

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 14th December, 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 26 October 2022. 5 - 8
4. To receive and consider the attached planning applications. 9 - 46

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PLANNING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Wednesday, 26th October, 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.

Apology for Absence: Councillor Phil Rostance.

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

**P.18 Declarations of Disclosable Pecuniary or Personal Interests
and/or Non-Registrable Interests**

Councillor Rachel Madden declared a Non-Registrable Interest in relation to application V/2022/0584, Mrs K Ashcroft and S and L Barwick, 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. Her interest arose from the fact that she had previously met with the Applicant but in doing so had not expressed any opinions on the application at any point.

P.19 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 23 September 2022, be received and approved as a correct record.

**P.20 Town and Country Planning Act 1990:
Town Planning Applications Requiring Decisions**

1. V/2022/0573, Mr E Hall, Conversion of Existing Public House and First Floor Flat in to 9 No. Flats and External Alterations, 2 The Yew Tree, Nottingham Road, Hucknall

Edward Hall, 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.

A speech from Councillor Lee Waters, who called-in the application but was not in attendance at the meeting, was also read out to Members for consideration.

It was moved and seconded that conditional consent be granted in principle, as per officer's recommendation, with delegated authority being given to the Assistant Director, Planning and Regulatory Services, in consultation with the Planning Committee Chairman, Vice Chairman and Councillor Lee Waters (who called in the application), to confirm the consent once agreement has been reached with the Developer in respect of the following:

1. the inclusion of at least one parking space on site;
2. the installation of 1 x EV charging point at location of parking space(s);
3. for officers to liaise with Nottinghamshire County Council regarding options for preventing illegal parking on the pavement outside the property and for the Developer to contribute towards payment for any mitigation measures that may be subsequently introduced;
4. to ensure letter boxes for all new properties are located externally within the curtilage of the site.

2. V/2022/0584, Mrs K Ashcroft and S and L Barwick, 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

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Rachel Madden had previously declared a Non-Registrable interest in respect of this application. Her interest was such that she stayed in the meeting and took part in the discussion and voting thereon.)

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

It was moved by Councillor Rachel Madden and seconded by Councillor Arnie Hankin 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 to which this permission relates shall be begun not later than the expiration of 2 years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - (a) Layout
 - (b) Scale
 - (c) Appearance
 - (d) Landscaping.
4. The proposal shall not be occupied by any persons other than travelling showpeople.

Reasons for rejecting officers' recommendation

The site is already urbanised from the current use, the proposal does not amount to inappropriate development and it will still provide accommodation for travelling showpeople.

For the motion:

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

Against the motion:

None.

Abstentions:

None.

P.21 Tree Preservation Order - Cauldwell House, Cauldwell Road, Mansfield

Members were advised of an objection received in response to the making of a Tree Preservation Order at Cauldwell House, Cauldwell Road, Mansfield and notwithstanding the objection, were asked to confirm approval. Since placement of the TPO, a further review had been carried out and it was considered that due to the decline of the Larch Tree's physiological condition, it should be removed from the Order leaving the following:

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

RESOLVED

that having considered and notwithstanding the objection, the Council proceeds to confirm the Tree Preservation Order, subject to the modification on the terms outlined in the report.

P.22 Planning Appeal Decisions

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

RESOLVED

that the report be received and noted.

The meeting closed at 11.26 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.

All 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 9th December 2022.

