOLVED  
that the report be received and noted.

The meeting closed at 10.37 am

Chairman.

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

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

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

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## Site Visits Planning Committee

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

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Director – Place and Communities or the Assistant Director Planning and Regulatory Services by 5pm 16<sup>th</sup> September 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](mailto:Robert.Docherty@ashfield.gov.uk)

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**PLANNING COMMITTEE – 23rd September  
2022**

Page	App No	Applicant	Recommendation	Proposal	Location
<b>Leamington</b>					
13-18	V/2022/0421 and V/2022/0429	Ashfield District Council	Approve  Approve	Listed Building Consent for Removal of the Existing Roof and Replace with New Low Pitch Conical Roof  Planning permission for Removal of the Existing Roof and Replace with New Low Pitch Conical Roof	Lindleys Mill Prospect Place Sutton in Ashfield
<b>Sutton Central &amp; New Cross</b>					
19-28	V/2022/0464	Ashfield District Council	Approve	Redevelopment of the Ground Floor into 2 Commercial Units Class E, and the Development of 2 Apartments on the Existing First Floor. Second Floor to House a Further 2 Apartments. Minor changes to the Front elevation, Replacing Windows at First Floor, and New windows at the Proposed Second Floor. Partial Demolition of Rear Extension.	9 11 Low Street Sutton in Ashfield
<b>Sutton Junction &amp; Harlow Wood</b>					
29-36	V/2022/0482	Mr & Mrs G Skyrzpowski	Refuse	Self-build Dwelling	Land at Hacienda Coxmoor Road Sutton in Ashfield

**PLANNING COMMITTEE – 23rd September  
2022**

<b>Sutton St Mary's</b>					
37-44	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
<b>Underwood</b>					
45-54	V/2022/0396	J Sharp	Refuse	Proposed 4 Bedroom Dwelling	28 Main Road Underwood



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 26/08/2022**

<b><u>COMMITTEE DATE</u></b>	<b>23/09/2022</b>	<b><u>WARD</u></b>	<b>Leamington</b>
<b><u>APP REF</u></b>	<b>V/2022/0421 &amp; V/2022/0429</b>		
<b><u>APPLICANT</u></b>	<b>David Lawrence (Ashfield District Council)</b>		
<b><u>PROPOSAL</u></b>	<b>Removal of the Existing Roof and Replace with New Low Pitch Conical Roof</b>		
<b><u>LOCATION</u></b>	<b>Lindleys Mill, Prospect Place, Sutton-In-Ashfield, NG17 1AD</b>		
<b><u>Web Link</u></b>	<b><a href="https://www.google.co.uk/maps/place/Lindley's+Mill/@53.1210531,-1.2637707,19z/data=!4m13!1m7!3m6!1s0x4879942bc6978e1f:0x436d1a23c791c0e!2sProspect+PI,+Sutton-in-Ashfield!3b1!8m2!3d53.121668!4d-1.2634899!3m4!1s0x4879942be9e38cf9:0x82ef3542740783a6!8m2!3d53.1211332!4d-1.2634723">https://www.google.co.uk/maps/place/Lindley's+Mill/@53.1210531,-1.2637707,19z/data=!4m13!1m7!3m6!1s0x4879942bc6978e1f:0x436d1a23c791c0e!2sProspect+PI,+Sutton-in-Ashfield!3b1!8m2!3d53.121668!4d-1.2634899!3m4!1s0x4879942be9e38cf9:0x82ef3542740783a6!8m2!3d53.1211332!4d-1.2634723</a></b>		

### **BACKGROUND PAPERS**

**App Registered 26/05/2022**

**Expiry Date 20/07/2022**

***Consideration has been given to the Equalities Act 2010 in processing these applications.***

***These applications have been referred to the planning committee as they are the Local Authorities own applications.***

### **The Application**

This report is in respect of applications for Listed Building Consent (V/2021/0421) and planning permission (V/2022/0429). Whilst the proposal is combined into one report, two separate decisions are required to be made by members at the committee meeting.

The proposal is to replace the roof at the windmill with a new low pitch conical roof. The existing roof was installed in 2013 and was a sunken roof with a roof light. Due to restricted access and the height of the mill there have been ongoing maintenance issues resulting in leaks which are resulting in damage to the building. The proposal seeks to change the roof with long life materials to minimize maintenance requirements and extend the life of the building, preserving it for future generations.

Alongside the proposed roof work, there are some other minor alterations that have been proposed:

- The surface water drainage is to be relocated to the outside of the building to reduce the chance of water ingress. A single vertical RWP has been proposed to the rear of the building in a black heritage style specification.

- Coat the building in a breathable but water repelling clear coat finish to prevent moisture seeping through the sandstone and forming condensation within.

### **Consultations**

Site Notices have been posted together with individual notification of surrounding residents. Statutory consultees have also been notified of the proposal. The following responses have been received:

#### **Residents Comments:**

A total of 3 residents' comments were received in respect of this application. All 3 were in support of the application, a summary of their comments is below:

- The improvements are needed to preserve an important part of Suttons history.
- The new roof will be barely noticeable and will not detract from the heritage aspect of the windmill.
- An onion cap may have worked better to replicate the historical roof shape, but the conical roof is a practical solution for the mill roof.

**Historic England** - Raised no objections to the application.

**Nottinghamshire County Council (NCC) Archaeology** – Raised no objections to the application.

**The Society for the Protection of Ancient Buildings (SPAB)** – The proposal for replacing the existing roof is feasible.

Suggested that if the roof were ever to be properly repaired, that an authentic cap, such as an ogee cap, which are typical for Nottinghamshire mills, should be considered.

### **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
- EV12 – Listed Buildings
- EV13 – Setting of Listed Buildings

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

- Part 12 – Achieving Well-Designed Places
- Part 16 – Conserving and Enhancing the Historic Environment

### **Relevant Planning History**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
V/2004/0670	Listed Building Consent for Repair & Renovation	Conditional Consent	09/09/2004
V/2012/0316	Re-Roof and Re-Glaze Windows of a Grade II Listed Building. Creation of a Soakaway and Erection of Free-Standing Interpretation Board	Conditional Consent	06/11/2012
V/2014/0622	Listed Building Consent for the Installation of 2 No. Vents into Existing Bricked up Window Openings, Three Flat Roof Vents, Installation of Reclaimed Timber Floor, and Interpretation Panels to Internal Walls	Conditional Consent	26/01/2015

### **Main Material Considerations**

- Heritage and Listed Status
- Visual Amenity
- Residential Amenity

### **Summary**

Lindleys Mill is a Grade II listed windmill that was built circa 1820 by James Lindley. The mill is listed due to its special architectural and historic interest and is an asset to Sutton's history.

The building is constructed from traditional materials, stone, lime mortar and lime plaster. These materials are susceptible to damp if there is not adequate ventilation to remove the build up of moisture.

Paragraphs 199 and 200 of the NPPF demonstrate that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, whilst any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

### **Visual Amenity**

The proposed new roof will sit seamlessly alongside the historic structure of the building. The slightly overhanging portion will not detract from the stonework of the building, and the shape is reminiscent of the original ogee cap. The roof does not appear to be excessive or disproportionate to the existing building and appears in keeping with the character.

The proposed relocation of the drainage is considered acceptable. The heritage style black colour is appropriate for the building and will not significantly detract from the character of the building.

