

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 26th October, 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 23 September 2022. 5 - 10
4. To receive and consider the attached planning applications. 11 - 40
5. **Tree Preservation Order - Cauldwell House, Cauldwell Road, Mansfield.** 41 - 48
6. **Planning Appeal Decisions.** 49 - 52

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PLANNING COMMITTEE

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

on Friday, 23rd September, 2022 at 1.00 pm

Present: Councillor Andy Meakin in the Chair;

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

Apology for Absence: Councillor Lauren Mitchell.

Officers Present: Alex Bonser, Lynn Cain, Hannah Cash,
Louise Ellis, Mick Morley, Christine Sarris and
Shane Wright.

**P.14 Declarations of Disclosable Pecuniary or Personal Interests
and/or Non-Registrable Interests**

No declarations of interest were made.

P.15 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 25 August 2022, be received and approved as a correct record.

**P.16 Town and Country Planning Act 1990: Town Planning Applications
Requiring Decisions**

1. V/2022/0421 and V/2022/0429, Ashfield District Council, Listed Building Consent for Removal of the Existing Roof and Replace with New Low Pitch Conical Roof and Planning permission for Removal of the Existing Roof and Replace with New Low Pitch Conical Roof, Lindleys Mill, Prospect Place, Sutton in Ashfield

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

In accordance with the Listed Building Regulations 1990, the Authority had to refer its own applications for listed building consent to the Secretary of State. The recommendation was therefore changed in respect of the Listed Building application to be "the application be sent to the Secretary of State for determination with a note that the Council is of the opinion consent should be Granted subject to the suggested conditions. The recommendation in respect

of the planning application remained the same since the committee was still able to grant planning permission for the proposed work.

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

2. V/2022/0464, Ashfield District Council, 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 to 11 Low Street, Sutton in Ashfield

It was moved and seconded that conditional consent be granted as per officer's recommendation subject to an additional condition as follows:

Additional Condition

Prior to the occupation of the hereby approved residential apartments, details shall be submitted to and approved in writing in relation to a secure bin storage area to the rear of the premises. The approved bin storage area shall be available for use for the lifetime of the development.

3. V/2022/0482, Mr & Mrs G Skyrzpowski, Self-build Dwelling, Land at Hacienda, Coxmoor Road, Sutton in Ashfield

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

Two residents had written supporting the application. Both stated that the proposal would not be detrimental to the direct neighbours or to the area and that the land has been unused and untended for some time.

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

It was moved by Councillor Rachel Madden and seconded by Councillor Samantha Deakin that the officer's recommendation contained within the report be rejected and planning consent be granted 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 Dwg No. 22/416-01, Proposed Layout Plan Dwg No. 22/416-03A, Proposed Floor Plans Dwg No. 22/416-06A, Proposed Elevations Dwg No. 22/416-05 . The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. No development shall take place past slab level until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
4. Notwithstanding the submitted details the vehicular access shall have a width of 3.6m.
5. The front boundary treatments shall be regularly maintained so as not to encroach on the required visibility splays.
6. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
7. No development past slab shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All soft landscaping shall utilise native species and be supported by a landscaping and biodiversity management plan to ensure that the intended shrub/seed/tree species are appropriate. Furthermore all planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
8. Prior to the occupation of the hereby approved dwelling one bee brick shall be installed within the dwelling.
9. Prior to the occupation of the hereby approved dwelling, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird boxes and bat boxes which are to be installed within/on the new dwelling. The boxes shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
10. Any garden fence or other non-permeable structure (and/or railings and/or hedgerows) should be provided with small holes (gaps 130 mm x 130 mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site.
11. A lighting strategy should be designed and submitted in accordance with current 'Institution of Lighting Professionals' guideline to ensure there is no harmful light spill from external lighting which would negatively impact the night sky and Sherwood Observatory.

Reasons for rejecting officers' recommendation

The proposal is considered to constitute infill development and it does not have any impact on highway safety.

For the motion:

Councillors Jamie Bell, Samantha Deakin, Arnie Hankin, Rachel Madden, Andy Meakin, Phil Rostance and Helen-Ann Smith.

Against the motion:

None.

Abstentions:

None.

The meeting was adjourned at 2.52pm and reconvened at 3.00pm.

4. V/2022/0379, Mr F McDermott, 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

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

Due to the personnel circumstances raised at the last meeting in respect of the owner of 107, the Council's Tree Officer visited the site and assessed the trees on this property. This assessment found that the trees at 107 Alfreton Road were in an unhealthy condition and would not be worthy of TPO protection.

The recommendation was therefore altered to allow the felling of the trees in relation to 107 Alfreton Road only. The remainder of the trees proposed to be felled as part of this application, appeared to be in a better physiological condition and further detail was required for these trees so that a full assessment could be made.

Replacement planting should also be considered as possible remedial action.

It was noted that the applicant claimed that an arboriculture report had been submitted but the Council had only received a letter from an arboricultural consultant which did not provide an arboricultural assessment of the individual trees to a satisfactory standard.

Mark Chester, an objector (turned supporter) and Fraser McDermott, the Applicant, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required.

It was moved by Councillor Samantha Deakin and seconded by Councillor Helen-Ann Smith that the officer's recommendation contained within the report be rejected and consent be granted to fell the trees as identified within the application.

