

**ASHFIELD DISTRICT COUNCIL**



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

## **Agenda**

### **Planning Committee**

Date: **Wednesday, 22nd March, 2023**

---

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

01623 457317

---

# Planning Committee

## Membership

**Chairman:** Councillor Andy Meakin

**Vice-Chairman:** Councillor Jamie Bell

**Councillors:**

Samantha Deakin

Rachel Madden

Phil Rostance

Jason Zadrozny

Arnie Hankin

Lauren Mitchell

Helen-Ann Smith

## FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

## SUMMONS

You are hereby requested to attend a meeting of the Planning Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**Theresa Hodgkinson**  
**Chief Executive**

## **AGENDA**

## **Page**

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Committee held on 1 February 2023. 5 - 14
4. To receive and consider the attached planning applications. 15 - 172
5. **Planning Appeal Decisions.** 173 - 176
6. **Update on Government Consultations.** 177 - 180

This page is intentionally left blank



## PLANNING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,  
on Wednesday, 1st February, 2023 at 10.00 am

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

Councillors Jamie Bell, Samantha Deakin,  
Arnie Hankin, Rachel Madden, Lauren Mitchell,  
Phil Rostance, John Smallridge and Helen-  
Ann Smith.

**Apology for Absence:** Councillor Jason Zadrozny.

**Officers Present:** Lynn Cain, Hannah Cash, Louise Ellis,  
Mick Morley, Christine Sarris and Abbie Smith.

**In Attendance:** Councillor David Martin.

**P.26 Declarations of Disclosable Pecuniary or Personal Interests  
and/or Non-Registrable Interests**

No declarations of interest were made.

**P.27 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 14  
December 2022, be received and approved as a correct record.

**P.28 Town and Country Planning Act 1990:  
Town Planning Applications Requiring Decisions**

**1. V/2022/0810, M Hollis, Outline application with all matters reserved  
for 8 dwellings, Land East of Heathfield Silverhill Lane, Teversal**

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

Since publication of the Council's report the agent had submitted a site plan  
which showed vehicle visibility splays. However, access was not a matter for  
consideration as part of the application and in any event the point which the  
visibility splays have been drawn from was only an indicative point of access.  
A biodiversity metric has also been submitted which provided information  
relating to habitats on site. However, neither of the details had of yet been  
assessed or consulted upon.

Adrian Woodhouse, 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 by Councillor Rachel Madden and seconded by Councillor John Smallridge that the officer's recommendation contained within the report be rejected and planning consent be granted subject to a legal undertaking requiring the planting of 24 heavy standard trees (girth 12-14cm, Height 300-350cm) in addition to on site landscaping, with easy watering systems, off site in locations to be agreed and the following conditions:

#### Conditions

1. 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) Access
  - (e) Landscaping
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 development to which this approval relates shall be begun not later than whichever is the later of the following dates:
  - (a) The expiration of 3 years from the date of the outline planning permission;
  - (b) 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.
4. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.SLOC\_0721\_01, Received 17/01/2023. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
5. The Reserved Matters details for landscaping shall also detail the proposed treatment of the sites boundaries. Any garden fence/wall should be provided with a small hole (130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. The boundary treatments shall thereafter be implemented in accordance with the agreed details prior to the occupation of the dwellings and be maintained as such in perpetuity.
6. The Reserved Matters details for the dwellings shall include the type and number of bird, bat boxes/bricks and Bee bricks (at least one bee brick per dwelling) which are to be installed within/on the new dwellings or elsewhere within the site. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.

7. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted with the Reserved Matters application and shall be implemented in accordance with the approved details before the development is first brought in to use.
8. No development shall commence until;
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity;
  - b) and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
10. Prior to the commencement of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include as a minimum:
  - The parking of vehicles of site operatives and visitors;
  - Routing, loading and unloading of plant and materials;
  - A layout of the construction access including a drawing showing visibility splays;
  - Storage of plant and materials used in constructing the development;
  - Wheel washing facilities;
  - Measures to control the emission of noise, dust and dirt during construction;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Delivery, demolition and construction working hours;
  - Measures to control noise during any piling of foundations (if required);
  - Measures for avoiding harm to protected and priority species including method statements for undertaking construction activities in the best interest of biodiversity, appropriate protection zones, locations and timing of sensitive works and roles and responsibilities of an Ecological Clerk of Works;
  - Point of contact on site for complaints/enquiries.

Reasons for rejecting officers' recommendation

Member considered the development would not impact on the character of the countryside, the bio-diversity of the site or highway safety and that it satisfied policies ST1 (b), (c), (d) and (e), EV2 (g) and HG5 of the Ashfield Local Plan Review 2002

For the motion:

Councillors Jamie Bell, Samantha Deakin, Arnie Hankin, Rachel Madden, Andy Meakin and John Smallridge.

Against the motion:

Councillors Lauren Mitchell, Phil Rostance and Helen-Ann Smith.

Abstentions:

None.

**2. V/2022/0771, Ashfield District Council, Demolition of Existing Sailing Club Building and Construction of Leisure/Restaurant Building and Replacement Starter Box, Kingsmill Reservoir, Sutton in Ashfield Sailing Club, Sherwood Way South, Sutton in Ashfield**

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

(Councillor Helen-Ann Smith had previously left the room and re-entered the meeting during consideration of this item. Consequently, in accordance with the Code of Conduct and Procedures in respect of the Planning Service she was therefore not permitted to vote on the application).

**3. V/2022/0169, Mr Stephen Atkinson, Outline Planning Application with All Matters Reserved Except Means of Access for Eight Dwellings, Cauldwell House, Cauldwell Road**

Bob Woollard, as agent for 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 submission as required.

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

**4. V/2022/0864, Mr L Smith, Detached Bungalow, Land to the Rear of 26 Main Road, Underwood**

It was moved and seconded that the application be deferred due to the agent's submission of an amended drawing since publication of the agenda. The drawing had neither been assessed nor consulted upon and the deferral would enable due consideration to take place, prior to resubmission of the application to the next meeting of the Planning Committee.

## **5. V/2022/0396, Mr J Sharp, One Dwelling, 28 Main Road, Underwood**

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:-

Since publication of the Council's committee report, 7 representations had been received from residents in respect of the revised scheme. All objected to the proposal with the concerns raised being similar to those in respect of the original scheme i.e. design of the proposal, back-land development and the impact on visual amenity. Other concerns related to overshadowing, lack of local amenities and access and parking.