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

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

R Docherty

Director – Place and Communities

Tel: 01623 457365

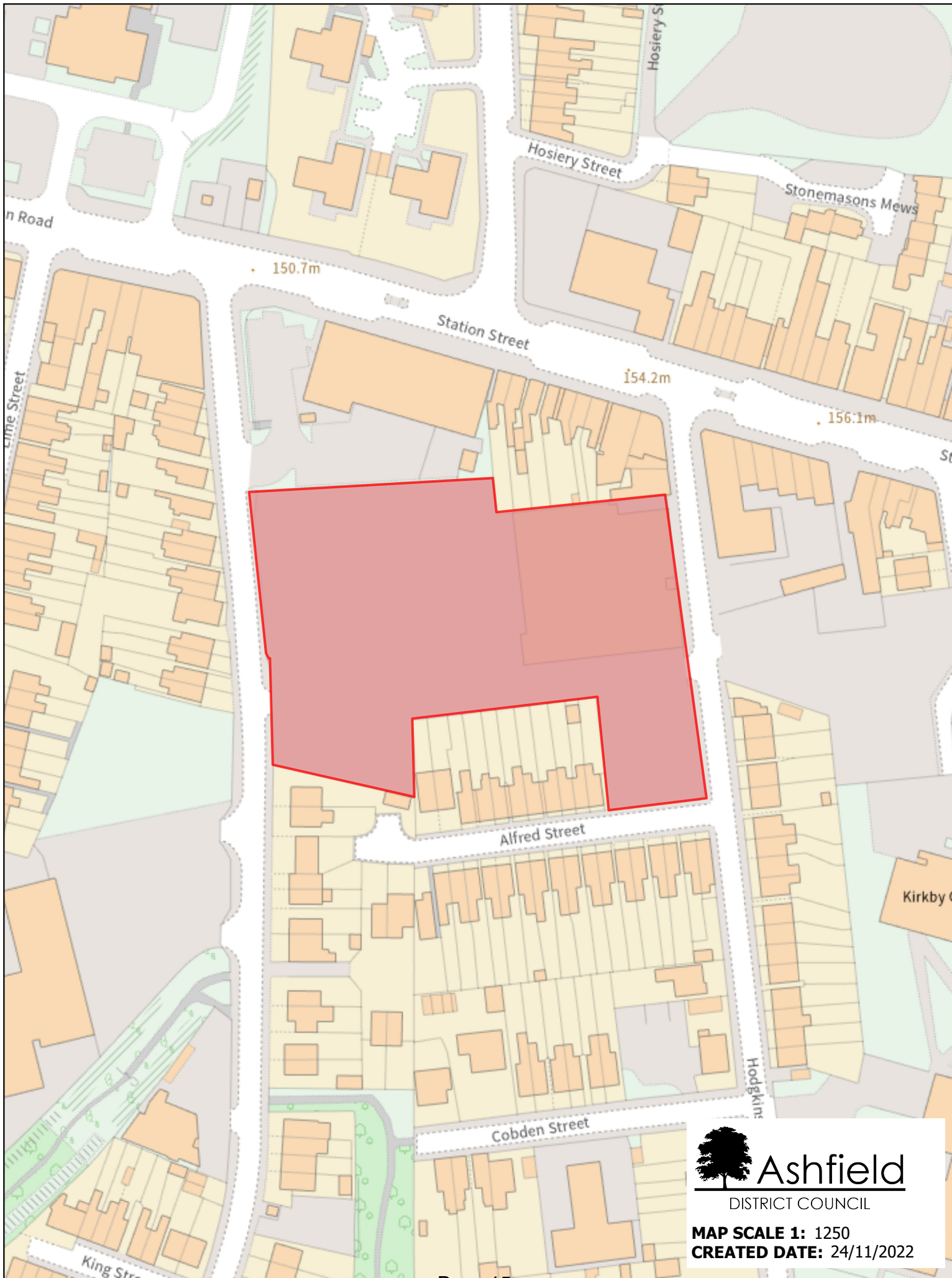
E-mail: Robert.Docherty@ashfield.gov.uk

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PLANNING COMMITTEE – 14th December 2022

Page	App No	Applicant	Recommendation	Proposal	Location
Kirkby Cross & Portland					
15-20	V/2022/0717	Ashfield District Council	Approve	Application for Consent to Display an Advertisement - Secondary Building Signage 'Kirkby Leisure Centre' With Directional Arrow	Festival Hall Hodgkinson Road Kirkby in Ashfield
Underwood					
21-34	V/2021/0798	Ms D Roe	Refuse	Construction of Agricultural Dwelling	Field West of Felley Alpacas, Felley Mill Lane South, Underwood
35-46	V/2022/0661	N Beer	Refuse	Construction of Dormer Bungalow	R/o 97 Alfreton Road Underwood

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COMMITTEE DATE 14/12/2022 **WARD** Kirkby Cross and Portland

APP REF V/2022/0717

APPLICANT Sarah Daniels

PROPOSAL Application for Consent to Display an Advertisement -
Secondary Building Signage 'Kirkby Leisure Centre' With
Directional Arrow

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

WEB-LINK [https://www.google.co.uk/maps/@53.0985683,-
1.2479374,18z?hl=en-GB](https://www.google.co.uk/maps/@53.0985683,-1.2479374,18z?hl=en-GB)

BACKGROUND PAPERS A, B, C, D

App Registered 22/09/2022 Expiry Date 16/11/2022

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

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

The Application

This application seeks consent to display a secondary building sign for Kirkby Leisure Centre with a directional arrow. The sign is proposed to be erected on the North elevation which faces onto the car park of 'B&M', just below the parapet of the building and is visible from Station Street. When looking at the sign the arrow points left to direct people towards Hodgkinson Road where the main entrance to the leisure centre is located.

The lettering of the sign will be 2.9m high and 2.6m wide, the arrow will have a height of 0.6m and a width of 0.7m. The colour of the sign will be brushed stainless steel and is located approximately 6m above the highest ground level.

When the application was first submitted the proposed arrow was pointing towards Lindleys Lane which is where the staff car park is. Clarification was requested as to why the sign was pointing in that direction and it was found that it was an error on the plans. Amendments were provided showing the arrow pointing in the opposite

direction towards Hodgkinson Road where the public car park will be for the Leisure Centre. Residents were re-consulted following the receipt of the amendment.

Consultations

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

NCC Highways

- The sign will not be an obstruction or a distraction to drivers and is non-illuminated
- No objection

(Re-Consultation Comments)

- No objection

Residents

4 Comments have been received objecting to the proposal and raising the following:

- Arrow pointing towards Lindleys Lane which is staff only
- Traffic and on street parking increased since Leisure Centre opened
- Do not need to advertise Lindleys Lane as entrance
- Customers should be encouraged to use Hodgkinson Road entrance
- Issue of parking has been raised throughout
- Original plans stated Lindleys Lane was Staff only
- Signage will cause further problems for residents because of parking on pavement
- Traffic situation is dangerous
- Sign will mislead public

(Re-Consultation following amendments to change arrow direction)

1 comment was received objecting to the proposal and raising the following:

- Signage needs to be positioned carefully to clarify entrance is not Lindley Lane
- Staff members are currently using car park and Lindleys Lane to park causing chaos
- Accidents happening daily
- Street not adequate to handle volume of traffic

1 comments was received neither objecting or supporting raising the following:

- Glad to see arrow pointing toward Hodgkinson Road

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

National Planning Policy Framework (NPPF) (2021)

Part 12 – Achieving well designed places

Relevant Planning History

V/2020/0201 - New Leisure Centre and Associated Infrastructure - Condition Consent

V/2022/0385 – Application for Consent to Display an Advertisement Main Building Signage “Kirkby Leisure Centre” – Conditional Consent

Comment :

Main Considerations

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

- Visual Amenity
- Residential Amenity
- Highway Safety

Visual Amenity

The proposed sign is in keeping in design with the main sign approved earlier in the year. It is a simplistic design and is considered sympathetic to the design of the building and the wider street scene. Overall, it is considered that the proposal will not have a detrimental impact on visual amenity or character of the street scene.

Residential Amenity

Concerns have been raised by residents mainly in relation to access and highway safety so will be discussed in the next section of this report.

There are residents across the road from the proposed location of the sign however due to the siting and the fact that the sign is not illuminated it is considered that it would not have a detrimental impact on the amenity of nearby residents.

Highway Safety

Concerns have been raised by residents regarding volume of traffic, parking, highway safety, misleading sign. The proposed signed as discussed above has been amended to ensure the arrow is pointing towards Hodgkinson Road to ensure it is not misleading and is pointing the public towards the customer car park and not the staff car park. It is considered that the volume of traffic and dangerous parking on Lindleys Lane would not be impacted by the proposed signed. If anything the sign is likely to encourage customers to park within the customer car park by directing them from Station Street to the next turning which is Hodgkinson Road.

Nottinghamshire County Council Highways were consulted on the application and have raised no objections. They have commented that the signage will be non-

illuminated, will not be an obstruction and will not be a distraction to drivers. It is considered that the proposal will not have an impact on highway safety.

Conclusion :

Overall, it is considered that the proposed advertisement is appropriate and will not have a detrimental impact on the visual amenity, residential amenity or highway safety. Therefore, it is recommended that the application is granted advertisement consent subject to the following conditions.