Reason for rejecting officers' recommendation

The trees to be felled were dead, dying or of poor quality, did not contribute significantly to the amenity of the area and the trees should therefore not continue to be protected by the preservation order

For the motion:

Councillors Jamie Bell, Samantha Deakin, Arnie Hankin, Rachel Madden, Andy Meakin, Phil Rostance and Helen-Ann Smith.

Against the motion:

None.

Abstentions:

None.

5. V/2022/0396, J Sharp, Proposed 4 Bedroom Dwelling, 28 Main Road, Underwood

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

It was moved and seconded that the application be deferred to enable officers to liaise further with the applicant and seek an alternative single storey dwelling application for Committee's consideration.

(During consideration of the final application, Councillor Jason Zadrozny entered the meeting at 3.32pm).

P.17 Planning Appeal Decisions

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

RESOLVED

that the report be received and noted.

The meeting closed at 3.56 pm

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 21st October 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

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PLANNING COMMITTEE – 26th October 2022

Page	App No	Applicant	Recommendation	Proposal	Location
Hucknall South					
17-32	V/2022/0573	Mr E Hall	Approve	Conversion of Existing Public House and First Floor Flat in to 9 No. Flats and External Alterations	2 The Yew Tree Nottingham Road Hucknall
Kirkby Cross & Portland					
33-40	V/2022/0584	Mrs K Ashcroft and S and L Barwick	Refuse	Outline Application With Some Matters Reserved For Construction of 2 Dwellings, To Be Occupied By Travelling Showperson Families	Land at Spring Meadow Park Lane Kirkby in Ashfield

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 07/10/2022

COMMITTEE DATE 26/10/2022 **WARD** Hucknall South

APP REF V/2022/0573

APPLICANT Mr E Hall

PROPOSAL Conversion of Existing Public House and First Floor Flat in to 9 No. Flats and External Alterations.

LOCATION The Yew Tree, 2 Nottingham Road, Hucknall, Nottingham, NG15 7QL.

WEB-LINK <https://www.google.com/maps/place/Yew+Tree,+2+Nottingham+Rd,+Hucknall,+Nottingham+NG15+7QL/@53.0305649,-1.1963217,176m/data=!3m1!1e3!4m5!3m4!1s0x4879c004bc675147:0x449d72219edf9bb18m2!3d53.0301875!4d-1.1959931>

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

App Registered: 28/07/2022 Expiry Date: 21/09/2022

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

This application has been referred to Planning Committee by Cllr Waters to discuss the overdevelopment of the site and highway safety/parking concerns.

The Application:

This is an application for the conversion of an existing public house in to nine separate self-contained flats split across 3 floors of the premises. Eight of the flats will be 1-bedroomed, with the ninth flat being 2-bedroomed.

It is understood the public house ceased trading in early 2022 after struggling throughout the Covid pandemic. The existing building has living accommodation at first floor which comprises of a self-contained 3-bedroom flat with associated living space, with storage space at second floor level.

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

- Installation of new dormer windows to facilitate rooms within the roof space.
- Introduction of new windows.
- Removal of existing windows and doors.

The existing cellar/basement at the site is proposed to be closed off.

An outdoor amenity area is proposed to the rear/side of the premises, and outbuildings are to be retained and utilised for cycle storage.

The surrounding area is predominantly residential in nature, although various commercial/community buildings are located within the vicinity.

A previous application at the site (V/2011/0050) for the conversion of the first and second floors (with the pub to remain in situ and operation at ground floor level) to 5 flats has previously been refused planning permission for two reasons, which related to the absence of noise information and a flood risk assessment. This will be discussed further at the relevant sections below.

Consultations:

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

The following responses have been received:

A local councillor objects to the proposal on the grounds the proposal would constitute an overdevelopment of the site. It is located where three of the busiest roads in Hucknall meet and the proposal makes no provision for off road parking. Parking is a huge problem in the area and locals have petitioned the County Council for a Residents permit scheme and increased TROs have been budgeted for.

Resident comments:

3 objections have been received by nearby residents, making the following comments:

- Parking in area already a problem with an existing commercial use on Beardall Street
- Beardall Street is used for school pick-ups and drop-offs and for customers accessing local shops and takeaways.
- The proposal is for 10 bedrooms and policy requires 1 parking space per bedroom. The site is not a town centre location, this proposal therefore does not meet policy requirements.
- There are shared houses/HMOs in the vicinity of this site

1 comment neither objected or supported the application, but stated they would be interested in purchasing the sign for the Yew Tree public house. This is considered to be a civil matter.

Ashfield District Council Environmental Health:

- Request a condition for a sound survey and sound mitigation to be implemented if necessary to help protect the amenity of future occupiers.

Nottinghamshire County Council Highways:

- No objections.
- Two extant gated accesses serve the site – the one on to Nottingham Road should be reinstated to full height footway, to be secured by condition.
- No off-street parking is available for the existing use and none is proposed in this application – 14 spaces would be required. It is evident that the site could not facilitate this requirement, but the site benefits from easy access to bus, train and tram services. Lack of parking is therefore not a sustainable reason for refusal in this instance.
- Both site frontages are protected by parking restrictions.
- Cycle parking is to be provided to the rear of the building, which should be secured and sheltered. 10 spaces should be provided, and secured by condition.
- Waste facilities are proposed to be accessed via Beardall Street.

Severn Trent Water:

- Condition and informatives advised.

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 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 Extensions Design Guide.

Residential Car Parking Standards.

Relevant Planning History:

V/1976/0593 - Alterations and extensions - Conditional consent.