The water repelling clear coat to the stone is effectively invisible and is in contrast to a suggestion which proposed a lime-based cream coloured render to waterproof the walls. It



was considered that this material would detract from the character of the mill and would diminish its historic value. The clear coat is therefore considered appropriate as this will provide the building with the waterproofing it needs, whilst keeping its historic value.

### **Residential Amenity**

Lindleys Mill is sited within a dense residential area; however, it is considered that the proposed works would not arise to any significant impact on residential amenity. The building is well-established and there are no alterations to the overall footprint of the building.

The proposed roof does not significantly increase the height of the building, nor does its size or scale create any overshadowing impact.

### **Conclusion**

Overall, the proposal is considered an appropriate form of development in terms of scale, siting, and appearance.

The impact on the visual and residential amenity has 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.

The proposal will have an impact on the heritage asset because it introduces a new roof which although similar, it is not an ogee cap which was the original and traditional roof for mills in Nottinghamshire. The proposed works, as a whole, sustains and enhances the heritage asset because it protects it from further damage and preserves and enhances the building.

It is therefore recommended that Listed Building Consent and planning permission be granted subject to the following conditions.

### **Recommendation:**

V/2021/0421 – Grant Listed Building Consent subject to the following conditions

V/2021/0429 – Grant planning permission subject to the following conditions

### **CONDITIONS**

(These conditions will be identical for both V/2022/0421 & V/2022/0429)

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 and submitted details: site location plan (drawing number: AM1114A-ADC-00-00-DR-A-098), design and access statement (document reference: AM1114A-ADC-ZZ-ZZ-DA-A-001\_P00), existing and proposed elevations (AM1114A-ADC-00-00-DR-A-099) and the development/works specification document (document reference: AM1114A-ADC-ZZ-

ZZ-SP-A-001) all received on 25/05/2022. The development shall therefore be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

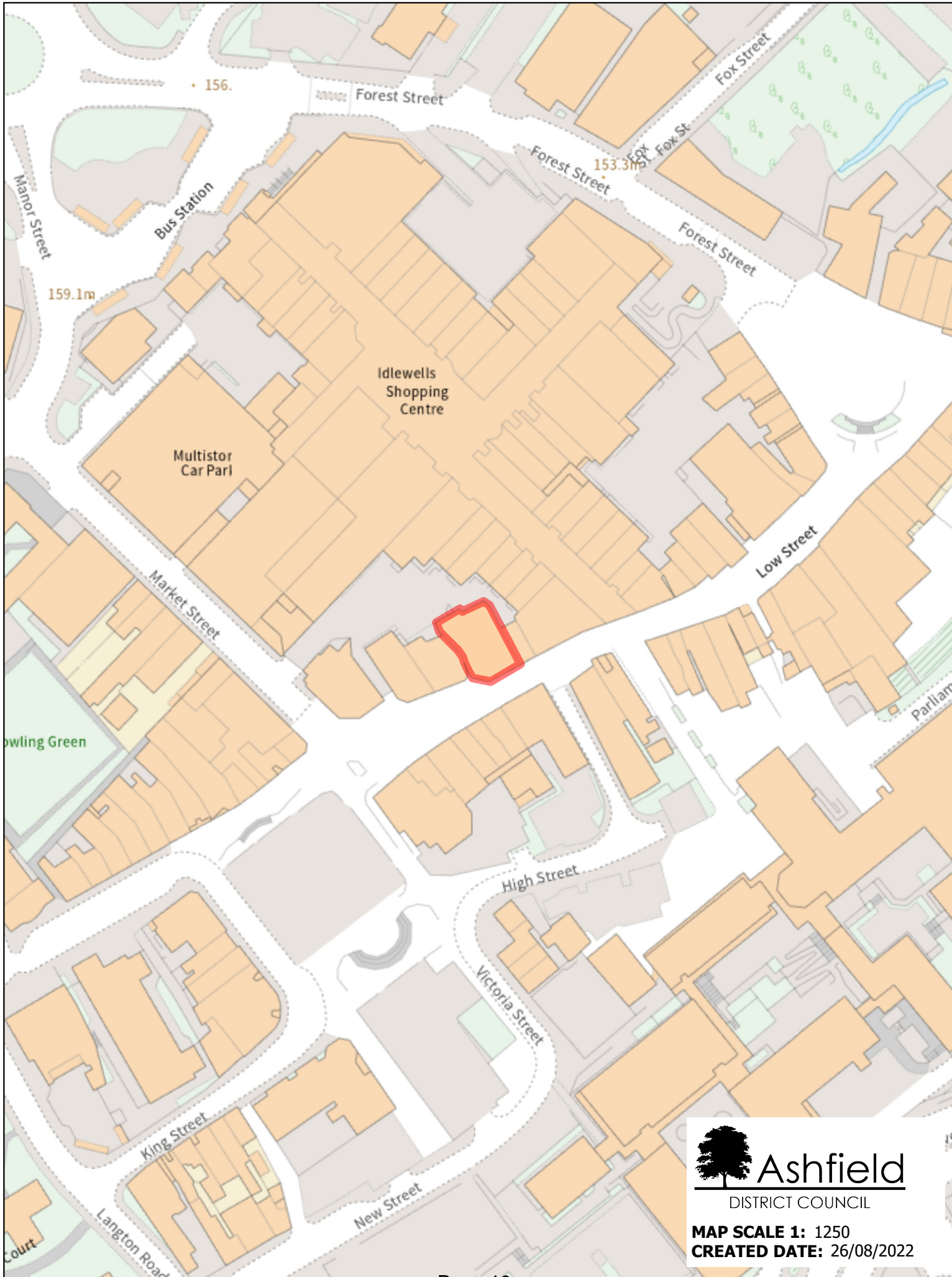
## **REASONS**

(These reasons will be identical for both V/2022/0421 & V/2022/0429)

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1991 as amended.
2. To ensure the development takes the form envisaged by the Local Planning Authority when determining this application.

## **INFORMATIVE**

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in legal action being taken by 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)



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 26/08/2022**

**COMMITTEE DATE**    23/09/2022                      **WARD**            Sutton    Central    &    New  
Cross

**APP REF**                      V/2022/0464

**APPLICANT**                      Ashfield District Council

**PROPOSAL**                      Redevelopment of the Ground Floor into 2 Commercial Units Class E, and the Development of 2 Apartments on the First Floor and 2 Apartments on the second floor. Minor changes to the Front elevation, Replacing Windows at First Floor, and New windows at the Proposed Second Floor. Partial Demolition of Rear Extension.

**LOCATION**                      9-11 Low Street, Sutton in Ashfield, Nottinghamshire, NG17 1DH.

**WEB-LINK**                      <https://www.google.com/maps/@53.1246137,-1.2624433,19.5z>

**BACKGROUND PAPERS**    A, B, D, E & F.

App Registered: 14/06/2022                      Expiry Date: 08/08/2022

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

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

**The Application**

The site is located on Low Street, one of the main thoroughfares for pedestrians into and out of Sutton in Ashfield town centre. The site itself is within the designated town centre boundary.

The premises is the former 'YMCA' charity shop although is currently vacant.

This is an application which seeks to redevelop the ground floor of the existing retail unit to create two smaller units. In addition to this 4 new flats will be created across the first and second floors, with a portion of an existing rear extension being removed to create roof terraces for use by the new flats. Some other external alterations are also proposed to assist with the proposal, including the installation of new windows, doors and solar panels. It is proposed to discharge foul drainage into the main sewer.

At first floor level two 3-bedroomed flats will be created, with two further 2-bedroomed flats being created at second floor level.