Recommendation: - Grant Conditional Consent

CONDITIONS

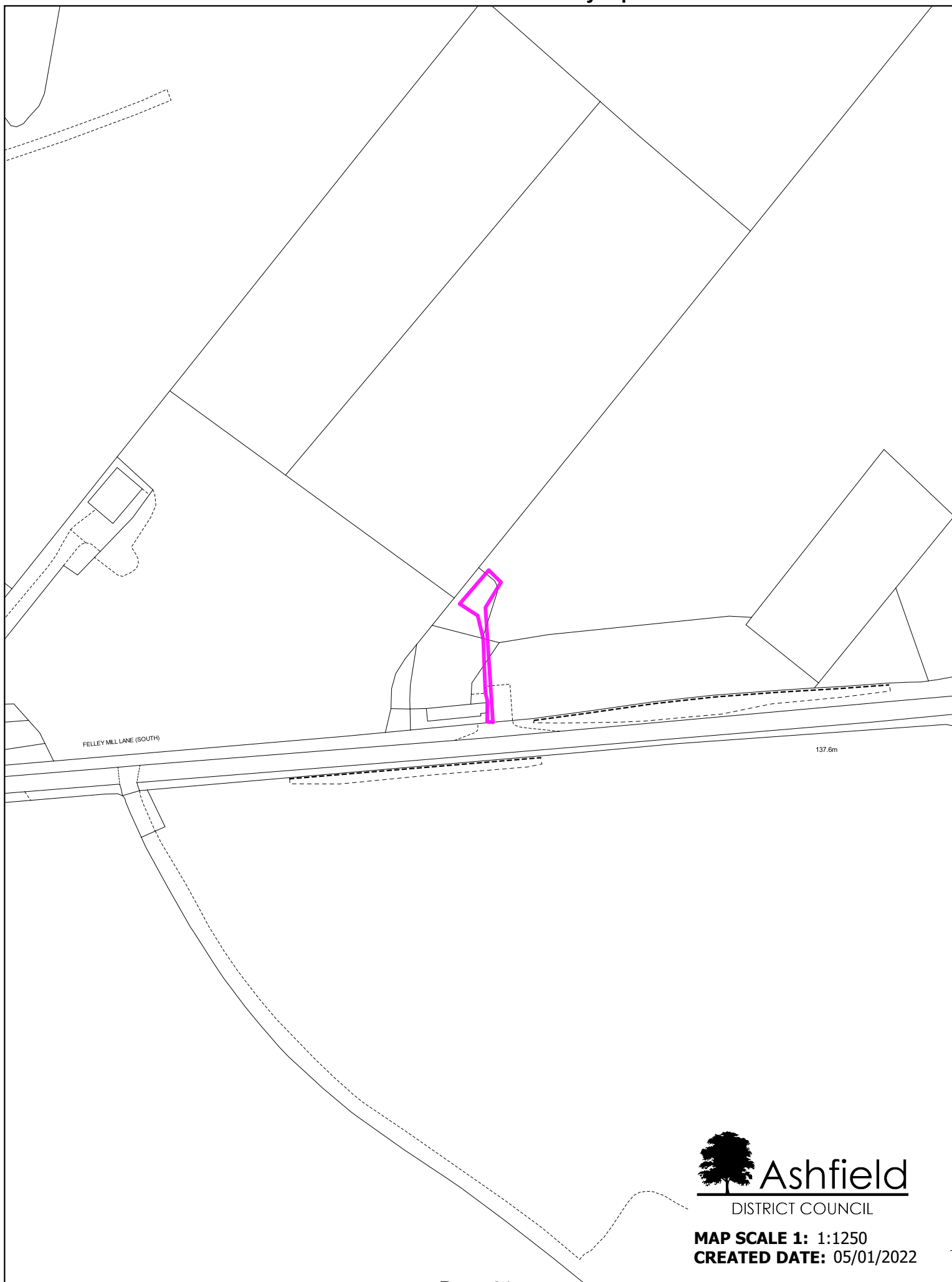
1.
 - i The consent hereby given shall expire five years from the date of this notice.
 - ii No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - iii No advertisement shall be sited or displayed so as to:-
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - iv Any advertisement displayed, and any site used for the display of the advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - v Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - vi Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
2. The advertisement(s) hereby granted consent shall be displayed solely in accordance with the submitted elevation drawings, received 18/10/2022.

REASONS

1. To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.
2. To ensure that the display takes the agreed form, and the level of advertising is not excessive, in the interests of amenity.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in legal action being taken by Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions, then to contact the development & Building Control Section of the Authority on Mansfield (01623 450000)



COMMITTEE DATE 26/10/2022 **WARD** Underwood

APP REF V/2021/0798

APPLICANT Ms D Roe

PROPOSAL Construction of Agricultural Dwelling.

LOCATION Field West of Felley Alpacas, Felley Mill Lane South,
Underwood, Nottingham, NG16 5DQ.

WEB-LINK <https://www.google.com/maps/search/felley+mill+lane+south/@53.0500161,-1.2894463,351m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, C, D, F, G & K

App Registered: 01/11/2021 Expiry Date: 26/12/2021

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

This application has been referred to Planning Committee in the interest of transparency as the applicant is related to an employee of the Council.

The Application:

This is a full planning application for the erection of a single 1.5 storey dwelling within the Green Belt to be used as a permanent place of residence by an agricultural worker.

The applicant owns 15 acres (split between two sites, one of which being a Site of Special Scientific Interest (SSSI)), with an additional 8 acres being rented, totalling 23 acres used in associated with the enterprise.

As of 30/09/2022 it is understood that a total of 71 animals are kept across those 23 acres, comprising a mix of sheep, alpacas and llamas. Some horses, chickens and ducks are also present on site.

Business accounts and statements etc have been submitted by the applicant to demonstrate the essential need to live on site permanently at or near their place of work in the countryside.

A 'Desktop Agricultural Needs Assessment' has been produced by 'Kernon Countryside Consultants Limited' to assist the Council with its assessment of this application. Their report is considered to carry significant weight in the consideration of the application, and an unredacted copy of this report is available to view online on the Council's website.