V/1988/0717 - Erection of porch - Conditional.

V/2011/0050 - Form 5 Separate Apartments to First and Second Floor Levels above Existing Public House - FUL Refusal.

Material Considerations:

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

Principle of Development:

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the

development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies). The site is located within the main urban area, where the principle of development is acceptable.

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

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

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

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 & Historic Environment:

There are limited external alterations proposed to the property itself, all largely related to the removal of windows and doors and installation of new windows, as follows:

- North elevation facing Beardall Street:
 - New windows at first floor level serving a bathroom.
- South elevation:
 - At ground floor level, blocking external doors up serving flat 2 and inserting a new window in flat 1 to serve lounge/dining area.
 - At second floor level, window getting blocked up serving lounge area.
- West elevation:
 - At ground floor level, blocking 1 doorway up and replacing/blocking up another doorway to provide 1 small window serving a bathroom.
 - At second floor level, a door is to be replaced with a window serving the living area.
- North, East and South elevations:
 - New dormer windows to be installed on roof slope to serve areas of living space, bedrooms, bathrooms.

The existing building appears to display a mix of timber and aluminium windows, with it being proposed as part of this application to replace them all with upvc double glazing to help provide a uniform appearance to the premises.

Any existing brickwork, render, external painting or slate roof tiles will be made good during any renovation works to help tidy and enhance the external appearance of the building.

The building is on the Council's Local Heritage List (Ref: 783) and is therefore considered to be a non-designated heritage asset. The building itself is visible on Ordnance Survey maps from 1879 identified as the Yewtree Inn, with the building appearing to retain its original window cills, although recognise that windows have been changed over the years.

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. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

When considering the impact of a development on the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss, and to the significance of the asset itself (NPPF, Paragraph 203).

No Heritage Statement has been submitted with the application. However due to the limited extent of the proposed external alterations as discussed above, it is considered that there will be no detrimental harm to the significance of the non-designated heritage asset, or to the setting of any nearby heritage asset. This judgement has also been reached having regard to paragraph 197 of the NPPF which requires Local Planning Authorities to enhance the significance of heritage assets by putting them to a viable use which is consistent with their conservation. It is considered that the proposed development will help to retain and enhance the building in an active use to prevent it remaining vacant and falling into disrepair.

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:

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.

To the rear/side of the property is an area of outdoor amenity space which was formally used as a beer garden by the public house. In addition to the outdoor space on the plot the site is also well connected to nearby parks and green space such as Titchfield Park and Bestwood Road which provide informal recreational opportunities such as a skate park, playground and football pitches etc.

It is considered that overlooking from first floor windows will not be any different from the existing because windows already serve an existing residential unit. With regards to the new dormer windows, those to be installed on the north and east roof slopes do not raise any significant concerns with regards to loss of privacy given their context and compliance with separation distances etc. The dormer windows facing southwards towards the neighbouring property of No.4 Nottingham Road will serve a bathroom and be a secondary window to the open-plan living area. As such a condition is proposed for these windows to be obscurely glazed and non-opening below a height of 1.7m from the floor level of the room in which they are installed. This is considered to be suitable mitigation to protect the amenity of neighbouring residents.

Given the site layout the Council's Environmental Health Team have requested a condition which requires some sound insulation to be installed at the property to ensure certain internal noise levels are achieved to protect the amenity of future occupiers.

A previous application (V/2011/0050) at this site was refused planning permission for the conversion of the first and second floors to create 5 flats, in part due to the

absence of information relating to noise. That application was determined prior to the publication of the National Planning Policy Framework which now encourages Local Planning Authorities to approach decision making on sustainable developments in a positive and creative way, and that conditions should be used to help make a development acceptable where the imposed conditions are necessary, relevant and reasonable to the proposal.

It is also worth noting that the public house was to remain in situ and operational at ground floor level as part of the aforementioned 2011 application. As such it is considered that the imposition of a condition requiring noise surveys/insulation to be a reasonable approach for this application.

The Council must consider the application 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 individual self-contained flats (for example, noise complaints, anti-social behaviour etc), this would normally be investigated and dealt with via the appropriate channels, however a management plan is required to be submitted for approval and this should include how the owners would deal with complaints and occupiers causing anti-social behaviour issues.

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 site is located on the corner of Nottingham Road and Beardall Street where both site frontages are protected by parking restrictions (double yellow lines).

It has been identified that cycle parking is to be provided within an area to the rear of the premises which should be secure and sheltered, and provide at least 10 spaces. A condition is proposed for details of this to be submitted and approved prior to occupation of the premises.

No off-street parking is proposed as part of the proposal. Regard has been had to the submitted representations which primarily raise concern with the current parking situation along Beardall Street and lack of available spaces. It is also understood that Nottinghamshire County Council are currently considering the implementation of a residents only parking scheme at this location.

Comments received from the Highway Authority highlight that the site is located with ease of access to bus, train and tram services, and as such they consider that the absence of any off-street parking associated with this proposal would not be a sustainable reason to refuse planning permission in this instance. Additionally 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).

A bin storage area has been indicated to the side/rear of the property within the site curtilage and near to the highway. Four 1,100L bins are to be provided for general waste and recycling which are to be collected and managed weekly by a private waste collection company.

The site currently benefits from two access points to the external areas of the premises, both gated access (opening inwards) onto Beardall Street and Nottingham Road. As the Beardall Street access would be utilised for bin access, a condition is proposed for the dropped kerb access on Nottingham Road to be reinstated as a full height kerb.