To the rear of the building is a loading/deliveries yard which is accessible via Market Street. This yard serves the stores within the Idlewells Shopping Centre and those along this portion of Low Street. The rear yard area is within the ownership of a third-party. The appropriate notice and ownership certificate have been served and signed during the application process.

The repurposing of 9-11 Low Street forms part of the Future High Street suite of projects that are seeking to transform key buildings at the west end of the town centre and form the catalyst for further investment. Low Street currently has a high vacancy rate with the existing high street retail space in poor condition, requiring investment to make it attractive to the market whilst adding housing accommodation in a town centre location.

The wider Future High Street projects include the renovation and growth of the nearby Sutton Academy Theatre which will enhance the night time economy through creating a community theatre / arts and entertainment venue. 14 Low Street, which is opposite the application site has already been approved for repurposing, with development expected to commence at No.14 in September 2022. The combined improvements will create a critical mass of enhancements to encourage ongoing investment along the high street.

### **Consultations**

A site notice, press notice and individual consultations have been sent to surrounding properties to notify them of the proposed development.

The following responses have been received:

#### **Ashfield District Council Environmental Health:**

No objections.

#### **Nottinghamshire County Council Highways:**

- The subdivision of the ground floor unit is acceptable.
- Apartments to the upper floors do not require car parking, however a pre-occupation condition should be attached relating to cycle storage provision.
- Low Street is pedestrianised and an adopted highway. A license is required to gain access for works, which should be attached as an informative.

#### **Severn Trent Water**

Condition and informative suggested.

### **Policy**

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

(saved policies). The National Planning Policy Framework (NPPF) is a material consideration.

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

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

ST1 – Development.

ST2 – Main Urban Area.

EV10 – Conservation Area.

HG5 – New Residential Development.

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

**National Planning Policy Framework (NPPF) (2021):**

Part 2 – Achieving sustainable development.

Part 5 – Delivering a sufficient supply of homes.

Part 6 – Building a strong, competitive economy.

Part 7 – Ensuring the vitality of town centres.

Part 8 – Promoting healthy and safe communities.

Part 9 – Promoting sustainable transport.

Part 12 – Achieving well designed places.

Part 16 – Conserving and enhancing the historic environment.

**Supplementary Planning Documents (2014):**

Residential Design Guide.

Residential Extensions Design Guide.

Residential Car Parking Standards.

**Planning (Listed Buildings and Conservation Areas) Act 1990.**

**Relevant Planning History**

**AD/1980/0002** - Erection of advertisement display panel - Conditional.

**V/1985/0027** - Change of use from retail to bank/building society or offices - Refuse.

**V/1985/0210** - Two storey retail premises - Conditional.

**AD/1987/0014** - Illuminated shop sign - Refuse.

**AD/1987/0047** - Two illuminated signs - Refuse.

**V/1987/0215** - New shop front - Conditional.

**V/1995/0446** - Two Illuminated Fascia Signs and Projecting Sign - Advertisement Application - Conditional Consent.

**V/2003/0997** - Re-Colouring of Shopfront, New Signage & Building Repair Work - Full Application - Conditional Consent.

**V/2003/0998** - 2 No. illuminated fascia signs and 1 No. illuminated projecting sign - Advertisement Application - Conditional Consent.

**Material Considerations:**

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

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

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

## **Visual Amenity & Historic Environment:**

Although the site is not within the 'Sutton in Ashfield Church & Market Place Conservation Area', it does sit immediately adjacent to it, and therefore the impact upon the setting of the Conservation Area and other nearby heritage assets would need to be considered.

The current building has a red brick façade with decorative blue brick courses and a dental course at eaves level. At ground floor there is a recessed doorway and large glazed windows. First floor level has timber sash windows with stone mullion surrounds. There are currently no windows at second floor level.

It is proposed to install new windows at second floor level with stone mullion surrounds to match the existing. A replacement of the existing single glazed sash windows is also proposed with double/triple glazing sash windows. New aluminium framed doors are to be installed flush to the front elevation of the building, which will open inwards. A new lobby area will then be created internally providing access to the two commercial units and the flats above.

Solar panels are also proposed to be installed on the front (southern) roof slope, with air source heat pumps and condenser units proposed to be wall mounted to the rear of the premises. This provides an opportunity to utilise renewable energy to increase the buildings sustainability and green credentials.

Having assessed their proposed siting it is considered that the installation of the solar panels would amount to less than substantial harm to the character of the Conservation Area, and as such, the benefit of securing a renewable source of energy is considered to outweigh the negligible harm potentially caused to the character of the Conservation Area in this instance. This approach also supports the aim of the National Planning Policy Framework to adopt and mitigate against climate change.

## **Residential Amenity:**

The Council has adopted minimum standards for internal room sizes and outdoor areas, contained within the adopted 'Residential Design Guide' Supplementary Planning Document (2014). The flats will provide bedrooms with bathrooms/en-suites and a combined kitchen-dining-living area. Overall it is considered that each flat will provide an acceptable standard of amenity for future occupiers.

Each flat will have access to an area of private outdoor space in the form of a roof terrace. The site is within the town centre and would have ease of access to public recreational green spaces and facilities, such as Sutton Lawn and the Lammas Leisure Centre. Therefore it is considered that the limited outdoor space available at the property would not be of detriment to the health and wellbeing of future occupiers.



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

### **Highway Safety & Transport:**

Although there is a yard area to the rear of the premises, this is for loading/deliveries only and will not be available for private parking associated with the premises. However consultation comments from the Highway Authority consider that providing no designated off-street parking provision is still acceptable given the sites town centre location and close proximity to public transport facilities, such as the Sutton Bus Station. There are also several public car parks within the immediate vicinity, and a degree of 'time-limited' on-street parking is available within the locality.

Additionally an area for secure cycle storage within the building is also proposed, and a condition is recommended to ensure this provision is available for use prior to the occupation of the flats.

Waste bins are proposed to be stored in the rear yard area as existing. It is understood that on collection days the refuse vehicle would enter the yard via Market Street.

### **Conclusion:**

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

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

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

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

**Recommendation: Grant planning permission, subject to the following 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.32.1191.11-(08)001 Rev.A, Received 04/08/2022. Block Plan, Drawing No.32.1191.11-(08)002 Rev.A, Received 04/08/2022. Proposed Elevations and Floor Plans, Drawing No.32.1191.11-(08)014 Rev.H, Received 29/07/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The new windows to be installed/replaced on the principle elevation shall be timber sash windows.
4. Prior to the occupation of the hereby approved flats an area for secure cycle storage shall be made available for use as illustrated on the hereby approved drawings.

## **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 character and amenity of the area.
4. To promote sustainable modes of travel and an alternative to car ownership.

## **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. Low Street is pedestrianised and an adopted highway. Therefore any works to this elevation will need to be done under licence in order to gain access. Please contact [licences@viaem.co.uk](mailto:licences@viaem.co.uk) for more information.
3. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are

advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

4. No consent is granted or implied for any adverts and/or lighting/illumination which may require separate advertisement consent.
5. Any new external plant/equipment/extraction system which may be installed at any point in the future may require planning permission in its own right.