Consultations:

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

The following responses have been received:

Resident comments:

29 objections have been submitted by 14 residents/properties, with an additional 1 representation of support, raising the following points:

Objections:

- Green Belt - Impact on character and openness of the countryside.
- House would be at the top of the hill.
- Scale of the proposed dwelling is inappropriate.
- Area is becoming built up.
- Should seek alternative location for agricultural business.
- Functional use of the dwelling is contested – The dwelling is a family property.
- No essential need to live on site and no special circumstances have been demonstrated.
- There is already a caravan on site used as accommodation during lambing.
- Applicant already lives near the site.
- An equestrian use is also on site.
- Query farm equipment storage.
- Will further employment be created.
- Difficult to make a full time living from breeding these animals.
- Dispute the animal registration certificates.
- Dispute the fact alpacas require round the clock supervision.
- Breeders can easily control the breeding of alpacas to time births more accurately.
- Alpacas and llamas only give birth during daylight hours.
- CCTV already monitors the site.
- Lack of grazing space on site for number of animals proposed – no room for expansion.

- Close to SSSI site – is used for grazing.
- Harm to wildlife.
- Impact on view.
- Cause traffic problems.
- Will set a precedent.
- Flood risk.
- Concerned with how application form has been completed.
- The Agricultural needs Assessment has been undertaken by a chartered surveyor and not an agricultural planning lawyer – The consultant did not have full details or visit the site.
- Business plan should be made available for public scrutiny.
- The business will be in competition with another alpaca business next door.

Support:

- Enjoy meeting, feeding and petting the animals and walking the alpacas.
- The applicant has excellent knowledge for animals care and wellbeing.

Natural England:

- No objection subject to appropriate mitigation being secured.
- Likely additional treatment measures necessary to treat phosphorous and nitrogen within foul water associated with the use of Package Treatment Plants and Septic Tanks.
- Advisable to seek confirmation from the Environment Agency that the foul water drainage solution proposed is technically fit for purpose.

Environment Agency:

- No formal comments to make. Informative advised in relation to foul sewage disposal.

Nottinghamshire County Council Highways:

- No objection. It is unlikely that the proposal will result in an unacceptable risk to highway safety.

- Felley Mill Lane South is lightly trafficked and there is space to wait off the carriageway whilst opening the gates at the access which is not to be altered.
- Parking is provided for two cars and a light goods vehicle and there is ample space to manoeuvre to enter and leave the site in a forward gear.

Nottinghamshire Wildlife Trust:

- The application site is located in close proximity to Freizeland Grassland SSSI/LWS.
- Given the habitats on and adjacent to the site, we cannot rule out the potential presence of protected and priority species, which are a material consideration in the planning process.
- Recommend a desktop assessment, phase-1 habitat survey and assessment of potential impacts on locally designated conservation sites be carried out.
- The report should also make site specific / appropriate recommendations for biodiversity enhancements on site to ensure the development meets the minimum 10% biodiversity net gain requirements.

Selston Parish Council:

- Object to the proposal as the site is within the Green belt and also lies in a Mature Landscape Area (conflict with local and national policy). It would also be in close proximity to Friezeland Grassland SSSI.
- Also the development of the site is contrary to policy NP3: Protecting the Landscape Character of the JUST Neighbourhood Plan for Selston Parish.
- Worried a precedent would be set for more development in this Historic Green Belt area.

Severn Trent Water:

Informatives advised.

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:

National Planning Policy Framework (NPPF) (2021):

Part 5 – Delivering a Sufficient Supply of Homes.

Part 8 – Promoting Healthy and Safe Communities.

Part 9 – Promoting Sustainable Transport.

Part 11 – Making Effective Use of Land.

Part 12 – Achieving Well Designed Places.

Part 13 – Protecting Green Belt Land.

Part 15 – Conserving and Enhancing the Natural Environment.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST4 – Remainder of the District.

EV1 – Green Belt.

EV4 – Mature Landscape Area.

EV5 – Sites of Special Scientific Interest.

EV6 – Local Wildlife Sites.

EV8 – Trees and Woodland.

HG5 – New Residential Development.

Jacksdale, Underwood, Selston (JUS-t) Neighbourhood Plan (2017-32):

NP1 – Sustainable development.

NP2 – Design principles.

Np3 – Protecting landscape character.

NP4 – Housing type.

Supplementary Planning Documents (2014):

Residential Design Guide.

Residential Extensions Design Guide.

Residential Car Parking Standards.

Relevant Planning History:

V/2019/0111 - Polytunnel, Greenhouse and Chicken Coup - FUL Refusal - Appeal Allowed.

V/2020/0443 - Erection of Extension to Stables and Construction of Sand Paddock - FULCC.

V/2020/0800 - Erection of Dwelling for Agricultural/Equestrian Management Purposes - FUL Refusal.

Material Considerations:

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

Principle of Development:

The application site is located within the Nottinghamshire Green Belt, and as such Policy EV1 of the ALPR 2002 and Part 13 (Protecting Green Belt land) of the NPPF are applicable.

Policy EV1 of the ALPR identifies that permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances, and identifies various forms of 'appropriate' development. All development must be located and designed so as not to adversely affect the purposes of the Green Belt, its openness, and the purposes of including land within it.

Part 13 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances (paragraph 147). Paragraph 149 of the NPPF goes on to identify various forms of development which are deemed to be 'appropriate' uses within the Green Belt, however residential dwellings are not identified, and as such, are considered to be an inappropriate use within the Green Belt.

However that being said, an exception to this is where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside (NPPF, paragraph 80).

The agent describes the site as being within a mixed agricultural and equestrian use. Along the south boundary of the site is a stable block, with a sand paddock located to the north-east.

There is currently a touring caravan on site which is used as accommodation by the applicant, but it is understood to only be used during certain times of year. Most notably during the months when sheep are lambing (typically be April-July), but it is understood the caravan is utilised on an ad-hoc basis at other times of year in association with the alpacas and llamas on site.

As stated above the applicant owns 15 with an additional 8 acres being rented, totalling 23 acres used in associated with the enterprise.

There was a total of 71 animals kept across these 23 acres (as of 30/09/2022), consisting of the following:

- Sheep = Total of 37, split as follows:
 - Ewe's – 18.
 - Ram's – 3.
 - Lamb's – 16.
- Alpacas = Total of 31, split as follows:

- Female – 20.
- Male – 3.
- Cria (baby) – 8.
- Llamas = Total of 3, all understood to be female.

It is also understood that the sheep lamb in the stables on site, and that there are also a limited number of chickens, ducks and horses also present on site. The animals are rotated around the various parcels of land to graze.