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 reasonably be associated with the operation of a public house in this location, 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:

The application site is predominantly within Flood Zone 2, but also falls within Flood Zone 3. The previous application (V/2011/0050) was refused planning permission as no information relating to flooding had been submitted. As part of this application a Flood Risk Assessment (FRA) has been submitted.

The NPPF, paragraph 168, states that applications for a change of use should not be subject to the sequential test or exception test but should still meet the requirements through the provision of a FRA.

A consideration as part of the process is whether the proposed change of use would introduce a more 'vulnerable' use to the site than the one it would replace. Both residential dwellings and drinking establishments fall within the same classification of a 'more vulnerable' use as identified in Annex 3 (Flood risk vulnerability classification) of the NPPF.

The submitted FRA identifies various water sources and assesses various aspects of flood risk. It concludes that the site is not at risk of flooding from pluvial sources, whilst the risk of flooding from ground water, existing sewers or fluvial sources will be low. The FRA also confirms that the development would not increase the size of any impermeable areas.

Government guidance for flood risk assessment in flood zones 2 and 3 identifies that areas at little or no risk of flooding from any source should always be developed in preference to areas at higher risk, and suggests extra flood resistance and resilience measures which can be implemented depending on the estimated depth that flood water will reach in the building. One such measure includes using low permeability materials in construction and fit electrical sockets higher than 0.3m from floor level.

The submitted FRA identifies that water resistant airbricks and backwater/non-return valves will be utilised, and that electric sockets will be fitted higher than 0.3m from floor level. The FRA also confirms that the floor levels within the building are already approximately 0.3m above ground level.

Conclusion:

The existing property formerly operated as a public house until earlier this year with a 3-bedroomed residential flat above.

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 external alterations as discussed are considered not to cause undue harm to the significance of the building as a non-designated heritage assets, or harm the setting of any nearby heritage asset.

Although no off-street parking is provided in this instance this is considered not to be a sustainable reason for refusal given the ease of access to other sustainable means of transport (such as bus, train and tram services). It is considered that the proposal is unlikely to have any detrimental effect on highway safety.

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: Proposed Elevations, Drawing No.07 Rev.C, Received 12/10/2022. Proposed Ground and First Floor Plans, Drawing No's.03 Rev.B and 04 Rev.B, Both

Received 10/10/2022. Proposed Second Floor Plan, Drawing No.05 Rev.C, Received 12/10/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. Prior to the occupation of the hereby approved development, secure cycle storage should be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such cycle storage shall be maintained as such in perpetuity.
4. Prior to the occupation of the hereby approved development the extant vehicle access from the site onto Nottingham Road should be reinstated to a full height footway.
5. Prior to the occupation of the hereby approved development a scheme of sound mitigation shall be submitted to and approved in writing by the Local Planning Authority, which should be informed by the findings of a sound survey undertaken by a competent person. The scheme shall be designed to achieve the following criteria with the ventilation operating:
 - a. Bedrooms - 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
 - b. Living/Bedrooms - 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
 - c. All Other Habitable Rooms - 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
 - d. All Habitable Rooms - 45 dB LAmax to occur no more than 10 times per night (2300 hrs - 0700 hrs)

The approved scheme shall be implemented in full and retained thereafter.

6. Prior to the occupation of the hereby approved development a management plan shall be submitted to and approved in writing by the local planning authority. The plan shall detail how the property is to be maintained including the shared amenity areas and how complaints are to be made and handled and how any tenants/occupiers will be dealt with if their actions result in anti-social behaviour. The approved management plan shall be implemented and adhered to for the lifetime of the development.
7. Prior to the occupation of the hereby approved development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.
8. All new windows in the north side of the property at first floor level, and all new windows in the south and west elevations of the property at second floor level shall be glazed in obscure glass and be non-opening, unless the part(s) of the window(s) which can be opened are more than 1.7m above floor level

of the room in which they are installed. Such work to be completed prior to the occupation of the hereby permitted development, and maintained as such in perpetuity.

9. Flood protection measures shall be installed during the implementation of the hereby approved development in accordance with the mitigation measures as outlined within the submitted Flood Risk Assessment, Report Reference: RLC/1070/FRA01, Dated September 2022.

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 promote sustainable modes of travel and an alternative to car ownership.
4. In the interest of highway safety.
5. To protect the amenity of future occupiers.
6. To protect the amenities of future and neighbouring occupiers.
7. 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.
8. To safeguard the amenities of residents living in dwelling(s) located in the vicinity of the application site.
9. To protect the amenity of future occupiers.

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. Any works within the highway to reinstate any extent vehicular access to a full height footway will require a license from VIA East Midlands, the County Council's agents who can be contacted on 0300 500 8080, or by emailing contactus@viaem.co.uk.

3. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.
4. 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) or by contacting our Developer Services Team (Tel: 0800 707 6600).
5. There is a 125 & 180mm water main in the application site. No build over is permitted. The applicant, Developer or site agent will need to submit a Diversion Application (S185) along with the proposed plans for STW to assess as detailed below:

To request a water map please follow the link,
<https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit www.digdat.co.uk (opens in a new window).
You will need to register on the website and then be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide(opens in a new window).

Please look at the district area supply plan (PDF)(opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.
https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversi-on-of-a-Severn-Trent-Water-main.pdf

Information on diversion application charges can be found at
https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf Scroll

down the New Connections Charging document - 1 April 2020 to 31 March 2021 go to Page 24 Diversion of a Water Asset.