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 26/08/2022**

**COMMITTEE DATE** 23/09/2022                      **WARD** Sutton Junction and Harlow Wood

**APP REF** V/2022/0482

**APPLICANT** Mr and Mrs G Skyrzowski

**PROPOSAL** Self-build Dwelling

**LOCATION** Land at Hacienda, Coxmoor Road, Sutton in Ashfield, Notts, NG17 5LF

**WEB-LINK** <https://www.google.co.uk/maps/@53.113329,-1.2233043,19z?hl=en>

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

App Registered 23/06/2022                      Expiry Date 17/08/2022

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

*This application has been referred to Planning Committee by Cllr Zadrozny to discuss infill policy.*

### **The Application**

This is an application for a Self-build Dwelling on land located adjacent to Hacienda, Coxmoor Road, Sutton in Ashfield. The proposal will be a detached dwelling with a single storey attached garage and new vehicular access.

The application site is located in the designated Countryside of Sutton in Ashfield. To the north and south of the site are residential properties. To the west is open countryside and to the east is the Sherwood Observatory and a golf course.

The site is currently enclosed by close boarded fencing which does not appear to benefit from any planning permission, it has been erected within the last year and is unauthorised. Fencing along the frontage of the site should not exceed 1 m in height without the benefit of planning permission.

### **Consultations**

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

## **Local Representation**

One comment has been received neither objecting nor supporting the application raising the following:

- Requesting details of any exterior lighting that is proposed

## **ADC Environmental health**

- No objections (Does not include comments in relation to land contamination)

## **NCC Highways**

(1<sup>st</sup> Consultation)

- The design of the proposed access needs to adhere to standards set out in the revised Nottinghamshire Highway Design Guide for a single private drive in terms of access width, gradient, surfacing, means of surface water disposal and provision of vehicular visibility, which will need to be calculated from measured 85thile speeds
- There will need to be cycle storage for 4 cycles, based on the number of bedrooms.

(2<sup>nd</sup> Consultation)

- Proposed layout drawing shows the position of the new driveway which is to make good of the extant field gates position.
- Drawing identifies minimum width of a single drive is 3m but 3.5m is proposed, ideally this should be 3.6m to reflect the fact that it is and will continue to be bound on both sides by boundary treatments in the form of fencing and hedgerow.
- Extent of visibility splays are shown for a 40mph road and the full extents are achievable in both directions, if not further. The splay to the north of the access will brush the hedgerow, whilst its not necessary to remove it a compliance condition to maintain the hedgerow is required
- Suitable gradient for a single dwelling has been proposed and the driveway will be drained in such a way that surface water will be directed away from the public highway
- No highways objections subject to conditions pertaining to the marginal increase in access width which is achievable and maintenance of the visibility splays and provision of a dropped kerb.
- Informative also advised

## **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 sustainable 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

### **Local Lead Flood**

- No bespoke comments, general guidance provided

### **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
- ST4 – Remainder of the District
- EV2 – The Countryside
- 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
- Part 15 – Conserving and enhancing the natural environment

### **Supplementary Planning Documents (SPD) (2014)**

- Residential Car Parking Standards
- Residential Design Guide

### **Relevant Planning History**

**V/1978/0212** – Site for 1 Dwelling – Conditional

**V/1983/0710** – Site for One Dwelling – Conditional

**V/2018/0068** – Outline Application for Dwelling with Detached Double Garage – Refusal

**V/2022/0201** – Self-build Dwelling - Withdrawn

### **Comment :**

### **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 an area designated as countryside under policy EV2 of the Ashfield Local Plan Review (2002).

Policy EV2 states that only appropriate development will be granted permission in the countryside. Development must be located and designed so as not to adversely affect the character and openness of the countryside.

Coxmoor Road features residential ribbon development along its central section and only to the west side. This ribbon development is made up of large properties set in spacious plots, consequently the lack of built development creates a distinctly open character to the street.

The proposal would be located within a field which falls significantly from the road to the west. Due to this drop in land levels, the application field and open countryside beyond the application site has been a prominent feature along the highway which has made a significant positive contribution to the open character and appearance of the area. This view has only recently been interrupted by the erection of an unauthorised fence.

The applicant contends that the proposal amounts to infill development which would be deemed appropriate under EV2 (g) because it is located between two dwellings. The separation distance between properties is approximately 58m. It is considered that a dwelling located in a gap this large would not constitute infill development and would have an adverse impact on the character and openness of the countryside. The site has been open in nature for a significant number of years supporting the open character of the countryside.

It is acknowledged that consent has previously been approved on the site for the erection of a dwelling in 1978 and again in 1983. However it should be noted that these applications were considered before the adoption of the National Planning Policy Framework, Ashfield Local Plan Review and the Council's adopted supplementary planning documents. Therefore, these applications would not have been assessed against the same policies as to what we are assessing the current application against. There was a more recent refusal of planning permission in 2018 based on the Local Plan policies and the NPPF at that time.

The applicant has referred to recent decisions at Fairview, Coxmoor Road suggesting they comprised infill development. These developments were however for a replacement dwelling and not new a new dwelling located on an open field.

It is further acknowledged that there are other applications within this row of ribbon development which have been granted for detached dwellings however these again have always been for replacement dwellings. Applications have been refused such as application V/2016/0376 which proposed to demolish one dwelling and erect two.

This was also dismissed at appeal (APP/W3005/W/16/3158149) with the inspector concluding that this would harm the character and appearance of the area and it would not be in a location where services and facilities would be readily accessible by sustainable modes of transport.

There are also concerns in relation to whether the site is in a sustainable location. The site is located a significant distance from the urban edge of Sutton in Ashfield. Access is along Coxmoor Road which is a busy 40mph road and likely to be unattractive for cycling and has a narrow footpath on the western side. There is a public footpath to the south of the site that runs to Lowmoor Road and Searby Road/Barnhill Gardens however this is not going to be accessible for pushchairs or outside daylight hours. Therefore, the future occupiers of the proposed dwelling are likely to have to rely on a private vehicle. It is acknowledged that there are already residential properties in this location but adding further properties in a location with poor access to services should not be supported.

### **Visual Amenity**

As discussed, properties within the vicinity of the site vary in terms of size and design but are predominantly detached dwellings located within large plots of land.

The proposed materials for the elevations of the dwelling are natural stone, render and a sustainable timber cladding. The roof of the proposal is to be a sedum green roof. Dwellings within the vicinity mostly feature pitched roofs but have a mixed palette of materials. Although the proposal would appear different in the street scene it is considered that it would not have a detrimental impact on the visual amenity. However it is considered that the proposal would have an impact on the open character of the street scene by way of closing the prominent gap between the two neighbouring properties.

The site is bound by hedgerows with extensive unauthorised fencing to the front boundary and the sides. The application proposes to remove the fencing and replace with a new native species hedgerow whilst also filling in gaps in the existing hedgerow with a native species.

### **Residential Amenity**

One written representation has been received requesting details of any exterior lighting that is proposed. The elevations and floorplans submitted do not indicate that there is any exterior lighting. The installation of an outside security light would also not require planning permission if the occupiers intended to do this at a later stage.

In relation to a potential overlooking impact, the Council's Supplementary Planning Document, 'Residential Design Guide' requires a minimum of 21m between main aspect windows and 12m between main aspect windows and secondary windows or blank elevations. The main separation distances are detailed below:

- There is a distance of approximately 23m between the side elevation of the proposed dwelling and the side elevation of South View.

- There is a distance of approximately 8m between the side elevation of the single storey attached garage and the side elevation of Hacienda.
- There is a distance of approximately 16m between the side elevation of the proposed dwelling (not including the single storey attached garage) and the side elevation of Hacienda.