As such the applicant considers that there is a functional need to live on site to enable the animals to be monitored, to assist with births when needed and to ensure proper animal welfare. The applicant also highlights their intention to increase the number of alpacas on site to 50 over the coming year.

The business model adopted by the applicant for income generation appears to have evolved somewhat since the application was first submitted in November 2021. Initially income was to be generated primarily through the breeding of alpacas, llamas and sheep, with supplementary income generated through alpaca walks, petting and renting out studs. However based on the latest accounts etc business appears to now be heading in a direction where breeding and the sales of cria is of less importance as indicated by the shift in income, with monies now predominantly generated through alpaca walks. Additional activities are also understood to take place on site to generate income, such as offering petting and farm experiences alongside educational sessions for nursery and school aged children, and scout groups etc.

It should be noted that the only authorised use of the land and buildings is for agricultural purposes and does not include educational or recreational uses which would have their own implications requiring facilities, health and safety, car parking etc.

The 'Desktop Agricultural Needs Assessment' produced by 'Kernon Countryside Consultants Limited considered paragraph 80 of the NPPF which requires that where there is an alleged essential need for a rural worker to live permanently at or near their place of work, that applications also need to be considered in the context of the following criteria:

- a) whether there is an essential need for a rural worker to live on site;
- b) whether that need can be met by existing accommodation;
- c) whether the enterprise is financially viable or sustainable; and
- d) whether other relevant considerations, such as siting and size, are acceptable.

Given the collective number of livestock kept on the holding it is Kernons view that this would give rise to a marginal need to live on site, but express that the enterprise could be managed in a way that sees animals giving birth over a relatively condensed period of time.

Evidence shows that profits from the holding have increased over the past three years, however a business must be capable of meeting all costs whilst providing a reasonable return on labour to be considered viable.

Based on the accounts for the year ending March 2022 the level of profit is considered not to be capable of providing a reasonable return on labour, and as such, the financial test for a permanent dwelling is not met.

The applicant has submitted further financial information in the form of updated accounts showing a net profit up to September 2022. This information was sent to Kernon who provided an Addendum report (Dated 18/10/2022, Report Ref: KCC3324/se) to their original desk-based assessment. A large proportion of this profit attributed to a stock valuation increase of over £12,000 in a two month period, however there does not appear to be any additional costs associated with the purchase of new alpacas. Despite this, income remains primarily generated from alpaca walking as opposed to the sale of cria or stud fees. Breeding is what gives rise to the main need to live onsite, and the business appears to be headed in a direction where breeding and sales of cria is of less importance than an activity that does not give rise to a need to live onsite.

It is Kernons view that only a dwelling within sight and sound of where breeding takes place could meet the needs of the livestock with regards to breeding etc, but as identified above, there is uncertainty as to whether this would be the predominant strain of income.

Despite the submission of further information, it remains the case that the enterprise is unable to provide a complete set of accounts demonstrating that in an accounting year, all costs can be met whilst providing a reasonable return on labour.

It is therefore considered that the application for a permanent dwelling on site is premature. It is suggested that either:

- a) another application should be submitted at a later date (i.e. in 2023) when a full set of accounts is available for a complete financial year, or
- b) an application should be submitted seeking temporary permission for the siting of a mobile home on the holding to allow the applicant to live on site temporarily, allowing them to expand and operate in the way they are proposing (i.e. increased stock numbers, increased level of breeding, being on site to monitor and assist in births etc). This will allow evidence to be gathered to demonstrate whether or not the business enterprise as proposed is sustainable over time. The collation of this evidence should then be

submitted again at a later date to support any future application for a permanent dwelling in this Green Belt location.

It is expected that any future application should be accompanied with some form of explanation concerning the figures put forward. Specifically, further details should be provided as to the number of alpacas born on the holding for the financial year, how many sales have been made, how many alpacas have been purchased and how the stock valuation has been calculated.

Overall it is considered that whilst the collective number of livestock may give a marginal need to live on site, the current figures indicate the predominant income shifting towards alpaca trekking and not breeding, which would not necessarily require someone to live on site. As such the business at present is considered not to be financially viable and it would not provide a reasonable return on labour. Consequently the financial test for a permanent dwelling on site is not met.

It is therefore considered that the current proposal conflicts with policies contained within the ALPR and NPPF, and represents an inappropriate form of development which is harmful to the fundamental aims and purposes of Green Belt policy, which amongst other things, seeks to prevent urban sprawl and safeguard the countryside from inappropriate encroachment.

Visual and Residential Amenity:

The proposed dwelling located in open countryside, in the designated Green Belt, would have a detrimental visual impact on the openness of the area. The building and associated paraphernalia would amount to a significant visual intrusion and encroachment of development into the countryside and would therefore be contrary to green belt policies unless there are proven exceptional circumstances.

If there are considered to be exceptional circumstances the dwelling will be situated along the western field boundary which is bound by a mature hedgerow, and will utilise the existing access to the site. The topography of the site is varied, and the dwelling would be situated at a higher land level than the highway.

The property itself would be 1.5 storeys in height with an eaves and ridge height of approximately 3.8m and 6.42m respectfully. The property would incorporate gable ends and an external chimney stack. The dwelling would have living space at ground floor level (kitchen, dining, lounge and utility/shower room) and two bedrooms and bathroom within the roof space served by roof lights.

At this time the dwelling is proposed to be constructed from red rustic facing bricks with plain dark grey tiles, although no specific details have been provided this could be secured by way of a condition. It is also suggested that timber windows and doors would be installed, which again could be secured by a condition.

From the information submitted it does not appear as though the extent of any residential curtilage has been defined.

Given the design and scale of the dwelling and if exceptional circumstances are accepted it is considered that it would not unduly harm the character of the street scene.

The separation distances and design of the dwelling would result in there being no detrimental harm to any neighbouring properties by way of overlooking, massing, overshadowing etc.

Highway Safety:

The site will be access directly from Felley Mill Lane South via an existing access, so no additional accesses would be created.

It is understood that at the present time patrons visit the site for alpaca trekking, petting and farm experiences. The applicant also currently uses the existing access, which may be for more prolonged periods such as during lambing as discussed previously. As such it is considered that the level of traffic utilising the existing access would not be too dissimilar from the existing situation, and therefore it is considered that there shall be no detrimental harm to the capacity or safety of the highway network.