Sally Brackett, as an Objector, James Shaw, as agent for the Applicant and Councillor David Martin who called-in the application, 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 Helen-Ann Smith and seconded by Councillor Rachel Madden 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. The permission shall be read in accordance with the following plans: 220405/001 Rev B (Site location Plan), 220405/002 Rev E (Proposed Site Plan), 220405/003 Rev E (Proposed Floor Plans), 220405/004 Rev B (Proposed Elevations), 220405/010 Rev B (Block Plan), received 22/12/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The materials and finishes to be used for the external elevations and roof of the proposal shall match those outlined in the submitted details.
4. The development shall not be occupied unless either a:
  - a) Reinforced concrete cast in situ floor slab (suspended, non-suspended or raft) with at least 1200 g DPM and underfloor venting;  
or
  - b) Beam and block or pre-cast concrete and 2000 g DPM/reinforced gas membrane and underfloor ventingAre first installed with all joints and penetrations sealed so that gas protection measures shall meet the requirements of CIRIA Report C665 (Assessing risks posed by hazardous ground gases to buildings, London, 2007).

Following completion of gas protection measures and prior to occupation, a verification report which demonstrates that the measures were effectively carried out shall be produced, and subject to the approval in writing of the Local Planning Authority. Evidence of the installation of effective gas protection measures should include photos,

- receipts, builders' letters etc. to accompany the verification statement.
5. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
  6. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 metres by 2.0 metres are provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6 metres above the carriageway level at all times.
  7. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
  8. No development past slab level shall take place until details of the proposed treatment of the sites boundaries have been submitted to and approved in writing by the Local Planning Authority. Any garden fence/wall or other non-permeable structure (and or railings and or hedgerows) should be provided with small holes (130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. such holes and boundary treatments shall be implemented prior to the occupation of the hereby approved development and thereafter retained in perpetuity.
  9. Notwithstanding the submitted details, prior to occupation a scheme for biodiversity enhancement shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
    - i) Description, design or specification of the type of feature(s) or measure(s) to be undertaken
    - ii) Materials and construction to ensure long life span of the feature/measure;
    - iii) A drawing(s) showing the location and, where appropriate, the elevation of the features or measures to be installed or undertaken;
    - iv) When the features or measures will be installed within the construction. Removal of permitted development rights

#### Informative

Throughout the course of the development, construction vehicles and materials should be located so as not to obscure the public highway, footway, or public rights of way.

Deliveries during the construction should avoid where possible school start and finish times.

#### Reasons for rejecting officers' recommendation

Members were satisfied that the amended plans overcome concerns and considered that the proposal complied with policies ST1 (b), (c), (d) and (e) and HG5 of the Ashfield Local Plan Review (2002); reducing the impact on neighbouring residents and constituting infill development.

#### For the motion:

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

#### Against the motion:

Councillor Lauren Mitchell.

#### Abstentions:

None.

### **6. V/2022/0661, N Beer, Construction of Dormer Bungalow, R/o 97 Alfreton Road, Underwood**

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:-

Since the publication of the Council's agenda, the agent had submitted comments via email, considering that the proposed development was compliant with separation distances between numbers 2 and 3 Beech Court as the proposed dwelling has no habitable room windows in its side elevation. Officers' concerns were still related primarily to the overlooking which would occur from the two first floor dormer windows serving the bedroom on the rear elevation.

Antony Verity, as an Objector and Councillor David Martin, as Ward Member, 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 Helen-Ann Smith and seconded by Councillor Rachel Madden 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, Received 31/08/2022. Proposed Elevations, Floor Plans, and Layout Plan, Drawing No.21/01/01 Rev.03, Received 16/11/2022. Proposed Parking Plan, Drawing No.21/01/02 Rev.00, Received 16/11/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. No development past slab shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been submitted to and agreed in writing by the Local Planning Authority.
4. No development past slab level shall take place until details of the proposed treatment of the sites boundaries have been submitted to and approved in writing by the Local Planning Authority, which must include details of the boundary between 97 and 95 Alfreton Road, Underwood. Any garden fence/wall 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. Such holes and boundary treatments shall be implemented prior to the occupation of the hereby approved development and thereafter be retained in perpetuity.
5. 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/bricks which are to be installed within/on the new dwellings or elsewhere within the site. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
6. Prior to the occupation of the hereby approved dwelling one bee brick shall be installed within the dwelling.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development relating to Classes A-E of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.
8. No works associated with the hereby approved development shall take place on site on Sundays.

Members also requested an informative be added to the decision as follows:

The wall to the front of 97 Alfreton Road, Underwood should be re-located so it is not within the adopted highway. This should be done prior to the commencement of the development.

Reasons for rejecting officers' recommendation

Members considered that the proposal complied with Policies ST1 (b), (c), (d) and (e) and HG5 of the Ashfield Local Plan Review (2002)

For the motion:

Councillors Jamie Bell, Rachel Madden, Andy Meakin, John Smallridge and Helen-Ann Smith.

Against the motion:

Councillor Phil Rostance.



Abstentions:

Councillor Samantha Deakin.

(During consideration of the last application, Councillors Arnie Hankin and Lauren Mitchell left the meeting at 11.45am and 11.50am respectively.)

**P.29 Planning Appeal Decisions**

Members were asked to note the recent Planning Appeal decisions as outlined in the report and presented with some recent enforcement accomplishments.

RESOLVED

that the report be received and noted.

The meeting closed at 12.32 pm

Chairman.

This page is intentionally left blank

## **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.**

This page is intentionally left blank

## 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 Executive Director – Place or the Assistant Director for Planning by 5pm 17th March 2023.

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

Executive Director – Place

Tel: 01623 457365

E-mail: [Robert.Docherty@ashfield.gov.uk](mailto:Robert.Docherty@ashfield.gov.uk)

This page is intentionally left blank

## PLANNING COMMITTEE – 22nd March 2023

Page	App No	Applicant	Recommendation	Proposal	Location
<b>Underwood</b>					
21-38	V/2022/0864	Mr L Smith	Refuse	Detached Bungalow	Land to the Rear of 26 Main Road Underwood
<b>Sutton Junction and Harlow Wood</b>					
39-58	V/2022/0796	Mr S Wallace	Approve	Erection of a New Planetarium & Science Discovery Centre, including Conversion and use of Subterranean Reservoir, External Works and Landscaping	Sherwood Observatory Coxmoor Road Sutton in Ashfield
59-90	V/2021/0792	Arc Partnership On Behalf Of Nottinghamshire County Council	Approve	Outline Planning Application with All Matters Reserved For a Residential Development Of Up To 235 Dwellings	Land at Rushley Farm North of Marr Route Cauldwell Road Mansfield
<b>Sutton Central and New Cross</b>					
91-106	V/2022/0852	Ashfield District Council	Approve	Public Realm Improvements to Portland Square and Change of Use to Land Off Fox Street into a New Public Car Park	Land At Portland Square & Fox Street Low Street Sutton in Ashfield
<b>Kirkby Cross and Portland</b>					
107-132	V/2020/0627	Nasims Ltd	Approve	38 No. New Dwellings with Associated Infrastructure, Public Open Space and Landscaping	Land off Laburnum Avenue Kirkby in Ashfield
<b>Hucknall Central</b>					