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COMMITTEE DATE 26/10/2022 **WARD** Kirkby Cross and Portland

APP REF V/2022/0584

APPLICANT Mrs Katieann Ashcroft and Sharn and Lloyd Barwick.

PROPOSAL Outline Application With Some Matters Reserved For Construction of 2 Dwellings, To Be Occupied By Travelling Showperson Families

LOCATION Land at, Spring Meadow, Park Lane, Kirkby in Ashfield, Notts, NG17 9LE

WEB-LINK <https://www.google.co.uk/maps/@53.092026,-1.2751798,19z?hl=en-GB>

BACKGROUND PAPERS A, B, D, E, F

App Registered 02/08/2022

Expiry Date 26/09/2022

Consideration has been given to the Equalities Act 2010 in processing this application. An Equalities Impact Assessment has been carried out as part of the application process.

This application has been referred to Planning Committee by Cllr Madden to discuss Highway Safety, Impact on the neighbouring area and Impact on the Street Scene.

The Application

This is an outline application with some matters reserved for the construction of two dwellings to be occupied by travelling showperson families. The two dwellings will replace two existing static caravans. Access is a matter to be considered as part of the outline application whilst all other matters are reserved.

Consultations

A site notice has been posted together with individual notification of surrounding residents. No comments have been received.

NCC Highways

- Existing access to the yards which will be unaffected
- Two dwellings will replace existing caravans so there will not be an intensification of the access

- Parking provision for these three-bedroom dwellings is acceptable
- Proposal is unlikely to result in an unacceptable risk to highway safety therefore no objections.

Nottinghamshire Wildlife Trust

- Have provided no bespoke comments on this proposal.

Severn Trent Water

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

ADC Environmental Health

- No comments to offer

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 – Countryside

HG9 – Gypsy Caravan Sites and Site for Travelling Show People

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 9 – Promoting sustainable transport

Part 12 – Achieving well designed places

Part 15 – Conserving and enhancing the natural environment

Greater Nottingham and Ashfield District Council Gypsy and Traveller Accommodation Assessment (March 2021)

Planning Policy for Traveller Sites (PPTS) (2015)

Relevant Planning History

V/2000/0515 - Showman's Permanent Quarters – Conditional

V/2006/0579 - Extension to Showman's Permanent Quarters Site – Conditional

V/2012/0119 – Vary Condition 4 of V/2000/0515 to Allow the Storage, Repair and Maintenance of Fairground and Ancillary Equipment – Conditional

V/2020/0677 - Change of Use of Land to Travelling Show people Yards Together with Drainage and Highway Infrastructure – Conditional

V/2021/0471 – Outline Application with Some Matters Reserved for One Dwelling – Refusal

Comment :

The Site

The application site comprises of two plots located on the Springmeadows site, which is an established travelling showpeople site, located off Park Lane in Kirkby in Ashfield.

Main Considerations

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

- Principle of development
- Highway Safety

Principle of Development

The application site is within designated countryside located outside of the Districts main urban areas and named settlements. Policy ST4 of the ALPR (2002) states that permission will only be granted for development which is appropriate within the countryside, as set out within policy EV2 of the ALPR (2002).

Planning permission was granted in 2001 for the construction of a Showman's Permanent Quarters under application ref V/2000/0515. In 2006 permission was granted for an extension to the showman's permanent quarters under application ref V/2006/0579. In 2020 permission was granted for a further change of use of land to travelling showpeople yard together with drainage and highway infrastructure under application V/2020/0677 which provided a further extension to the travelling showperson's yard.

Policy HG9 of the ALPR states that sites for travelling showpeople outside of the Green Belt will be permitted for travelling showpeople within the countryside, provided a number of criteria can be met, which includes amongst other things that

the need for this site is established and where the site is reasonably accessible to community services and facilities.

Paragraph 62 of the NPPF (2021) outlines that Local Planning Authorities are required to provide the size, type and tenure of housing needed for different groups in the community. Within this context, this includes finding appropriate provisions for travelling showpeople.

In 2021 a Gypsy and Traveller Accommodation Assessment (GTAA) report was produced for Greater Nottingham and the Ashfield District. The assessment covers a period of 2020-2038 and identifies that during this period Ashfield has a need for 14 plots to come forward. Within the first 5 year period between 2020-2038 there is a need for 9 plots to come forward. In 2020 permission was granted for an extension to the Springmeadows site allowing an additional 7 plots therefore taking the total need for the first 5 year period down to 2 plots.

Having regard to the above the proposal to replace two existing static caravans each with its own plot with two permanent dwellings raises significant concerns in relation to the loss of 2 existing travelling showpeople's plots within the District. This would further exacerbate the Council's deficit in available plots for members of the travelling showpeople community.

Within the submitted design and access statement the agent has stated that the emerging local plan shows a further potential extension to the site and allocates a further 14 plots. Whilst this may be the case, at this time the emerging local plan has not been adopted and there have been no applications submitted and/or approved for further plots to this site as stated. Therefore, the application cannot be assessed against a proposal that may never materialise, when assessing need and deficit.

The application site is established as a travelling showpersons site with the approved permissions granting the siting of caravans and mobile homes. The proposed development seeks consent for the removal of two existing static caravans and the erection of two dwellings. As the proposal will be a permanent dwelling it must be considered against policy EV2 of the ALPR (2002) and whether the proposal amounts to appropriate development in the countryside.