It is acknowledged that additional traffic would be generated in the short term from the construction of the dwelling (such as via trade persons and deliveries etc) but this would only be temporary and would not warrant a refusal of the scheme on this basis.

A new track/hard standing would be laid from rolled and blinded hardcore to facilitate access to the dwelling itself.

Comments from the Highway Authority confirm they have no objections as Felley Mill Lane South is lightly trafficked, there is space to wait off the carriageway whilst opening the access gates, and there is ample space to manoeuvre within the site and leave in a forward gear.

Ecology:

An 'Ecological Impact Assessment and Biodiversity Net Gain Report' has been submitted with the application. It identified that the site is dominated by heavily poached improved grassland, with a small area of hardstanding; all of which are considered to be of little ecological value. The peripheral hedgerows are of principle importance and as such represent the most notable floristic feature of the site, however due to the lack of species present per 30m of length (under seven species

per 30m) they are considered not to be classed as 'important' under the Hedgerow Regulations (1997).

There was no evidence on site/the site was not suitable for Great Crested Newts, badgers, reptiles, hedgehogs or bat roosting, although it cannot be ruled out that some of these species may forage or cross the site occasionally due to their transient nature.

Friezeland Grassland SSSI site is located approximately 100m west of the site boundary. Comments received from Natural England confirm they have no objection to the proposed development subject to appropriate mitigation being secured, likely in the form of additional treatment measures necessary to treat phosphorous and nitrogen within foul water associated with the use of any Package Treatment Plants and/or Septic Tanks.

The submitted ecology report also identifies measures to secure an increase of 11.53% biodiversity net gain for habitats and an additional 21.44% for linear features. Such measures include the creation of wildflower meadows, new hedgerow planting, installation of bird and bat boxes, and creation of log piles for additional habitats.

The report also recommends a further 'Biodiversity Enhancement and Mitigation Plan (BEMP)' be produced for the site, which could be secured by way of a condition.

Conclusion:

It is considered that the proposal would represent an inappropriate form of development within the Green Belt. Documentation has been submitted to suggest there is an essential need for an agricultural worker to live permanently at the site.

However following an assessment of these details from both the Council and Kernon Countryside Consultants Limited (both of their reports are considered to carry significant weight) it is considered that the proposal for a permanent dwelling on site is premature and at the present time the enterprise fails to provide a reasonable return on labour and therefore is considered not to be financially viable, consequently failing to meet the financial test for a permanent dwelling on site.

Furthermore whilst the collective number of livestock may give a marginal need to live on site, the current income/projections indicate the predominant income shifting towards alpaca trekking and not breeding, which would not necessarily require someone to live on site permanently/full time.

It is suggested that temporary permission for the siting of a mobile home on the holding is sought to allow the applicant to live on site full-time for a temporary period, allowing them to expand and operate their business in the way they are proposing. This will allow evidence to be gathered to demonstrate whether or not the business

enterprise as proposed is sustainable over time. A future application could then be submitted accompanied by a full financial year of accounts.

There are limited concerns regarding the proposed dwellings impact upon the character of the street scene, amenity of neighbouring properties or the safety/capacity of the highway network.

A number of mitigation/enhancement measures have been proposed which secure an increase in the level of biodiversity on site.

It is therefore recommended this application be refused planning permission, for the reasons as outlined below:

Recommendation: Refuse planning permission.

Reasons:

1. The proposal is considered to constitute an inappropriate form of development within the Greenbelt, which is harmful to the fundamental aims and purposes of Green Belt policy, which seeks to safeguard the countryside from urban sprawl and encroachment to maintain the openness and permanence of the Green Belt. The substantial weight given to protecting the Green Belt from harm is not outweighed by any other matters, and thus the very special circumstances required to allow the development do not exist. The proposal therefore conflicts with Policies ST1 (a and b), ST4, and EV1 of the Ashfield Local Plan Review (2002), and Part 13 (Protecting Green Belt land) of the National Planning Policy Framework (2021).



COMMITTEE DATE 14/12/2022 **WARD** Underwood

APP REF V/2022/0661

APPLICANT Mr Nigel Beer

PROPOSAL Construction of Dormer Bungalow

LOCATION 97 Alfreton Road, Underwood, Notts, NG16 5GA.

WEB LINK <https://www.google.com/maps/place/97+Alfreton+Rd,+Underwood,+Nottingham+NG16+5GA/@53.0541548,-1.2913374,98m/data=!3m1!1e3!4m5!3m4!1s0x487994bb6e248783:0xa2850ff9ecbc9208!8m2!3d53.054136!4d-1.2910147>

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

App Registered 01/09/2022 **Expiry Date** 26/10/2022

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

This application has been referred to Planning Committee by Cllr Smith to discuss residential amenity.

The Application:

This is a full planning application for one 3-bedroom dwelling in the style of a dormer bungalow. The application site is located within the named settlement of Underwood and currently forms part of the residential curtilage associated with No.97 Alfreton Road, and would be built within the rear garden area.

Officers raised concerns with the agent relating to the proposal, relating to the impact on neighbours, the functionality of the proposed parking arrangement and regarding discrepancies on the plans relating to access widths. Revised plans have therefore been submitted.

Consultations:

A site notice has been posted together with individual notifications to surrounding residents. The following responses have been received:

Resident comments:

4x representations have been submitted, objecting to the proposal, raising the following points:

- Proposal will be overbearing and dominant.
- Effect the enjoyment of outdoor spaces, such as gardens.
- Over development.
- Overlooking – loss of privacy.
- Loss of light to recreational areas.
- Impact on street scene – will be visible from Beech Court.
- Works to build the current extension are still ongoing after 2 years causing a nuisance, how long will a house take.
- Noise disturbance and pollution increase.
- Front boundary has been extended.
- There is a summer house structure in the garden.
- Boundary fencing destroyed and requires replacing.
- Access cannot achieve width required for emergency vehicles.
- Increase in traffic and parking concerns.
- Not enough off-street parking being provided.
- Visibility issues on exit from the site/neighbouring sites from parked vehicles.
- Impact on hedgerows.

Ashfield District Council Environmental Health:

- No objections.

Severn Trent Water:

- Informatives advised.

Nottinghamshire County Council Highways:

- Refusal recommended.
- A boundary wall has been erected on the public highway (a service strip) and should be removed.