**PLANNING COMMITTEE – 22nd March 2023**

<b>133-144</b>	V/2022/0615	Mr N William	Approve	Change of Use From Car Showroom, Car Sales & Repair Garage to Self Storage ( Class B8 ) Including Siting of Portable Storage Containers and Storage Units on Open Areas of the Site	76 Portland Road Hucknall
<b>145-162</b>	V/2021/0172	Assetmax Design	Approve	Construction of 9 Dwellings and a Commercial B1 Unit with Parking and Amenity Spaces	Former Tag Building Watnall Road Hucknall
<b>Larwood</b>					
<b>163-172</b>	V/2023/0035	Mr J Zadrozny	Approve	Outline Planning Application with all Matters Reserved for 4 Dwellings	74 Sutton Road Kirkby in Ashfield





**COMMITTEE DATE** 22/03/2023                      **WARD** Underwood

**APP REF** V/2022/0864

**APPLICANT** Mr Lee Smith

**PROPOSAL** Detached bungalow

**LOCATION** 26, Main Road, Underwood, Notts, NG16 5GF

**Web Link** <https://www.google.co.uk/maps/place/26+Main+Rd,+Underwood,+Nottingham+NG16+5GF/@53.0495781,-1.2999953,17z/data=!3m1!4b1!4m5!3m4!1s0x487994a5f8a7a7eb:0xc5629d4b764e12e2!8m2!3d53.0495749!4d-1.2978066?hl=en-GB>

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

**App Registered** 25/11/2022

**Expiry Date** 19/01/2023

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

***This application was deferred by the Planning Committee in February 2023 for further assessment of highway matters: parking, visibility and access.***

### **Background**

During the period of re-consultation, an additional 8 letters of objection have been received from residents. A letter of objection from Selston Parish Council has also been received objecting on highway and visual amenity grounds; both of which formed previous reasons for refusal.

A further consultation response has been received from the Highways Authority, which, subject to conditions, does not raise objection.

This application was brought before the planning committee in February of 2023, where members requested that the application be deferred for a further re-consultation in respect of highway matters.

The original scheme comprised a single dwelling, which would occupy land formerly serving as domestic garden to No. 26 Main Road. Following the deferral, a period of re-consultation has been carried out. It should be noted that in the interim, members elected to grant planning permission for residential development to the rear of No. 28 Main Road.

In respect of the submission scheme, officer's recommendation for refusal was predicated on two reasons. For completeness, these are set out in full below:

1. The proposed development, by reason of its cramped and contrived layout would represent an overdevelopment of the site, which would have a detrimental impact on visual amenity and the character of the area. An express grant of planning permission would prejudice the comprehensive development of the wider site; the cumulative impacts would erode the character and appearance of the area. The proposal is therefore contrary to Policy HG5(g) of the Ashfield Local Plan Review (2002), Policy ST1(d) of the Ashfield Local Plan Review (2002), Chapter 12 of the NPPF and Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032.
2. The proposed development fails to make adequate provision for off-street parking and does not demonstrate that safe and sufficient visibility can be achieved on a road with identified parking issues, thereby increasing the likelihood of conflict with vehicles and pedestrians. The proposal is therefore contrary to criteria (e) and (f) of Policy HG5 of the Ashfield Local Plan Review (2002), criteria (a), (b) and (c) of Policy ST1 of the Ashfield Local Plan Review (2002), Paragraphs 110 and 111 of the NPPF, the guidance contained in the Council's Residential Car Parking Standards SPD (2014) and the guidance set out in the Nottinghamshire County Council Highway Design Guide.

The application now needs to consider the site in the context of the recent approval of 28 Main Road, pursuant to V/2022/0396.

### **Visual Amenity**

Although planning permission has been granted for 28 Main Road (V/2022/0396), this application now needs to be considered on its own merits but within the context of the surrounding area and this extant permission. Cumulatively, the addition of this dwelling would result in 4 dwellings on a parcel of land which extends to approximately 0.157 hectares. The proposed dwelling would be sited approximately 4.75m from the approved scheme (V/2022/0396) and 9.25m from No. 44 Smeath Road. Consequently, the proposal would not be well related to existing (and approved) dwellings or to the pattern of development.

The introduction of backland development in this specific location would result in a cramped and contrived form of development; it would occupy land close to other built forms, creating a poor spatial relationship. Although there is little unification amongst the development in the area, one common characteristic is the presence of spacious garden areas. These open spaces serve as a visual interruption in the built form, and therefore contribute positively to the character and appearance of the area. The erosion of such spaces would fail to respect the existing pattern and grain of development and would detract from the spacious nature of the area. Within this

context, the proposed dwelling would appear as incongruous, whilst being visible from the public realm and in views from surrounding properties. The development as proposed would reduce the size of the garden of No. 26 Main Road, thereby eroding the character of the area.

The proposed development, by reason of its cramped and contrived layout would represent an overdevelopment of the site, which would have a detrimental impact on visual amenity and the character of the area. For the reasons set out above, the proposal is therefore contrary to criterion (g) of Policy HG5 (ALPR 2002), criteria (a), and (b) of Policy ST1 of the Ashfield Local Plan Review (2002), the broad aims of Chapter 12 of the NPPF and Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032.

### **Residential Amenity**

As stated above, the proposed dwelling would be sited approximately 4.75m from the approved scheme (V/2022/0396) and 9.25m from No. 44 Smeath Road. The proposal would also be sited approximately 9.35m from the rear elevation of No. 28 Main Road and 16.2m from the rear of No. 26.

In respect of an earlier application at the site (V/2022/0188), officers recognised the inadequacy of the separation distances, however, concluded that whilst the proposal falls below the separation distances, and therefore could potentially result in some impact upon amenity, regard should be had to the scale of development (i.e., a bungalow) within its context, together with the presence of high boundary treatments. This, it was found, was sufficient to mitigate against some of the possible harm. Given the similar boundary treatments proposed as part of the current submission, officers have not been presented with any evidence which might warrant a departure from the conclusions reached in respect of the previous submission.

As regards the extant consent on adjacent land (V/2022/0396), the current application incorporates only one window opening to the rear, which is to be obscure glazed and lights a non-habitable room. Therefore, no adverse impacts would arise in relation to the extant consent, by reason of overlooking, or a loss of privacy.

For the reasons set out above, the proposal would comply with criteria (a), (b) and (c) of Policy HG5 (ALPR) (2002), paragraph 130(f) of the NPPF and the relevant guidance set out in the Council's Residential Design Guide SPD (2014).

### **Highways, Access and Parking**

The applicant has submitted revised drawings in order to address the second reason for refusal.