Policy EV2 states that permission will only be given for appropriate development within the countryside. Development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. It goes on to set out the forms of development which are considered appropriate.

It is considered that the proposed development does not accord with sections a), b), c), e), g) or h) of policy EV2.

Section d) allows new buildings which are essential for uses appropriate for the countryside and the need for the proposed location has been established. It is acknowledged that the use of the site for travelling showpeople has been established, however the use granted refers to the siting of static caravans and mobile homes, not the construction of permanent dwellings. Similarly, whilst policy EV2 allows for the siting of caravans/mobile homes used in association with the travelling showpeople community it does not allow for the construction of permanent dwellings.

Section f) allows for replacement, alteration, or extension of existing buildings. The original permission for the site relates to the siting of caravans/mobile homes only. As both of the structures to be replaced are caravans it cannot be classed as a building. Therefore, in relation to section f) the proposal cannot be considered a replacement building.

Due to the above it is considered that the proposal does not constitute appropriate development in the countryside as set out in policy EV2 of the ALPR (2002). It is acknowledged that there is currently a static caravan on each plot however the submitted block plan appears to indicate that the proposed dwellings would have a greater footprint than the caravans and although it has been indicated in the submitted Design and Access Statement that the dwellings will be dormer bungalows, they are also likely to be higher than the existing caravans. It is noted that within the submitted application it is stated that the site can no longer be described as open countryside due to the established use and various permissions on the land. Whilst it is acknowledged that the area has changed in appearance over time the countryside still has worth in the planning balance. The current static caravans, touring caravans and vehicles associated with the travelling showpersons are not permanent and the vehicles especially are often moved when used. It is considered that although the area may not represent countryside in a traditional sense it should still be given worth within the determination of this application and two permanent dwellings are considered to have a detrimental impact on the openness and give the impression of additional urbanisation within the countryside given that the proposed dwellings would likely be a greater scale than what is already present.

Within the design and access statement it has been set out that lifestyles have changed for travelling showpeople. Their children attend local schools so rarely travel and the applicants tend to work locally. Whilst it is acknowledged that the application has outlined that the applicants need a brick-built dwelling this does not outweigh the deficit in plots that the application would cause or the harm on the countryside by way of inappropriate development.

Access

Access is a matter to be considered within this application. It has been shown on the site location plan and detailed in the design and access statement that access is gained via the southern access into the site and that will continue. Nottinghamshire County Council highways have commented that there are no objections to the access proposed and parking provision for the two three bedroomed dwellings is acceptable.

Other Matters

As this is an outline application with all matters reserved except for access limited information has been provided in respect of the proposed design and appearance of the dwellings. Matters in relation to appearance, layout, landscaping and scale are all reserved matters. As such, no details have been provided regarding the design of the dwellings and the overall layout of each plot. Consideration of these matters and an assessment of the impact on visual amenity and residential amenity would be considered at reserved matters stage.

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.

Whilst it is acknowledged that the applicants wish to live a more modern lifestyle and the proposal would provide a small contribution to the Districts Housing supply it would also result in a loss of two travelling showpeople pitches which would increase the existing deficit within the District. The proposal would also have a detrimental impact on the countryside setting allowing additional urbanisation therefore having a detrimental impact on the character and appearance of the wider environment.

On balance it is considered that the proposal does not constitute an appropriate form of development within the countryside and would further exacerbate the Council's deficit in available plots for members of the travelling showpeople community. Therefore the application is recommended for refusal for the reasons outlined below.

Recommendation: - Refuse Outline Permission

REASONS

1. The proposal amounts to two new build dwellings in the Countryside which represents an inappropriate form of development. The scheme will result in the impression of addition urbanisation within a Countryside setting. The proposal is subsequently considered to be contrary to saved policies ST1 (a), ST4 (b) and EV2 of the Ashfield Local Plan Review (2002) and Part 15 – Conserving and Enhancing the Natural Environment of the National Planning Policy Framework (2021).
2. The application site comprises of a plot/pitch within an established Travelling Showpeople site. The removal of a static caravan and the construction of a permanent dwelling is considered to result in the loss of Travelling Showpeople Plot/Pitches within the District exacerbating and existing deficit of available pitches for such purposes. The proposal is subsequently considered to be in conflict with paragraph 62 of the National Planning Policy Framework (2021), which requires the Authority to provide housing needed for different groups in the community.



Report To:	PLANNING COMMITTEE
Date:	26 OCTOBER 2022
Heading:	TREE PRESERVATION ORDER – CAULDWELL HOUSE, CAULDWELL ROAD, MANSFIELD, NG18 5BL
Executive Lead Member:	COUNCILLOR SARAH MADIGAN, EXECUTIVE LEAD MEMBER FOR CUSTOMER SERVICES AND STRATEGIC PLANNING
Ward/s:	SUTTON JUNCTION AND HARLOW WOOD.
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 Cauldwell House, Cauldwell Road, Mansfield, NG18 5BL.

Recommendation(s)

Having considered and notwithstanding the objection, it is recommended to confirm the Tree Preservation Order subject to a modification, as outlined in the report.

Reasons for Recommendation(s)

The trees in question are considered to contribute to the visual amenity of the area. Their visual amenity benefit would also be increased in the event that planning permission is granted for further residential development on the plot/within the vicinity.