There are no windows proposed on the side elevations of the proposed dwelling however there are windows in the side elevation of neighboring property Hacienda.

It is acknowledged that there will be an impact on the windows in the side elevation of Hacienda to some extent. Taking into account the siting, orientation and sun path it is considered that even though some of the separation distances fall short of the minimum standards the level of impact that is likely to occur it would not be significant enough as to warrant a refusal on this basis.

To the rear of the proposed dwelling is a balcony proposed at first floor level. The 'wing of the glazed balustrade is proposed to be obscure glazed. The siting of the balcony is a significant distance away from Hacienda so raises no concerns in relation to overlooking that side. However due to the orientation of South View it is likely that a level of overlooking into the neighbouring rear elevation would occur however there is a separation distance of approximately 23m which, along with the obscure glass, alleviates some of these concerns.

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

### **Highway Safety**

The site will be access off Coxmoor Road where a new drive is proposed to be formed at the location of the existing field gate. The drive is proposed to have a width of 3.5m and will comprise of permeable paving with surface water run-off directed away from the highway and into channel drains.

The Highways Authority in their latest comments have raised no objection to the proposal subject to conditions. They have commented that the visibility splays are achievable and the site gradient and surface water drainage is suitable. They have requested conditions to marginally increase the drive width from 3.5m to 3.6m, for the hedges to be maintained within the visibility splays and for the provision of a dropped kerb to be implemented.

In accordance with the Council's adopted supplementary planning document 'Residential Car Parking Standards' 3 off-street parking spaces should be provided for a 4 bedroomed dwelling. The submitted plans demonstrate two parking spaces within the proposed attached garage and two more spaces in front of the dwelling. Within the proposed garage is also provision for 4 bicycles to be stored.

It is therefore considered that the proposal will not result in any detrimental impact on highway safety in this location, nor would it give rise to any substantial impact on highway capacity.

**Conclusion :**

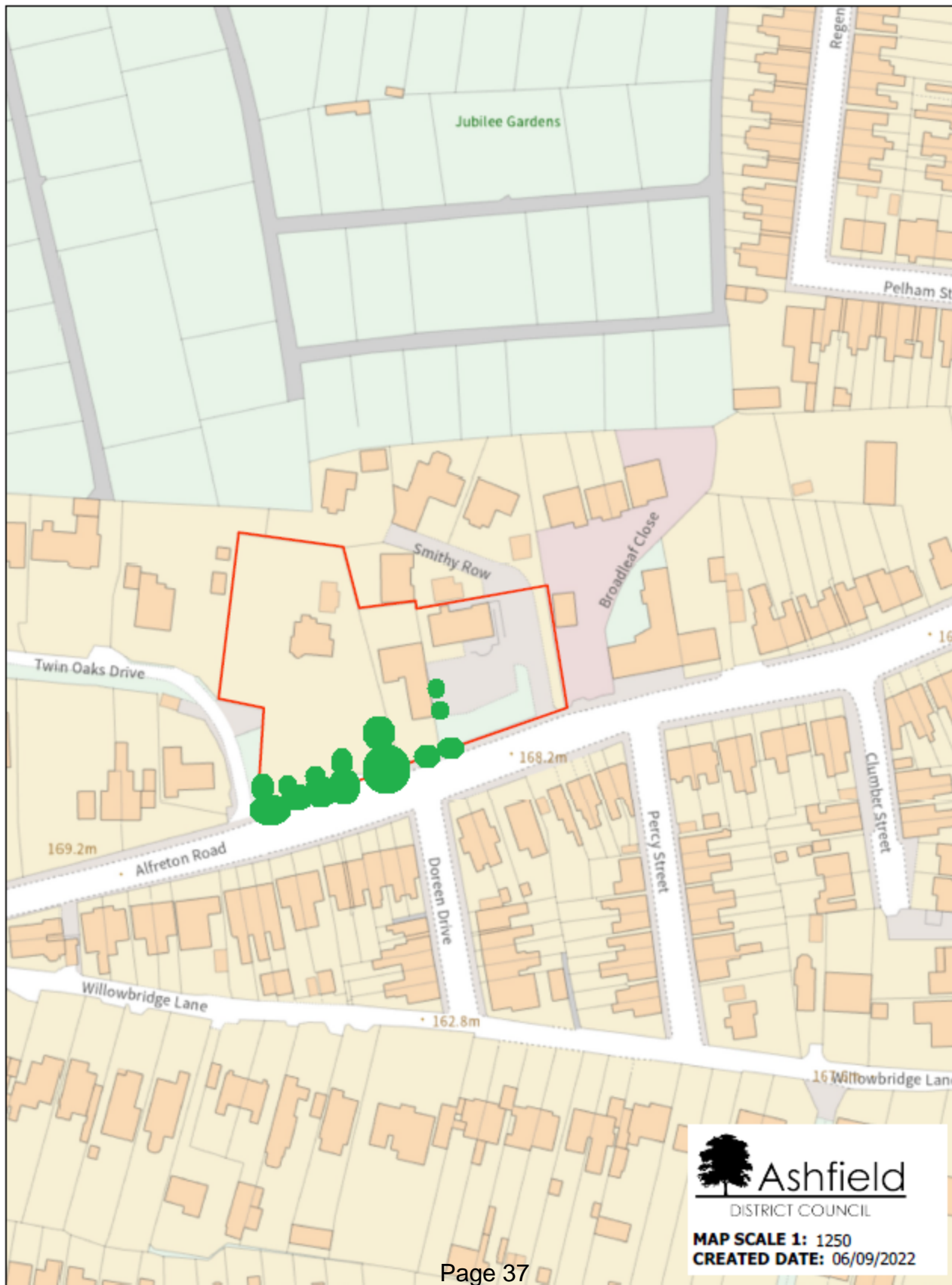
The Council are presently unable to demonstrate a five year housing land supply, and as such, the presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

On balance it is considered that although the proposal would not have highways implications or significant implications on residential amenity, a proposed dwelling in this location would have a detrimental impact on the character and openness of the countryside and would not meet the exceptions criteria identified in policy EV2. In addition to this the proposal is in a location with limited access to services and facilities which present an unsustainable form of development.

**Recommendation: - Refuse Planning Permission**

**REASONS**

- 1. The proposed development would introduce a detached dwelling on an open plot of land designated as countryside. The proposal would constitute an inappropriate form of development in the countryside which would have a detrimental impact on the character and openness. In addition to this the site is located in an isolated unsustainable location with poor access to services and facilities. As such the application is contrary to policies ST1, ST4, and EV2 of the Ashfield Local Plan Review (2002) and part 15 of the National Planning Policy Framework (2021)**



**COMMITTEE DATE**    23/09/2022                      **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**

**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 was originally referred to Planning Committee by Councillor Tom Hollis on the grounds of highway safety and ecological implications.***

### **The Application**

The application was deferred by members at the July planning committee as it was deemed more information was required in support of the application and a site visit was to be made by members.

### **Summary**

Following the planning committee meeting Mr Fraser McDermott was contacted and he was requested to submit :

- An arboricultural assessment of each individual tree subject to work as part of this application.
- An arboricultural assessment of each individual tree to be retained (not part of this application).
- Details of other plantings on the site.
- A structural report of any reported damages to walls/buildings, to be completed by a structural engineer.
- Based on the wild life claims Mr McDermott made at the meeting and as specifically requested by members an ecology survey of the site.