For completeness, the Highways Authority have been re-consulted and have raised no objections. Within their consultation response they have stated that the revised plans address previously identified issues concerning width of parking spaces, and visibility splays. They have noted a failure to provide cycle parking, but state that this alone does not warrant a refusal on highways grounds. Despite raising no objection, the Highways Authority have requested that a condition be imposed, where planning permission might be granted, which reads as follows:

“No part of the development hereby permitted shall be first occupied until such time that the visibility splays, on plot parking provision, and associated vehicular crossover, as per drawing number JG/LS/2021/067/01 A have all been provided to the satisfaction of the Local Planning Authority.

Reason: - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, to enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.”

They have also requested that an informative be added, set out in full below:

“In order to create the vehicular crossover (dropped kerb), you will need a licence to undertake works in the public highway. This is separate to planning permission and can be obtained from VIA East Midlands by telephoning 0300 500 8080 or by emailing [licences@viaem.co.uk](mailto:licences@viaem.co.uk). All associated costs will be borne by the Applicant.”

The above measures demonstrate that safe access/egress can be achieved, and that suitable off-street parking spaces can be provided within the site.

In light of the above, the Council’s second reason for refusal falls away; the proposal would accord with criterion (f) of Policy HG5 (ALPR 2002), paragraphs 110 and 111 of the NPPF, the guidance contained in the Council’s Residential Car Parking Standards SPD (2014) and the guidance set out in the Nottinghamshire County Council Highway Design Guide.

## **Conclusion**

Notwithstanding the revised scheme and the improvement that it represents in respect of highway matters, the proposal would represent an overdevelopment of the site, appearing cramped and contrived. Through its poor spatial relationship with other built form and the loss of the characteristic garden space, the proposal would erode the character and appearance of the area.

The revised reason for refusal reads as below:

**Recommendation: - Refuse planning permission**

1. The proposed development, by reason of its cramped and contrived layout would represent an overdevelopment of the site, which would have a detrimental impact on visual amenity and the character of the area. The proposal is therefore contrary to Policy HG5(g) of the Ashfield Local Plan Review (2002), criteria (a) and (b) of Policy ST1 of the Ashfield Local Plan Review (2002), the broad aims of Chapter 12 of the NPPF and Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032.

**COMMITTEE DATE** 01/02/2023                      **WARD** Underwood

**APP REF** V/2022/0864

**APPLICANT** Mr Lee Smith

**PROPOSAL** Detached bungalow

**LOCATION** 26, Main Road, Underwood, Notts, NG16 5GF

**Web Link** <https://www.google.co.uk/maps/place/26+Main+Rd,+Underwood,+Nottingham+NG16+5GF/@53.0495781,-1.2999953,17z/data=!3m1!4b1!4m5!3m4!1s0x487994a5f8a7a7eb:0xc5629d4b764e12e2!8m2!3d53.0495749!4d-1.2978066?hl=en-GB>

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

**App Registered** 25/11/2022

**Expiry Date** 19/01/2023

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

**This application has been referred to the Planning Committee by Ashfield District Council, for the consideration of the concurrent proposals, whether the proposal(s) would prejudice the comprehensive development of the site.**

**The Application**

*Planning permission is sought for the erection of a detached bungalow.*

**Consultations**

*Site notices have been posted, together with individual notification of surrounding residents.*

**Severn Trent Water**

*No objection subject to the inclusion of suggested informatives.*

**Nottinghamshire County Council Highways**

*This is a revised application to construct a detached bungalow on the garden of 26 Main Road in Underwood, following a previous application which was refused on both highways, and non-highways grounds earlier this year.*

*Based on the submitted drawing JG/LS/2021/067/01, there is concern around the vehicular visibility splays in that they cross third party land namely no 41 Smeath Road and are through proposed railings which are higher than 0.6m on the plot itself. Visibility splays must be either within the public highway or over land in the control of*



*the developer to ensure that they remain free from obstruction whilst ever the development remains in existence. Hedges should not be planted within 1.0m of the visibility splay if there is potential for the visibility splay to be encroached upon by vegetation during periods of rapid growth.*

*As for pedestrian visibility splays, there is only one shown beside the new dwelling whereas it is the missing splay which is more critical given that it is located beside a public right of way. It appears one can be achieved by pushing the built form, and parking further away from the boundary, and reorientating the parking provision slightly.*

*Two on plot parking spaces are shown, which is an acceptable provision for the number of bedrooms based on Ashfield's own Supplementary Parking Planning Guidance, however how wide are the spaces as presently, they will be both be bound by permanent objects which necessitates widening? Guidance on the design of residential parking can be found in Part 4.1 of the NHDG. No cycle parking is shown either.*

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

*Selston Footpath 55 runs adjacent to the application site and appears to be unaffected by the proposal. As such, the Rights of Way Team have no objections.*

### **Resident Comments**

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

- *Main Road cannot cope with anymore through traffic.*
- *The house would be opposite other properties which will be overlooked. Lack of consideration for nearby residents. The property would cause privacy issues.*
- *Vehicular access at the bottom of Smeath Road and along Main Road is atrocious with poor visibility, excess traffic due to the school, post office and shop.*
- *Anticipate further vehicular collisions with additional properties.*
- *The land would be better used as additional parking for residents at the bottom of Smeath Road.*
- *This application has been refused twice already and an in-depth report full of inaccuracies should not allow the application to be passed.*
- *Access off the site will be severely restricted, especially if reversing, by lack of visibility next to a busy footpath.*
- *Putting another access near the bottom of Smeath Road will prevent parking outside Nos 8 – 12. This will force residents to park away from their homes, causing possible social conflict.*
- *By garden infilling, the property will have a lack of light and privacy.*
- *This is not a brownfield site.*
- *The application does not address the safety of pedestrians or the disabled when entering or leaving the site as a new dropped kerb would be over the dropped*



*mobility access point to the footpath. The barrier at the end of the footpath also overlaps where the new parking spaces are planned.*

- *Applicant claims the proposal is not a contrived layout, yet the back of the bungalow leaves barely room for a single slab pathway before the hedge.*
- *Front of the bungalow is very close to the public footpath and much closer to the road than surrounding dwellings.*
- *The site is not in a sustainable area, limited local amenities and employment opportunities. Public transport is infrequent.*
- *Local housing stock has been increased without additional facilities being provided.*
- *Proposal is in contravention of 3.49 of the ADC Design Guide; habitable window to window from houses opposite is less than 14m.*
- *Lowering the concrete sectional wall to 1m would do little to improve visibility splay due to the 2m wall of 41 Smeath Road being less than a metre away.*
- *Proposal threatens a loss of character.*
- *Allowing this development would take the last piece of greenery away from the centre of Underwood.*
- *Applicant has already destroyed hedgerow and garden.*
- *By infilling these gardens losing the feeling of village life; spaces and privacy.*
- *The Highways Authority have been made aware of the potential risks. To ignore this would leave them very exposed legally speaking.*
- *Gross invasion of privacy would have psychological damage to residents opposite, if the 21m rule is breached, this may have legal ramifications.*
- *To allow this would diminish the Planning Department's power to refuse future proposals.*
- *Questions over the accuracy of the information supplied.*
- *Site notice has not been displayed.*