Alternative Options Considered

- A) To confirm the Tree Preservation Order as originally produced.
- B) To refuse to confirm the Tree Preservation Order.

The alternative options above are not recommended as they would not adequately protect the trees, or they would protect a tree which is no longer considered to warrant protection by a TPO.

Detailed Information

Summary:

On 05th August 2022 a formal notice was provided to interested parties advising them that the Council has made a Tree Preservation Order (TPO) in respect of three individual trees (x1 Larch, x1 Sweet Chestnut and x1 Oak) and an area of woodland at Cauldwell House, Cauldwell Road, Mansfield, NG18 5BL.

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’.

Proposed Amendment:

Since the placement of the TPO a further review has been undertaken of the chosen protected trees and it is considered that the Larch Tree (indicated as T1 on the original TPO Schedule Plan) should be omitted from the Order due to a decline with its physiological condition which is thought to have been exacerbated and accelerated by the recent droughts.

It is the view of officers therefore that the Order be amended to now read as follows:

‘Woodland Order and x2 Individual Trees (x1 Sweet Chestnut, x1 Oak)’.

Amenity:

The trees themselves are located within the site curtilage of Cauldwell House and partly incorporates some of the neighbouring woodland trees along the north-west boundary of the site. The trees are considered to provide visual amenity benefit to the existing occupiers/neighbours, and their visual amenity benefit would also be increased in the event that planning permission is granted for further residential development on the plot/within the vicinity.

It should be noted that the area of woodland to the north of Cauldwell Road, between the highway and the residential dwelling, is already protected by a separate woodland TPO.

Letter of Objection:

The Council have received an objection to the placement of the Order from the landowner of the woodland in relation to the TPO, who raise the following points:

1. Consider a drafting error has occurred which has included trees managed by Forestry England within the Order.
2. TPO boundary should be redrawn to the curtilage of the Cauldwell House only.
3. Canopy from trees from ‘W1’ woodland do span over the boundary line but originate from within the grounds of Cauldwell House.
4. Cauldwell Wood is part of a long-term woodland lease to the Forestry Commission and is managed by Forestry England.
5. Cauldwell Wood is commercial plantation.

Officers Response:

The principle point of the objection received related to trees on adjoining land being included within the TPO. These trees are located on and in close proximity to the boundary of the property and they provide a tree screen around this garden. It is accepted that they are on the edge of a plantation but they do provide a valuable amenity to the character and appearance of the area. The placement of the TPO on the trees on the edge of the plantation is considered to be a reasonable and an appropriate approach to protect the amenity.

Trees on adjoining land form part of the backdrop to the existing and proposed development, and could possibly be adversely affected should the site be developed as currently proposed or through any future iterations. As such any impact upon the trees on and adjacent to the site would be a material planning consideration.

Therefore the premises of protecting the trees as a woodland, including those on a portion of the adjoining site, ensures that the visual amenity of the area and wider amenity of the landscape is not adversely affected by any development.

As with all trees, their management is the responsibility of the relevant landowner(s). The placement of a TPO on these edge of woodland trees does not remove any rights but does enable the future management to protect the amenity of the area. As such an objection to prevent the confirmation of the Tree Preservation Order on these grounds is considered not to be reasonable, subject to the above recommended modification.

For the avoidance of doubt this TPO would be a consideration during the submission of a detailed planning application being forthcoming at a later date, and not at outline stage where the principle of development is being considered.

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 ingredients for a good quality of life are in place and ensure attractive neighbourhoods are protected.

Legal:

It is considered that 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.