- Once the wall is relocated, combined with the access ramp to the front door, manoeuvrability for the proposed front parking space would be compromised leading to on-street parking.
- Manoeuvrability for the rear parking spaces is of concern, and spaces/turning areas are not dimensioned.
- Driveway width is substandard. Should be 3.6m wide minimum for emergency vehicle access, however the actual driveway width requirement in this instance is 4.25m wide plus 0.5m each side if bound by a hedge, fence or wall (5.25m) which has not been demonstrated.
- No visitor parking provided.

Policy:

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

National Planning Policy Framework (NPPF) (2021):

Part 5 – Delivering a sufficient supply of homes.

Part 8 – Promoting healthy and safe communities.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST3 – Named Settlements.

EV8 – Trees and Woodland.

HG5 – New Residential Development.

Jacksdale, Underwood, Selston (JUS-t) Neighbourhood Plan:

NP1 – Sustainable development.

NP2 – Design principles for residential development.

NP4 – Housing type.

Supplementary Planning Documents:

Residential Design Guide (2014).

Residential Extensions Design Guide (2014).

Residential Car Parking Standards (2014).

Relevant Planning History:

V/2021/0136 - Two storey rear extension and porch to front - FULCC.

V/2021/0815 - Two storey dwelling - Withdrawn.

V/2022/0119 - Vehicle access - FUL Refusal.

V/2022/0408 - Two storey dwelling - Withdrawn.

Material Considerations:

- Principle of Development.
- Visual Amenity.
- Residential Amenity.
- Highway Safety.
- 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.

Principle of Development:

The development site is located within the named settlement of Underwood, where 'limited development' is considered to be acceptable providing no other material planning considerations indicate otherwise. The term 'limited development' refers to the total amount of development in each settlement and not to the limit on any one particular site.

The Council are presently unable to demonstrate a five year housing land supply, and therefore there is a presumption in favour of sustainable development unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Visual Amenity:

The importance of good design is stressed in the NPPF, with the creation of high quality designs and spaces being a fundamental element of the planning process.

Saved policy HG5 (g) of the ALPR 2002 states residential development will be permitted where its design is acceptable in terms of appearance, scale and siting. Paragraph 124 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens).

Paragraph 130 of the NPPF also sets out that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Additionally paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposed property would be in the style of a dormer bungalow incorporating a Dutch hipped roof (which will include a flat roof section on top) and dormer windows on the front and rear elevations. The building would have a sizeable footprint measuring approximately 11m x 8m, and have an eaves and ridge height of approximately 3.1m and 6.5m respectfully.

This stretch of Alfreton Road displays a varied street scene, displaying a mix of terrace, detached and semi-detached properties of different styles albeit all being 2-storey in scale and sitting parallel to the public highway to display a uniform appearance. Immediately to the rear of the site are a number of bungalows along Beech Court, which are presented to the street scene in a cul-de-sac arrangement.

The proposed development is considered to constitute back land development due to its positioning within the rear garden of the existing property. The erection of the proposed dwelling would not be in keeping with the plot formations within the vicinity, which are generally typified by dwellings with long linear gardens to the rear.

Overall it is considered that the proposed dwelling would fragment, and appear at odds with, the existing pattern of development within the vicinity, appearing as an incongruous addition to the plot.

The submitted planning statement indicates that other sites within the vicinity, namely numbers 5 Beech Road and 81 Alfreton Road, have undertaken development in their rear gardens which has resulted in the plot formations within the vicinity being fragmented. Officers have reviewed these two sites and identified the following:

- 5 Beech Road, Underwood was for the erection of one dwelling which constituted an infill development site fronting on to the highway (V/2018/0183).
- 81 Alfretton Road, Underwood was for the demolition of an existing dwelling and outbuildings the erection of one new replacement property on the plot (V/2018/0793).

Therefore it is considered that both of the applications referred to display a different site context and would have been subject to different policy and material considerations and carry little weight in the assessment of this application.

Residential Amenity:

Achieving a good site layout is critical to delivering a well-designed and functional development which provides acceptable and suitable internal and external environments, which ultimately supports the health and wellbeing of their users.

The addition of the proposed dwelling onto this plot is considered to result in an overall cramped form of development which fails to provide acceptable standards of amenity for existing and future occupiers.

The Council's adopted Supplementary Planning Document on Residential Design sets out minimum sizes for private garden areas and separation distances between properties. Whilst it has been indicated that the garden area for the proposed property would meet (and exceed) the required space standards for a 3-bedroomed property, providing approximately 90sqm, a portion of this is taken up by an outbuilding in the garden. The placement of the new dwelling does however significantly reduce the available outdoor space of the existing dwelling, taking it below the required standards by providing only 54sqm as opposed to the required 70sqm for a 3-bedroomed property. Much of this space also consists of a raised hard surfaced patio area. Given its elevated position, low level balustrade and proximity to the new proposed dwelling the patio area is considered not to constitute 'private outdoor amenity space' due to its siting.

With regards to separation distances, although a cross section has been illustrated on the submitted drawing this is inaccurate as it does not appear to take account of the fact the proposed dwelling has been moved slightly further back into the plot (westwards). This results in a separation distance of approximately 20.27m between the proposed dwellings at the closest point, which is marginally below the 21m sought. It has not been demonstrated that the proposal would not adversely affect the amenity of neighbouring properties. For example, a separation distance of approximately 18.4m would be achieved between the new dwelling and the conservatory to the rear of No.99 Alfretton Road. Large dormer windows are proposed on the front and rear elevations of the property which largely serve bedrooms. Given their relationship with surrounding properties it is considered that a detrimental level of overlooking would occur from these windows, having a significant effect on the residential amenity of nearby residents.

The topography of the area is mixed, with the site generally sloping westwards towards Beech Court. It has been identified that there is an approximate level change of up to

1.7m between the rear elevation of No.97 and the ground level where the new dwelling would be erected. The level of the land/dwellings on Beech Court, which appear to be lower still, has not been identified, nor has the proposed finished floor level of the proposed dwelling. Given the scale and siting of the proposed property it is considered to appear as an unduly overbearing feature within close proximity to existing residential properties, including bungalows, with the varying topography considered to only exacerbate overbearing and overlooking concerns.

Multiple large openable windows are located along the side (south) elevation of the existing property at both ground and first floor levels, serving a lounge, W/C, bedroom, bathroom and ensuite. Not only would these windows being opened possibly obstruct vehicle access to the rear of the site given the limited width (discussed further below) but it is also considered to create a conflict between existing and future occupiers by negatively affecting the amenity of current occupiers through vehicles manoeuvring, vehicle noise/fumes if windows are open, and other associated activities.