Mr McDermott replied confirming that he would not be supplying any further detail in support of this application. He stated that an arboriculture study had already been completed and

submitted as part of the application. The structural damage is on NCC pavements not the site and therefore not for an individual to survey, no additional structural damage was given as a reason for the works. Photographs, the submitted supporting information and a site visit should be sufficient for the committee to make its decision. In respect of the wildlife study he claims there has been no suggestion that the site is one of ecological importance at any time. To the best of his knowledge there are no specific wildlife concerns or any current wildlife on site. He concludes with any works undertaken will respect the bird nesting season.

The applicant has previously stated in his submissions that 'this application is not made based on sound arboriculture grounds' and he submitted an 'amenity assessment' from 2018 which is 4 years old, outdated and therefore has minimal significant or material considerations in relation to this application. As no extra arboriculture report has been provided, officers find themselves in the same situation where the applicant has not provided reasonable arboricultural justification for the removal of these trees or any further information relating to trees which are to be retained or in respect of what other plantings are proposed at the site.

The application in question relates to a proposal of significant and comprehensive tree work within three neighbouring properties, covered by two Tree Preservation Orders. One property is the applicant's, one is a neighbouring veterinary business and the other is an empty property. All the trees in question are protected 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 carried out to these trees without prior permission from the Local Planning Authority.

Without full detailed information it is inappropriate to try to assess the proposed works and the ramifications and implications if allowed. The lack of a recognised arboricultural assessment would set a precedent for others to follow, if there is no arboricultural justification the proposed works should not be accepted.

The applicant has made numerous claims in respect of these trees but these are either retracted or no evidence is supplied. The claims include that the trees would shade solar panels fitted onto the property however there is no evidence to support this. The trees are 'damaging walls and roofs of properties', no evidence is submitted to support this. The applicant claimed there were many protected species within the site but has since retracted this claim. The authority can not be sure without a full ecological survey that the tree work would not significantly dismantle habitats within the local area, alongside making sure the work would not displace any possible protected species such as bats and badgers etc.

In assessing all of these matters it may be found the works are appropriate or it may conclude lesser works would be more balanced solution which would benefit the visual amenities of the area, the local wild life and residents amenities. It is not contested by the officers 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 trees provide a great visual contribution to the area and their felling without clear justification would cause a great loss of public visual amenity and therefore refusal of the proposal is recommended.

On inspection of the planning history it is clear there has been consistent and comprehensive maintenance of these trees, especially in the late nineties and 2000's. If a comprehensive maintenance plan were 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. It is recognized the applicant does not own the trees in the adjacent properties, but such a proposal could be formulated for the trees on his site and on the adjacent business. Any owners of the adjacent site could benefit if a plan were in place.

If members, notwithstanding the above, are minded to approve the proposed works, policy EV8 states that where trees are lost, replacement or mitigating planting will be required. Due to the large nature of the trees, it is considered that extra heavy standard trees should be planted in this instance to comply with policy.

**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: - Refuse consent for the following reason**

**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. The application is therefore considered contrary to policy EV8 of the ALPR 2002.



**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.

<b>TPO Reference</b>	<b>Type of Work Proposed</b>	<b>Tree Number (T)</b>
TPO Ref: 178	Fell	T1-T7 (7 Trees)
TPO Ref: 178	Pollard to 5 metres	T8-T10

**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**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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 Trees Subject to Tree Preservation Order 178	Conditional Consent	22/07/2019
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**

- 2. 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.*



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 26/08/2022**

**COMMITTEE DATE**    23/09/2022                      **WARD**            Underwood

**APP REF**                      V/2022/0396

**APPLICANT**                Jason Sharp

**PROPOSAL**                 Proposed 4 Bedroom Dwelling

**LOCATION**                    28, Main Road, Underwood, Notts, NG16 5GF

**Web Link**                    <https://www.google.co.uk/maps/place/28+Main+Rd,+Underwood,+Nottingham+NG16+5GF/@53.0499915,-1.2985032,19.54z/data=!4m5!3m4!1s0x487994a5f51c9ce1:0xf9873240e80788ec!8m2!3d53.0497243!4d-1.2980209>

**BACKGROUND PAPERS**    A, B, C, D, E, F

App Registered 19/05/2022

Expiry Date 13/07/2022

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

*This application has been referred to Planning Committee by Councillor Martin on the grounds of overdevelopment and access/egress.*

### **The Application**

Planning permission is sought for the erection of 1 dwelling which would comprise 4 bedrooms and an integral garage.

### **Consultations**

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

### **Severn Trent Water**

No objection subject to conditions in respect of surface water the inclusion of suggested informatives.

### **Nottinghamshire County Council Highways**

No objection to the proposal and request conditions in respect of surfacing of the driveway, pedestrian visibility splays and no discharge of water to the highway.

### **Nottinghamshire County Council Rights of Way**

Selston Footpath 55 runs to the northwest boundary of the site. No objections.

### **Ashfield District Council – Contaminated Land**

Due to the presence of a former landfill to the south, a condition requiring gas protection measures are carried out in the construction

## **Resident Comments**

### **15 letters of objection have been received raising the following:**

- The two storey form of the proposal is not in keeping with the bungalows on Main Road.
- The proposed dwelling is very close to the plot boundaries and will feel overbearing to neighbouring properties.
- Concerns in relation to a loss of privacy in respect of No. 41 Smeath Road, through conflicting windows. Recommended that there should be 22m between on-looking windows.
- If approved, the proposal may encourage further development in an area where services have been diminished.
- Concerns over the submitted plans as they lack dimensions.
- Design of the proposal appears to be at odds with the surrounding properties, both in its structure and its aesthetics.
- A two storey dwelling would overshadow the surrounding bungalows and dominate views.
- Two properties sharing a single drive could result in numerous vehicles exiting onto Main Road; the cumulative impact could pose an accident risk.
- The adjacent footpath would be adversely affected by a loss of light; this would result in it being more intimidating and difficult for the older generation to negotiate. It could also be hazardous to traverse the footpath at the junction with Wheeler Gate due to the lack of vision.
- Concerns that the footpath could be used for anti-social behaviour as a result.
- Concerns over the size of the private amenity space both in respect of the proposed dwelling and that of No. 28 Main Road.
- A dwelling of this size would further increase the traffic at the junction from Smeath Road to Main Road and would impact the safety of road users, pedestrians, and children from the local primary school.
- Whilst building works take place there would be health and safety issues in relation to the access to the property.
- Impact on the functioning of the post office, shop and business(es) opposite the site which all require on-street parking.
- Proposal will impact light levels to the garden and sitting room of No. 41 Smeath Road.
- The rear bedroom windows of the proposed dwelling would look directly into the bedroom and front room of No. 6 Smeath Road.
- A four-bedroom house with an attached garage would be out of character and also out of any sort of building line with the existing properties.
- The land available lends itself to housing but a bungalow would be more appropriate.

- A house in this location would overcrowd what is already a crowded residential area.

### **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

**ST3** – Named Settlements

**HG5** – New Residential Development

#### **National Planning Policy Framework (NPPF) (2021)**

**Chapter 2** – Achieving Sustainable Development

**Chapter 5** – Delivering a Sufficient Supply of Homes

**Chapter 9** – Promoting Sustainable Transport

**Chapter 11** – Making Effective Use of Land

**Chapter 12** – Achieving Well-Designed Places

#### **JUS-t Neighbourhood Plan 2017 – 2032**

**NP1** – Sustainable Development

**NP2** – Design Principles

**NP4** – Housing Types

#### **Supplementary Planning Documents:**

Residential Design Guide (2014)

Residential Car Parking Standards (2014)

### **Relevant Planning History**

**V/1986/0412** – Retention of retail use in existing shop and small-scale manufacture of garments in ground floor living accommodation. Conditional Consent. 31/07/1986.