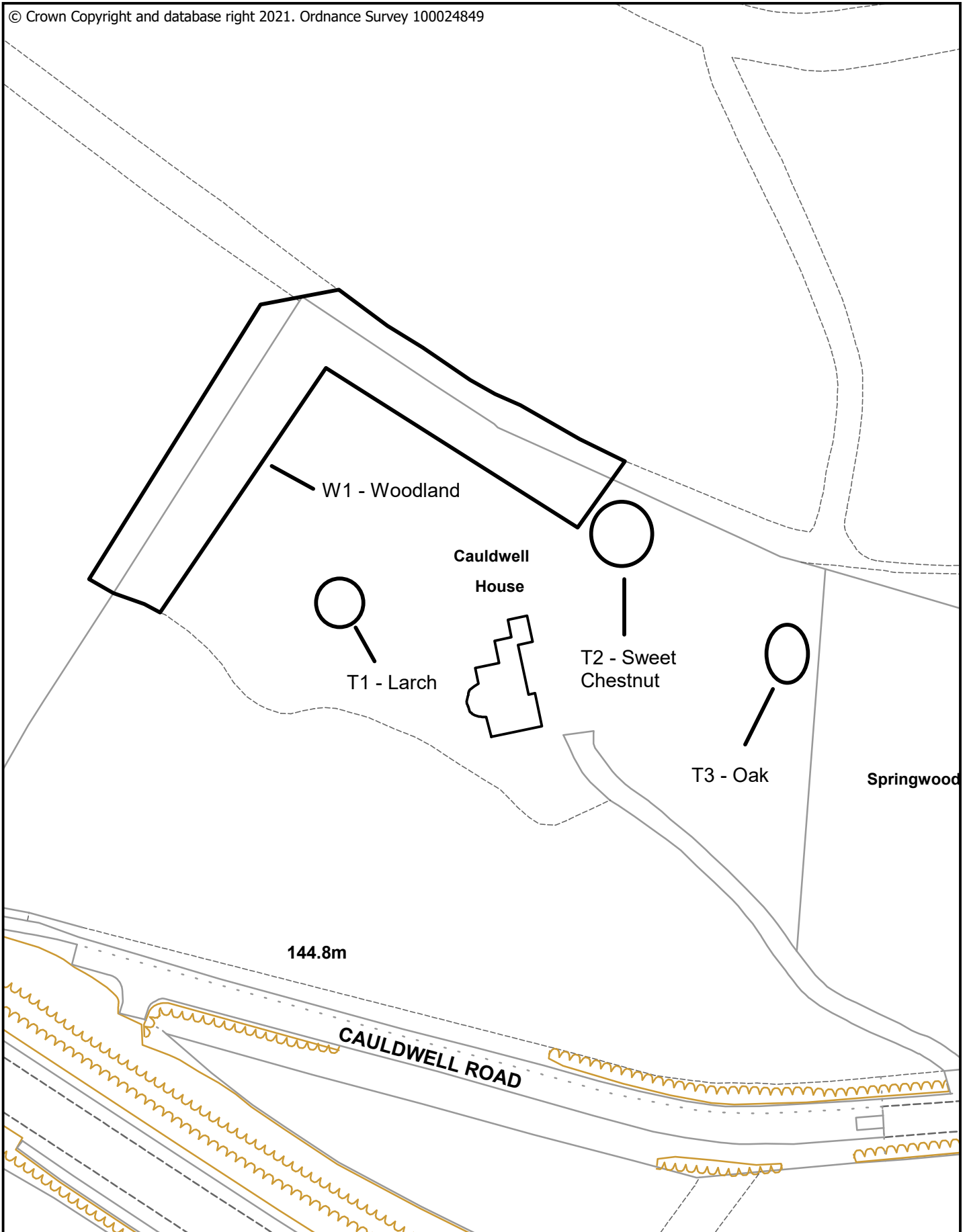
Report Author and Contact Officer

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Planning Officer
Alex.bonser@ashfield.gov.uk
01623 457405

Sponsoring Director

Robert Docherty
Director Place and Communities

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Cauldwell House, Cauldwell Road,
Mansfield, Nottinghamshire, NG18 5BL

TPO/2022/0307

05 August 2022



Scale: 1 to 1,250

Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

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Report To:	Planning Committee
Date:	26 October 2022
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR SARAH MADIGAN, EXECUTIVE LEAD MEMBER FOR CUSTOMER SERVICES AND STRATEGIC PLANNING
Ward/s:	ABBAY HILL, SKEGBY, STANTON HILL & TEVERSAL
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Detailed Information

Planning Application – Appeal Decisions

Abbey Hill

Planning Application

V/2021/0681

Site

Forest Farm, Blidworth Road, Kirkby in Ashfield

Proposal

Conversion of stone built stable building to a dwelling (2 Bedroom).

Appeal Decision

Appeal Allowed

The Inspector considered the proposed works do not represent significant alterations re-building and the openness of the Green Belt would be preserved. In respect of highway safety he considered the comments raised by the LHA in respect of the visibility splays being sub-standard

and the intensified use of the site but his observations on site led him to conclude it would be satisfactory and highway safety would not be adversely affected.

Planning Application V/2021/0454
Site Land adjacent Forest Farm, Blidworth Road, Kirkby in Ashfield
Proposal Storage barn (for agricultural purposes only).
Appeal Decision Appeal Allowed

The Inspector was satisfied that there is an essential need for an agricultural storage building in this location the proposal therefore would meet the exception in the Framework and Policy EV1 for new agricultural buildings and would not amount to inappropriate development within the Green Belt and thus it would not affect the openness. He considered that that any unauthorised material change of use would be open to the council to consider enforcement action.

Skegby

Planning Application X/2021/0062
Site Radfords Farm, Sutton in Ashfield, NG17 3DA
Proposal Application to determine if prior approval is required to convert two agricultural buildings to form three dwellings
Appeal Decision Appeal Allowed

The Inspector considered the proposed works do not represent significant alterations re-building and the openness of the Green Belt would be preserved. In respect of highway safety he considered the comments raised by the LHA in respect of the visibility splays being sub-standard and the intensified use of the site but his observations on site led him to conclude it would be satisfactory and highway safety would not be adversely affected.

Stanton Hill & Teversal

Planning Application V/2021/0756
Site Whiteborough Cottage, 261 Wild Hill, Teversal NG17 3JF
Proposal Sought planning permission for an 'agricultural storage building for agricultural purposes only' without complying with a condition attached to planning permission Ref V/2021/0066, dated 19 August 2021
Appeal Decision Appeal Allowed

This appeal was in respect of the use of materials. A previous appeal had been allowed for a agricultural storage with the Inspector stating that the proposed external finish would have an agricultural character and appearance, which would be consistent with its intended purpose as an agricultural storage building. The proposal is now to use stone and timber and the Inspector on this decision considered such materials to still be agricultural and were not necessarily inherently more domestic in nature.

Planning Application V/2022/0203
Site Land adjacent 129 Wild Hill, Teversal NG17 3JE
Proposal Removal of integral garages to plots one and 3 to create habitable room and erection of 2 detached garages
Appeal Decision Appeal Dismissed

The Inspector considered the distinct building line which the 3 dwellings with planning permission would continue and considered the proposal would be incongruous in the street scene and not relate well to the existing development.

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	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

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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Director Place and Communities