**2 letters of support have been received, raising the following:**

- *The site currently looks a mess.*
- *There is not enough housing and people are struggling.*

### **Policy**

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

#### **Ashfield Local Plan Review (ALPR) (2002)**

**ST1 – Development**

**ST3 – Named Settlements**

**HG5 – New Residential Development**

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

**Chapter 2 – Achieving Sustainable Development**

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

**Chapter 9 – Promoting Sustainable Transport**

**Chapter 11 – Making Effective Use of Land**  
**Chapter 12 – Achieving Well-Designed Places**

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

**NP1 – Sustainable Development**

**NP2 – Design Principles**

**NP4 – Housing Types**

**Supplementary Planning Documents:**

*Residential Design Guide (2014)*

*Residential Car Parking Standards (2014)*

*Taking Charge: The Electrical Vehicle Infrastructure Strategy (2022)*

*National Model Design Code (2021)*

*The National Design Guide (2021)*

*Building for a Healthy Life (2020)*

*Nottinghamshire County Council Highway Design Guide*

**Relevant Planning History**

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

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

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

**Material Considerations**

- *Visual Amenity & Comprehensive Development*
- *Residential Amenity*
- *Highway Safety & Parking*
- *Housing Land Supply*

**The Site**

*The application site comprises a parcel of land to the north of 26 Main Road, Underwood.*

*The site formerly served as domestic garden (to No. 26), though has since been severed through the erection of fencing. Preparatory works, including extensive site clearance has previously taken place.*

*Selston Footpath 55 runs adjacent to the northern site boundary, whilst access is to be afforded via Smeath Road.*

## **The Principle of Development**

*Section 70(2) of the Town and Country Planning Act 1990, sets out that in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations.*

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

*Having regard to the spatial strategy, there is a clear settlement hierarchy in Ashfield District. The first level comprises the main urban areas, whilst the second comprises the villages of Jacksdale, Selston, Underwood and New Annesley, and the Ashfield part of the larger settlements of Bestwood and Brinsley. The application site is located within the named settlement of Underwood, where limited development will be permitted, in accordance with Policy ST3 of the Ashfield Local Plan Review (2002). The term “limited development” refers to the total amount of development in each settlement and not to the limit on any one particular site. Paragraph 2.52 of the policy subtext sets out that development at a scale relative to the size and position of the Named Settlements will be permitted.*

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

*In assessing all material planning considerations, officers have also had regard to the planning history of the site, and indeed the wider area, insofar as relevant. As regards the application site, planning permission has been refused thrice. In 1987, planning permission was refused for the siting of one bungalow (pursuant to V/1987/0591) (“the 1987 application”). In 2021, planning permission was refused for the siting of 2 semi-detached bungalows (pursuant to V/2021/0884) (“the 2021 application”). Finally, in 2022, planning permission was refused for the siting of a detached 3-bedroom bungalow (pursuant to V/2022/0188) (“the 2022 application”).*

## **Visual Amenity and Comprehensive Development**

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

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

*Turning to the proposed layout and arrangement, Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032 sets out that development should respect local character. As regards Underwood, development should reflect the settlement pattern with streets and blocks arranged to follow the contours. Development should also ensure that there is space for tree planting and other landscaping, in addition to using a locally inspired palette of building materials.*

*The locality displays a variety of architectural styles, with little to unify the architectural character. Unlike Main Road, there is no prevailing pattern or design of development on Smeath Road. As regards its palette, the proposal would comprise facing brick elevations and interlocking concrete roof tiles. This composition would allow the dwelling to assimilate into its surroundings, without detracting from the character or appearance of the area.*

*It is a common principle that every applicant is entitled to have their application determined in the light of its own facts. However, regard should also be had to criterion (d) of Policy ST1 (ALPR) (2002), which sets out that development will be permitted where it will not prejudice the comprehensive development of an area. Paragraph 2.32 of the policy subtext sets out that some developments, due to their relationship between the site and adjacent land, may prove to be unacceptable as their implementation in isolation could adversely affect the more comprehensive development of an area of land at a later date. In such circumstances developers will be encouraged to contact landowners to seek a comprehensive solution (emphasis added). In this instance, two applications are running concurrently, which would result in the redevelopment of the wider site (to the rear of both Nos. 26 & 28).*

*A grant of planning permission (in respect of both applications) would result in 4 dwellings on a parcel of land which extends to approximately 0.157 hectares. The introduction of backland development in this area would result in a cramped and contrived form of development; it would occupy land close to other built forms, creating a poor spatial relationship. Although there is little unification amongst the development in the area, one common characteristic is the presence of spacious garden areas. These open spaces serve as a visual interruption in the built form, and therefore contribute positively to the character and appearance of the area. The erosion of such spaces would fail to respect the existing pattern and grain of development and would detract from the spacious nature of the area. Within this context, the proposed dwelling would appear as incongruous, whilst being visible from the public realm and in views from surrounding properties. The development as proposed would reduce the size of the gardens of both Nos. 26 and 28 Main Road, thereby eroding the character of the area.*

*Officers should note that whilst this piecemeal approach would cause unacceptable harm to the character and appearance of the area, there is some scope for the redevelopment of the wider site (extending to the adjacent application site). However, it is not possible to evolve a scheme in this way under the current application(s). The most recent iteration of the NPPF places greater emphasis on*

*design, with paragraph 134 setting out that planning permission should be refused for development of poor design, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Plainly, a grant of planning permission would prejudice a more appropriate redevelopment of the site, which might otherwise safeguard the visual amenity of the area.*

*Criterion (d) of Policy HG5 (ALPR) (2002) sets out that planning permission will be granted where boundary treatment provides an acceptable standard of privacy and visual amenity. Similarly, criterion (h) (ALPR) (2002) places an emphasis on landscaping which complements and enhances the appearance of the development. The drawings submitted in support of this application depict an array of boundary treatments: concrete panelling (2m in height) to the northern boundary, hedging (2m in height) to the east, panelled fencing (1.9m in height) to the south and hedging to the west (1.8m in height). Notwithstanding these positive elements, they do not outweigh the harm identified to the character and appearance of the area.*