Officers are aware of other planning history within the locality, which is considered relevant to the determination of this application:

**V/1987/0591** – Site for one bungalow. Refusal. 29/10/1987.

**V/2021/0884** – 2 no. semi-detached bungalows. Refusal. 10/02/2022.

**V/2022/0188** – Detached 3-bedroom bungalow. Refusal. 17/06/2022.

### **Material Considerations**



- Visual Amenity
- Residential Amenity
- Highway Safety & Parking
- Housing Land Supply

## **The Site**

The application site comprises a parcel of land to the north of 28 Main Road, Underwood.

The site formerly served as domestic garden (to No. 28), though has since been segregated through various hard landscaping methods. Access is proposed via a shared driveway with No. 28 onto Main Road.

## **The Principle of Development**

Section 70(2) of the Town and Country Planning Act 1990, sets out 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.

Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that if regard is to be had to the development plan for the purpose of any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

The application site is located within the named settlement of Underwood, where limited development will be permitted, in accordance with Policy ST3 of the Ashfield Local Plan Review (ALPR) (2002).

Due regard is also had to Policy ST1 (ALPR) (2002) which states that development will be permitted where it will not conflict with other policies in the Local Plan.

## **Visual Amenity**

Policy HG5 (ALPR) (2002) has regard to the acceptability of new residential development, setting out that development should not adversely affect the visual amenity of the locality.

Paragraph 130(a) of the NPPF sets out that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130(b) requires development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Turning to the proposed layout and arrangement, Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032 sets out that development should respect local character. As regards Underwood, development should reflect the settlement pattern with streets and blocks arranged to follow the contours. The northern side of Main Road consists of ribbon development, where generally, the frontage of each dwelling is visible from the roadway. The proposal departs from this prevailing pattern of development and seeks the erection of a dwelling within a garden area, to the rear of No. 28 Main Road. This configuration could be described as backland development.

In applying Policy NP2 (JUS-t Neighbourhood Plan 2017-2032), regard should also be had to Appendix E of the Neighbourhood Plan, which provides place analysis in respect of Underwood. The key findings and recommendations state that, *“although a range of building types and scales are present, the predominant form is two storey, with buildings arranged in semis or short terraces. Bungalows can also be found. New development should use a similar approach and should seek to replicate the key features at the building level to reflect local distinctiveness”* (emphasis added). The proposal, by reason of its form, would be in stark contrast to the bungalows which front Main Road (Nos. 26 – 32).

The site itself is located within a predominantly residential area and is bound to the north by Footpath 55. Notwithstanding this, the proposal would appear prominent in views north from Main Road and in views west from Smeath Road due to its relative scale and bulk. These views would appear yet more intrusive to users of Footpath 55 (including residents of Wheeler’s Gate), due to the lack of screening. The unacceptable prominence of the dwelling is derived, at least in part, from its size and scale, with a height to ridge of approximately 8.13m. This represents a discernible increase over and above the neighbouring bungalows, and indeed the nearby two storey dwellings which measure approximately 7.67m in height.

The prominence of the proposal is compounded by virtue of the inappropriate tandem development. Given its siting in close proximity to the plot boundaries, it is clear that the site is unable to comfortably accommodate development of this scale. Further, the locality is characterised by modest dwellings which benefit from relatively spacious gardens. These open spaces serve as a visual interruption in the built form, and therefore contribute positively to the character and appearance of the area. The erosion of such spaces would fail to respect the existing pattern and grain of development and would detract from the spacious nature of the street. In this regard, the proposal would cause significant harm to the character and appearance of the area and would manifest as an overdevelopment of the site, contrary to the aims of Policy HG5(g).

For the reasons set out above, the development is considered to have an adverse effect on visual amenity and is therefore contrary to criterion (g) of Policy HG5 (ALPR 2002), the broad aims of Chapter 12 of the NPPF and Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032.

## **Residential Amenity**

Retained Policy HG5 (ALPR) (2002) seeks to ensure that new residential development does not adversely affect the residential amenity of neighbouring properties. This aligns with the thrust of the Council's Residential Design Guide SPD (2014).

The application site is encircled by residential development; Smeath Road to the north and east, Main Road to the south and southeast and Albert Terrace to the west.

Paragraph 3.48 of the Council's Residential Design Guide SPD (2014) sets out that homes should provide a comfortable, safe and private space which can be enjoyed by the occupants. In order to ensure this can be achieved minimum separation distances should be applied having regard to site conditions and context. Officers note a ground floor side elevation window in No. 30 Main Road. Given the angle between this habitable room and "*Bedroom 4*" of the proposed dwelling the proposal would fall short of the minimum distances set out within the SPD guidance.

By reason of its cramped and contrived layout, the proposed dwelling would impose itself upon the neighbouring properties; sited approximately 5m from No. 28 Main Road, approximately 10m from No. 41 Smeath Road and approximately 12m from No. 30 Main Road.

The proposal would breach the 25 degree rule which is used to provide guidance in respect of the impact on daylight and/or privacy to neighbouring occupiers (particularly No. 28 Main Road).

Officers are also aware that No. 41 Smeath Road has solar panels installed on its west-facing roofslope. As previously mentioned, the proposal would be in close proximity to No. 41 and would have a greater overall height. Interference with solar panels is a material planning consideration by reason of their role in addressing issues of climate change. In order to establish that no such interference would take place, more information on the exact relationship between the properties would be required.

Whilst no windows are proposed in the south elevation, there would be several openings in the north, east and west elevations. These openings would be in close proximity to the private gardens of Nos. 26 and 30 Main Road and No.41 Smeath Road. Whilst some degree of loss of privacy is to be expected in residential areas, these windows would be in such close proximity that they would infringe upon the enjoyment of these garden spaces.

Taken together, these impacts undermine the standards of amenity for existing and future users, contrary to paragraph 130(f) of the NPPF.

For the reasons set out above, the proposal would be contrary to Policy HG5, the broad aims of Chapter 12 of the NPPF and the guidance contained in the Council's Residential Design Guide SPD (2014).

## **Highways and Access**

Retained Policy HG5(f) (ALPR) (2002) sets out that new residential development will be permitted where parking facilities are provided in accordance with Council standards. The Council's Residential Car Parking Standards (RCPS) SPD sets out the Council's requirement for parking provision to serve new residential developments within the District. This SPD forms a material consideration in determining planning applications for residential development.

Paragraph 110 of the NPPF sets out that safe and suitable access to the site should be achieved for all users. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Having regard to Section 5 of the RCPS SPD (2014), where the dwelling has been designed as having 4 bedrooms, there is a requirement to provide 3 off-street parking spaces. The proposed drawing(s), submitted alongside this application, depict 2 driveway parking spaces and a further space afforded by the integral garage, which satisfies the requisite internal measurements (6m x 3.3m). As such, the development proposal provides adequate levels of off-street parking.

As part of the application process, Nottinghamshire County Council Highways were consulted and raised no objections as regards parking and access. They acknowledged that "*parking provision is acceptable as is visibility on exit from the site [...] and that there is space to manoeuvre to enter and leave the site in a forward gear*". Officers have not been provided with any material which might warrant a departure from the conclusions of the Highways Authority.