Some of the concerns raised within the submitted objections relate to boundary issues/alleged damages, but these are civil matters outside of the planning process. Other concerns related to disturbances associated with long running building work. The planning team cannot insist on an end date for completion of a development, but any concerns relating to a development in terms of noise generation / working hours etc should be reported via the appropriate channels, such as via the Council's Environmental Health team, for investigation.

Highway Safety:

There are three issues relating to highway safety which are access, parking and manoeuvrability.

In respect of access the highway authority has confirmed the access should be a minimum of 3.6m wide to ensure an emergency vehicle, such as a fire engine, can access the plot to the rear. However, the standards for a private drive serving 2 properties is that the width of the access should be 4.25m with an additional 0.5m added to the width each side where it would be bound by a hedge, fence or wall. As this would be the case in this instance the highway authority would require a width of 5.25m, which has not been demonstrated.

The width of the access does vary along its length with there being an identified pinch point alongside the house towards the front of the site, measuring approximately 3.5m. The access drive narrows even further behind the highway boundary at the front of the site. A note on the submitted layout plan identifies that a portion of the boundary between number 95 and 97 is to remain 'open' to ensure a 3.7m width is achieved for emergency vehicles however changes to the boundary treatment, which could restrict emergency vehicle access, are not within the red boundary of site, are outside of the applicants control and cannot be controlled by condition through a decision on this application.

It is further noted that the width of the access alongside the house could be narrowed even further in the event that side windows at No.97 are opened (As discussed above) this again impacts on the width of the access being too narrow to accommodate an emergency vehicle.

Additionally pedestrian access is available directly from the rear patio area of No.97 out on to the access driveway. Given topographical differences and the balustrades/fencing enclosing the patio area there would be extremely limited visibility of any pedestrian(s) if a vehicle was exiting the site, which is considered to represent a substantial highway safety risk.

The existing property is to be 3-bedroomed so in accordance with the Council's adopted residential car parking standards 2 off-street spaces are required for the proposed dwelling. Although the width of the two spaces has been increased to assist with entry into them, the functionality of these spaces, and whether a vehicle can suitably manoeuvre to ensure they are leaving the site in a forward gear still remains unclear and has not been demonstrated / supported by vehicle tracking plans.

The existing property (No.97) was subject to a two-storey rear extension (V/2021/0136) and the approved plans illustrated the property was to become 4-bedroomed. The applicant stated this was no longer the case and facilitated a visit for the case officer to view the inside of the property, with its layout suggesting that the property was now 3-bedroomed, as depicted in the layout plan contained within the design and access statement. However at time of the visit the property still required much of the internal areas to be fitted out etc. In the event the existing property is to remain 3-bedroomed then only 2 off-street parking spaces would be required.

It is proposed to locate one of these spaces to the front of No.97 which will achieve a space width of approximately 2.4m when taking in to account the presence of an existing access ramp up to the front door and also the front boundary wall which is presumably to be relocated (although this is unclear from the details submitted as the layout plan appears to show the existing and a new proposed wall). Given these factors this space is considered to be contrived, with there being no visibility westwards towards the new dwelling when egressing this space.

An application to create a new vehicle access to the front of the existing property was refused planning permission earlier this year on highway safety grounds (V/2022/0119), increasing the likelihood of increased vehicular conflict. The second parking space for the existing dwelling is to be located at the rear of the garden area.

A turning head is proposed between the new and existing dwellings, indicated to be approximately 3.6m wide. However no vehicle tracking plan has been provided which shows an emergency vehicle such as a fire engine being able to suitably manoeuvre within the site and leaving in a forward gear.

It has not been demonstrated that unobstructed visibility splays can be achieved. Although 2.4m x 43m vehicle splays are indicated on the drawing, the full 43m has not

been indicated, nor is it clear what point this has been measured from. Additionally the 2m x 2m pedestrian visibility splays appears to utilise land outside of the application site and therefore there is no guarantee this would remain free from obstruction, which is unacceptable.

The Council recognise that even if the site was retained for just the host dwelling (No.97) that some of these same issues could well be experienced, however this is considered not to be sufficient justification to allow an intensification of the site via the establishment of an additional dwelling.

Overall it is considered that the cumulative effect of the development on the capacity and safety of the highway network would be severe, and therefore in accordance with paragraph 111 of the NPPF, permission should be refused on highway safety grounds.

Conclusion:

It is considered that the proposal represents an overdevelopment of the application site constituting an inappropriate form of back land development. In addition to this there are significant concerns relating to the impact upon the amenity of nearby residents through the developments overbearing and overlooking impacts, detrimentally affecting the enjoyment of internal and external amenity areas due to an identified shortfall in separation distances.

Additionally it is considered that there would be a severe impact upon the capacity and safety of the highway network via a substandard access, and it has not been demonstrated that the proposed parking and turning facilities can be utilised in a safe and suitable manner to ensure vehicles can leave the site in a forward gear. Furthermore emergency vehicles such as a fire engine would be unable to access the new dwelling at the rear of the site and unobstructed visibility splays which utilise the applicants / highway authorities land has not been demonstrated.

It is therefore recommended this application be refused planning permission based on the above points.

Recommendation: Refuse planning permission, for the following reasons:

Reasons for Refusal:

1. The proposal would represent a cramped and contrived form of development by way of an overdevelopment of the site, constituting an unsatisfactory form of back land development which conflicts with the predominant style and pattern of development within the vicinity of the application site, which also fails to secure adequate privacy for existing and future occupiers. The proposal is therefore considered to be at odds with the aims of national design policy contained within Part 12 of the National Planning Policy Framework, and also considered contrary

to policies ST1 (a and b) and HG5 (b, c, e and g) of the Ashfield Local Plan Review (2002).

2. It is considered that the proposed development fails to provide a safe and suitable access for all users, and is considered to result in an unacceptable impact upon highway safety as a result of a contrived access, parking arrangement and manoeuvring space. Suitable visibility for all users has also not been suitably demonstrated, leading to an increased likelihood of pedestrian-vehicle / vehicle-vehicle conflict. Consequently the proposal is considered to conflict with Policies ST1 (a, b and c) and HG5 (e) of the Ashfield Local Plan Review (2002), and Paragraphs 110 and 111 of the National Planning Policy Framework.

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