*The proposed development, by reason of its cramped and contrived layout would represent an overdevelopment of the site, which would have a detrimental impact on visual amenity and the character of the area. An express grant of planning permission would prejudice the comprehensive development of the wider site; the cumulative impacts would erode the character and appearance of the area. For the reasons set out above, the proposal is therefore contrary to criterion (g) of Policy HG5 (ALPR 2002), criteria (a), (b) and (d) of Policy ST1(d) of the Ashfield Local Plan Review (2002), the broad aims of Chapter 12 of the NPPF and Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032.*

### ***Residential Amenity***

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

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

*Paragraph 3.48 of the Council's Residential Design Guide SPD (2014) sets out that homes should provide a comfortable, safe and private space which can be enjoyed by the occupants. In order to ensure this can be achieved minimum separation distances should be applied having regard to site conditions and context. In assessing all material planning considerations, officers have had regard to the planning history of the site. In respect of V/2022/0188, officers recognised the*

*inadequacy of the separation distances, however, concluded that whilst the proposal falls below the separation distances, and therefore could potentially result in some impact upon amenity, regard should be had to the scale of development (i.e., a bungalow) within its context, together with the presence of high boundary treatments. This, it was found, was sufficient to mitigate against some of the possible harm. Given the similar boundary treatments proposed as part of the current submission, officers have not been presented with any evidence which might warrant a departure from the conclusions reached in respect of the previous submission.*

*In respect of the 2022 application, the first reason for refusal pertained to the failure to provide basic minimum amenity standards, to the detriment of future occupiers. Turning to paragraph 3.50 of the RDG SPD (2014), where the current proposal provides 2 bedrooms, the minimum outdoor amenity space required is 50sqm. Following a series of measurements, this requirement is comfortably exceeded.*

*Paragraph 3.52 (RDG SPD, 2014) provides guidance in respect of internal space standards, in order to protect the amenity and wellbeing of future occupants. Following a series of measurements, it can be concluded that the proposal is in compliance with the Council's internal space standards.*

*Taken together, these measures safeguard the standards of amenity for existing and future users, in accordance with paragraph 130(f) of the NPPF.*

*For the reasons set out above, the proposal would comply with criteria (a), (b) and (c) of Policy HG5 (ALPR) (2002), paragraph 130(f) of the NPPF and the relevant guidance set out in the Council's Residential Design Guide SPD (2014).*

### **Highways and Access**

*Retained Policy HG5(f) (ALPR) (2002) sets out that new residential development will be permitted where parking facilities are provided in accordance with Council standards. The Council's Residential Car Parking Standards ("RCPS") SPD (2014) sets out the Council's requirement for parking provision to serve new residential developments within the District. Criterion (e) of Policy HG5 (ALPR) (2002) sets out that development will be permitted where access for vehicles, pedestrians and cyclists and public transport where appropriate, is safe and convenient, and integrated with existing provision.*

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

*The eastern site boundary fronts Smeath Road, which experiences high levels of on-street parking, including vehicles parked partially on the footway. Along this section of Smeath Road, there is an absence of parking regulation, which in turn leads to parking on both sides of the road, increasing the likelihood of conflict with pedestrians and other highway users. A number of objections have been received, citing issues relating to highway safety. The congestion of parked vehicles does, in effect, narrow the carriageway width, and in the absence of passing places, hinders safe passage.*

*Planning permission has thrice been refused for the residential redevelopment of the site; both the 2021 and the 2022 applications cited highways reasons for refusal. In respect of V/2022/0188, the second reason for refusal pertained to the inadequate provision for off-street parking and its failure to demonstrate that safe and sufficient manoeuvring and visibility can be achieved. Within the officer's report, it was stated, insofar as relevant, that "there are concerns relating to the degree of available turning/manoeuvring space into and out of the proposed development site [...] additionally it has not been demonstrated that sufficient visibility can be achieved for pedestrians and vehicles when egressing the development site. This is of significant concern specifically in relation to the proximity of the application site and the adjacent public footpath and junction with Smeath Road/Main Road."*

*Similar issues arise in respect of the current application. For completeness, the Highways Authority have been consulted. Whilst no express objection has been raised, a series of concerns have been put forth. Concerns have been raised as to the vehicular visibility splays, in that they cross third party land (No. 41 Smeath Road) and are through proposed railings which are higher than 0.6m. Visibility splays must be either within the public highway or over land in the control of the developer to ensure that they remain free from obstruction. Similarly, the applicant has indicated that on the northern site boundary, the first section of the existing concrete panel fence will be reduced from 2m to 1m. The Nottinghamshire County Council Highway Design Guide ("NCCHDG") sets out at Part 3.3, that all visibility splays are to be kept clear from a height of 0.26m or 0.6m. Plainly, this has not been achieved.*

*The Highways Authority raised further concerns in respect of pedestrian visibility splays, given that only one has been demonstrated. The missing splay is considered the more critical, given that it is located beside the public right of way. The presence of walls, over 0.6m in height, compromises intervisibility. Given the proximity of the application site to the RoW, achieving safe and suitable access is critical.*

*Having regard to Section 5 of the RCPS SPD (2014), where the dwelling has been designed as having 2 bedrooms, there is a requirement to provide 2 off-street parking spaces. The proposed drawing(s), submitted alongside this application, depict 2 driveway parking spaces to the front of the property. However, officers note the inadequate dimensions of those spaces proposed. The Nottinghamshire County Council Highway Design Guide, at paragraph 4.1.4, has regard to parking space dimensions, setting out that where a space is bound on one side only, the minimum*

space width is 3.3m. Using the scaled drawings, the parking spaces proposed measure approximately 2.7m and 2.5m in width, substantially short of the County Council's standards.

Along Smeath Road, a number of properties do not benefit from off-street parking spaces. As such, a number of residents park on the road itself. In the absence of parking regulation, this could result in parking either opposite or outside the application site. In these circumstances, future occupants may find their access/egress to/from the site impeded, whilst increased parking on the footway would give rise to potential danger (and inconvenience) to pedestrians.

For the reasons set out above, the proposal fails to make adequate provision for off-street parking and does not demonstrate that safe and sufficient visibility can be achieved, on a road with identified parking issues, thereby increasing the likelihood of conflict with vehicles and pedestrians. The proposal is therefore contrary to criteria (e) and (f) of Policy HG5 of the Ashfield Local Plan Review (2002), criteria (a), (b) and (c) of Policy ST1 of the Ashfield Local Plan Review (2002), Paragraphs 110 and 111 of the NPPF, the guidance contained in the Council's Residential Car Parking Standards SPD (2014) and the guidance contained in the Nottinghamshire County Council Highway Design Guide.