For these reasons, the development is considered to accord with criterion (f) of Policy HG5 (ALPR 2002), paragraphs 110 and 111 of the NPPF, and the Ashfield Residential Car Parking Standards SPD (2014), which together seek to provide sufficient off-street parking and safe access.

## **Housing Land Supply**

The Council cannot currently demonstrate a five-year supply of deliverable housing land. Accordingly, in line with paragraph 11(d) of the NPPF, the policies most important for determining the application are out of date. Planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Paragraph 219 of the NPPF (Annex 1: Implementation) sets out that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Notwithstanding the tilted balance being engaged, the proposal would result in significant harm to the character and appearance of the area, together with unacceptable levels of harm to the occupiers of neighbouring properties.

To this effect, Policy HG5 is consistent with paragraph 130 of the NPPF. The levels of harm identified above should therefore be afforded substantial weight. In light of this, the adverse impacts of granting planning permission, namely the impact on visual amenity and the impact on residential amenity, would significantly and demonstrably outweigh the limited benefits associated with the development.

### **Conclusion**

The development proposal would not comply with the provisions of the development plan, when considered as a whole. As such, it is recommended that planning permission be refused.

### **Recommendation: - Refuse planning permission**

### **REASONS**

1. The proposed development, by reason of its cramped and contrived layout would represent an overdevelopment of the site, which would have a detrimental impact on visual amenity and the character of the area. The proposal is therefore contrary to Policy HG5(g) of the Ashfield Local Plan Review (2002), Chapter 12 of the NPPF and Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032.
2. The proposed development, by reason of its size, scale and siting, would result in an unacceptable loss of light, privacy and outlook to neighbouring properties and would represent an oppressive form of development. The proposal is therefore contrary to Policy HG5 of the Ashfield Local Plan Review (2002), Chapter 12 of the NPPF and the guidance contained in the Council's Residential Design Guide SPD (2014).

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<b>Report To:</b>	<b>Planning Committee</b>
<b>Date:</b>	<b>23 September 2022</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>
<b>Executive Lead Member:</b>	<b>COUNCILLOR SARAH MADIGAN, EXECUTIVE LEAD MEMBER FOR CUSTOMER SERVICES AND STRATEGIC PLANNING</b>
<b>Ward/s:</b>	<b>ANNESLEY AND KIRKBY WOODHOUSE, HUCKNALL SOUTH, JACKSDALE AND WESTWOOD, KINGSWAY, SELSTON</b>
<b>Key Decision:</b>	<b>No</b>
<b>Subject to Call-In:</b>	<b>No</b>

### **Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

### **Recommendation(s)**

To Note the Appeal Decisions.

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

To bring to Members attention the recent Appeal Decisions.

### **Alternative Options Considered**

*(with reasons why not adopted)*

N/A

### **Detailed Information**

Planning Application – Appeal Decisions

#### **Annesley and Kirkby Woodhouse**

**Planning Application Site Proposal**

V/2021/0437

Wesleyan Church 156a Forest Road

The widening of the front door way of the building and part removal of the front wall to enable vehicle access into the building.

**Appeal Decision** Appeal dismissed

The Inspector conclude that due to its unsympathetic design, the proposal would lead to significant harm to the character and appearance of the building and the streetscape which would also lead to great harm to the significance of this non-designated heritage asset. Also due to the nature of vehicle movements arising from the proposed parking and access, the proposal would lead to significant harm to highway safety.

**Planning Application** V/2021/0437  
**Site** Grives Farm, The Granary, Lindleys Lane, Kirkby in Ashfield  
**Proposal** Install replacement windows and doors

**Appeal Decision** Appeal dismissed

This appeal was in respect of a former stone barn converted to residential in 2005. The proposal was to replace the wooden windows with UPVC and doors with UPVC composite doors and aluminium bifold doors. The Inspector considered these changes to modern materials would fail to relate to the historic character which is strongly derived from the variation in colour and texture of traditional materials and would cause harm to the significance of the non-designated heritage asset.

### Hucknall South

**Planning Application** V/2021/0461  
**Site** Hucknall Day Nursery Nottingham Road Hucknall  
**Proposal** Appeal challenging Condition 5 which restricted the day nursery to provide care for a maximum of 100 children

**Appeal Decision** Appeal Allowed

This appeal was lodged against a condition imposed on an application to erect a timber framed and clad classroom on land at the back of the existing nursery. The reason the condition was imposed was to ensure the site had sufficient car parking capacity and to protect the amenities of neighbouring residents.

The Inspector accepted there was no evidence that the council was aware the applicant sought to increase the maximum number of children to 110, it was apparently contained in a presentation to neighbours which discussed an increase of 24 children. The Inspector went on to consider the increase in the maximum by 10 children and although no evidence of parking use patterns was submitted there was also no evidence of a parking or highway safety problem on the lower number of child places so the conclusion was that there would be no harm. In respect of impact on neighbours there was only one objection to the proposal and the conclusion was 10 extra children is unlikely to cause an unacceptable level of additional noise and disturbance taking into account the layout of the buildings.

### Jacksdale and Westwood

**Planning Application** Enforcement  
**Site** 249 Alfreton Road, Pye Bridge, Selston  
**Proposal** Change of use to a mixed use residential and commercial

**Appeal Decision** Appeal dismissed enforcement notice upheld.



This appeal was a public Inquiry which lasted over 4 days the Inspector considered evidence, given on oath, in respect of a commercial use at a residential property which included

- Coach and mini-bus parking and dispatch.
- The storage of commercial vehicles in association with the coach and mini-bus parking and dispatch business.
- The storage of scrap vehicles and vehicle parts.
- The siting of 2 portable buildings and 2 lorry bodies used for commercial storage.
- The creation of a hard standing/surfacing to facilitate the commercial use.

The inspector concluded that the uses were not lawful, were development for which planning permission was required and considered the planning merits of the coach and mini bus dispatch use but concluded the harm to the Green Belt, the impact on the character and appearance of the appeal site and the area in the vicinity and the impact on residential amenities was so great that planning permission was refused. The time for compliance with the enforcement notice was extended from 4 months to 6 months and is required to be complied with by the 11 October 2022. Assurances have been given by the appellant that he is working to ensure compliance with the notice.

### **Kingsway**

**Planning Application** V/2021/0287  
**Site** Half Moon Farm, Kingsway, Kirkby in Ashfield  
**Proposal** Construction of 4 bedroom Dwelling

**Appeal Decision** Appeal dismissed

The Inspector concluded that the proposed dwelling would result in harm to the openness of the Green Belt both spatially and visually. It would therefore conflict with the purposes of Green Belt policy to keep land permanently open.

### **Selston**

**Planning Application** V/2021/0400  
**Site** The Dogs Paws  
**Proposal** Removal of conditions restricting outside tables and chairs and use of the rear outside area.

**Appeal Decision** Appeal dismissed costs not awarded to appellant

The Inspector considered the site to have a close-knit relationship with adjacent dwellings and although a noise impact assessment had been submitted with the application this was not appropriate because the noise characteristics are different. The conclusion was that it would not be possible to use planning conditions (fencing or other means) to effectively mitigate harm arising from noise and disturbance in this location.

The appellant sought costs from the council, the inspector concluded that the council had not acted unreasonably in its determination of the application.

## **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:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	Costs awarded against the Council
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:** N/A

<b>Risk</b>	<b>Mitigation</b>
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*

## **Report Author and Contact Officer**

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