### **Housing Land Supply**

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

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

Notwithstanding the tilted balance being engaged, the proposal would result in significant harm to the character and appearance of the area, by reason of its cramped and contrived layout. Further, an express grant of planning permission would prejudice the comprehensive development of the wider site, having regard to the cumulative impacts. In addition to this, the proposal would give rise to unacceptable levels of harm to highway safety, it has not been demonstrated that safe and sufficient visibility can be achieved on a road with identified parking issues, together with sufficient off-street parking.



*To this effect, Policy HG5 is consistent with paragraphs 110, 111 and 130 of the NPPF. The levels of harm identified above should therefore be afforded substantial weight. In light of this, the adverse impacts of granting planning permission, would significantly and demonstrably outweigh the limited benefits associated with the development.*

### **Conclusion**

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

**Recommendation: - Refuse planning permission**

### **REASONS**

- 1. The proposed development, by reason of its cramped and contrived layout would represent an overdevelopment of the site, which would have a detrimental impact on visual amenity and the character of the area. An express grant of planning permission would prejudice the comprehensive development of the wider site; the cumulative impacts would erode the character and appearance of the area. The proposal is therefore contrary to Policy HG5(g) of the Ashfield Local Plan Review (2002), Policy ST1(d) of the Ashfield Local Plan Review (2002), Chapter 12 of the NPPF and Policy NP2 of the JUS-t Neighbourhood Plan 2017-2032.*
- 2. The proposed development fails to make adequate provision for off-street parking and does not demonstrate that safe and sufficient visibility can be achieved on a road with identified parking issues, thereby increasing the likelihood of conflict with vehicles and pedestrians. The proposal is therefore contrary to criteria (e) and (f) of Policy HG5 of the Ashfield Local Plan Review (2002), criteria (a), (b) and (c) of Policy ST1 of the Ashfield Local Plan Review (2002), Paragraphs 110 and 111 of the NPPF, the guidance contained in the Council's Residential Car Parking Standards SPD (2014) and the guidance set out in the Nottinghamshire County Council Highway Design Guide.*

This page is intentionally left blank



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 06/03/2023**

**COMMITTEE DATE**    22/03/2023                      **WARD**            Sutton Junction & Harlow Wood

**APP REF**                      V/2022/0796

**APPLICANT**                Mr Steve Wallace.

**PROPOSAL**                Erection of a New Planetarium & Science Discovery Centre, including Conversion and use of Subterranean Reservoir, External Works and Landscaping.

**LOCATION**                    Sherwood Observatory, Coxmoor Road, Sutton in Ashfield, NG17 5LF.

**WEB-LINK**                <https://www.google.com/maps/place/Coxmoor+Rd,+Sutton-in-Ashfield/@53.1140363,-1.2226442,202m/data=!3m1!1e3!4m5!3m4!1s0x487995f1c6f2800f:0x6423ec83f13d5564!8m2!3d53.1203739!4d-1.228095>

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

**App Registered:** 01/11/2022                      **Expiry Date:** 31/01/2023

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

**This application has been referred to Planning Committee due to public interest.**

**The Application**

This is an application to erect a new planetarium building at the existing Sherwood Observatory site. The proposal will see the re-use of the existing subterranean reservoir to create a STEM (science, technology, engineering and mathematics) environment to enhance regional learning opportunities and increase the leisure offer to visitors, by providing educational and interactive spaces via a new planetarium, exhibition spaces, classrooms, conference rooms and external telescope deck for use by schools, community groups and wider members of the public.

Improvements to the sites access are to be delivered and an increase in the capacity of off-road parking is also proposed. The building is contemporary in design and incorporates renewable energy sources such as solar panels and air source heat pumps.

## **Consultations**

A site notice has been posted together with individual notifications to nearby properties, in addition to a notice being published in the local press.

The following responses have been received:

### **ADC Tree Officer:**

- The supplied arboricultural survey is to industry standard ,however it has not been "read in" to the development proposal in any meaningful way at this stage.
- Although in principle no objections are raised to the proposal, in order to fully understand the impact of the proposal on trees on site an arboricultural impact assessment, tree protection plan, tree removal plan and details of an arboricultural method statement should be submitted.

### **ADC Environmental Health:**

- Sufficient information has been received regarding contamination on site.
- An advisory note should be attached to any favourable decision.

### **ADC Place and Regeneration:**

- An increase in cycle parking provision would be welcomed.
- The footways near parking bays could be realigned.
- Outdoor seating / picnic areas would be beneficial.
- Native hedgerow planting around the planetarium pathways would enhance the scheme..

### **ADC Housing:**

- No affordable housing contributions required as part of this application.

### **Environment Agency:**

- No formal comments to make - The development falls within flood zone 1 and therefore no fluvial flood risk concerns.

- Informative provided relating to foul drainage.

#### **Local Lead Flood Authority:**

- No objection.

#### **Severn Trent Water:**

- Foul water is proposed to connect into a sewage treatment plant, which we have no comment.
- Surface water is proposed to discharge into a soakaway, which we have no comment.
- Informatives are advised.

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

##### Comments Dated 02/12/2022:

- Red line might include some adopted highway – should be revised.
- New hedgerow planting in the highway extent would not be supported.
- A new 2m-3m wide footpath/cycle footway should be provided between the site entrance and exit.
- Exit point is not quite 6m wide.
- Reorientation of 'disabled' parking bay symbols required.
- A marked pedestrian crossing should be shown on the access road near spaces 1 and 7 to aid pedestrian movement.
- Where are the 8 electric vehicle charging points located?
- Visibility splays on exit appears to cross third party land.
- Comments relating to the Travel Plan:
  - Reference is made within the Travel Plan to 'volunteers' and 'staff'. Will any staff be employed?
  - Travel plan should cover a 5 year period following occupation.
  - Travel survey to take place 3 months after opening.

- Annual monitoring report should be produced and sent to NCC within 1 month of data collection.

Comments Dated 02/03/2023:

- No objection subject to conditions.
- The updated Travel Plan is now acceptable.
- Correct highway boundary now shown and other revisions to layout such as amended access widths.
- Although a widening of the footway along the front of the site would be preferable, not providing this would not warrant a refusal of the application.

**Nottinghamshire County Council Planning Policy:**

- No concerns for mineral safeguarding.
- The closest existing bus stops are located on Searby Road, Sutton in Ashfield and are approximately 1.5km from the centre of the site.
- It is unlikely a commercial operator will divert bus services to the site.
- However, in the future Demand Responsive Transport (DRT) could be utilised to make this site more accessible and promote the use of sustainable transport for visitors and employees.
- No contributions towards local bus service provision will be sought.
- Request a condition requiring a new DRT bus stop within the site.

**Resident Comments:**

14 representations have been received, 13 supporting the proposal and 1 neither objecting or supporting, with the representations raising the following points:

- Brilliant opportunity.
- Fantastic idea.
- Wonderful unique addition to the District.
- Project will enhance the visitor economy for Ashfield.
- Will benefit local economy and people.
- Much needed educational and inspirational facility.
- Will provide an equality of learning for all.
- Encourages young people to take an interest in science and technology.
- Will complement redevelopment of the facilities at King's Mill Reservoir.
- Will significantly increase traffic.

- Vehicle headlights shine in to properties.
- Altering a view.
- Impact on house prices.

### **Policy**

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

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

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

ST1 – Development.

ST4 – Remainder of the District.

EV2 – Countryside.

EV4 – Mature Landscape Area.

EV6 – Local Nature Reserves & Sites of Importance for Conservation & Geological Significance.

EV8 – Trees and woodlands.

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

Para 2 – Achieving sustainable development.

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 15 – Conserving and enhancing the natural environment.

Part 16 – Conserving and enhancing the historic environment.



## **Relevant Planning History**

**V/2003/0149** – Workshop and improved access – FULCC.

**V/2018/0094** – Change of use of land to car park – Withdrawn.

**V/2018/0310** – Change of use of land to car park – FULCC.

## **Material Considerations:**

- Principle of Development.
- Operation of the Facility.
- Visual and Residential Amenity.
- Healthy & Sustainable Development.
- Ecology and Natural Environment.
- Historic Environment.
- Highway Safety and 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 site is located on Coxmoor Road, in an area designated as Countryside (Policy EV2). As such policy ST4 sets out that given the location of the application site, permission will only be given for:

- Sites allocated for development;
- Development appropriate to the Countryside (Policy EV2).

Policy EV2 Countryside identifies that planning permission will only be given for 'appropriate' development. Development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. The NPPF in paragraph 174 (b) also recognises the intrinsic character and beauty of the countryside. Consequently, the Policy is broadly consistent with the NPPF.

Under Policy EV2 appropriate development includes uses for tourism (b), the re-use of existing buildings (e) and new buildings which are essential to a countryside location and the need for the development in the proposed location has been established (d).

The proposal is for a new planetarium and science discovery centre at the site of the existing Sherwood Observatory and seeks to create a STEM (science, technology, engineering and mathematics) environment to enhance regional learning opportunities and increase the leisure offer to visitors, by providing educational and interactive spaces via a new planetarium, exhibition spaces, classrooms, conference rooms and external telescope deck. Associated facilities will also be provided such as a café, restrooms and internal elevator. The proposal will utilise the existing subterranean Victorian reservoir.

As such it is considered that the proposed new building for leisure and tourism uses would meet the criteria to be considered an 'appropriate' form of development. However a proposal must still be designed and located in a way which does not adversely affect the character of the countryside.

**Operation of the Facility:**

The new planetarium seeks to utilise the existing subterranean Victorian reservoir for classrooms, exhibition hall, meeting/conference room, store, elevator and plant room. Welfare facilities such as w/c's and baby changing will also be provided at this level alongside the main entrance lobby and visitor reception. The first floor will provide additional meetings rooms and w/c's, access into the planetarium dome, a café and additional stores.

The Observatory will not be open for general public access, it will only be open to the public for scheduled events and pre-booked visits. Events would consist of

school/group visits, planetarium shows, open evenings/solar days and members evenings. Although some events such as school visits would be during the day (9:30am to 2:30pm) many of the events would be in the evenings simply due to the nature/function of the site.

There will be a cap on the number of tickets available for each event, and when patrons arrive to the site they would be managed by the reception area. Events will continue to be staffed by volunteers but there will also be two paid members of staff, one undertaking administrative/marketing duties and another to run the Planetarium (although volunteers will also present the Planetarium shows). The on-site café will also only be open when events are on and there will be no general access by the public.

All vehicular activities for visitors, staff, events, and educational purposes will be conducted through a new one-way road within the site, which will serve dedicated car parking, coach drop-off, motorbike bays, cycle storage, and electric vehicle charging infrastructure. This will be discussed further below in the highway section.

### **Visual and Residential Amenity:**

Given the buildings design and function it will be of varying heights, reaching approximately 6.25m to the top of the flat roof section, with its highest point being approximately 11.2m to the top of the new planetarium dome from ground level.

The new planetarium building will sit atop of the existing reservoir structure and will utilise a proposed material palette consisting of facing concrete walls, glazing and anthracite planetarium dome, with the existing red brick reservoir remaining as existing. Although these could be viewed as a contemporary mix of materials, it is considered to provide a complementary juxtaposition to the re-use of the existing Victorian reservoir. The proposed green roof and bunding around the base of the building are also considered to help the building assimilate with its surroundings.

The closest residential property is located approximately 40+m (from property to external balcony area) to the west of the application site. It is acknowledged that the proposal will increase the capacity of visitors to the site at any given time, however the operation of the site will remain unchanged in that attendance to the events would need to be pre-booked with there being a cap on ticket numbers, with events continuing to operate during the day and evenings. Due to the increased 'scale' of operations at the site it is possible that nearby residents may notice increased levels of activity associated with the site, however given the site's use, area topography, distance to nearby residents and boundary treatments, it is considered there shall be no detrimental impact upon the character and amenity of the area or any residents within the wider area.

### **Healthy & Sustainable Development:**

The National Planning Policy Framework (NPPF) identifies that the planning system should seek to provide social and recreational facilities for communities to promote social interaction and facilitate different members of the community meeting. The construction of the new planetarium building will provide the opportunity for communities to come together and meet likeminded people who share common interests, therefore promoting social interaction. It will also provide a STEM environment to assist with the learning and development of school groups and increase the District / Counties leisure offer overall.

In addition to the social, recreational and educational benefits associated with the proposal, the development also seeks to incorporate features to increase the buildings sustainability and green credentials.

The flat roof shall comprise of a green sedum roof to add to the site's overall biodiversity. Photovoltaic panels will be installed to provide a clean renewable energy source for the operation of the building going forward, and air source heat pumps are to be used as the primary heating source. Additionally 4 louvres will be sited on the roof to provide natural ventilation for the café and meeting rooms below.

4 electric vehicle (EV) charging points for patrons and staff are to also be installed on site, with 4 further spaces having the cable infrastructure installed to facilitate the installation of additional charging points at a later date if required. Covered cycle parking is also provided to encourage and support a modal shift away from the use of petrol engines, to both reduce carbon emissions and improve local air quality.

## **Ecology and Natural Environment:**

### Ecology

The application site itself is subject to no wildlife designations, although it is sited immediately adjacent to the Coxmoor Golf Club Local Wildlife Site (LWS). Habitats within the application site have been regularly cut-back and recently cleared leading to the formation of large areas of bare earth and the regrowth of colonising plant species. Habitats are generally denser along the raised earth banking covering the reservoir and at the outer fringes of the site adjacent to hedgerows. The site is separated from the golf course by a native species broadleaved woodland.

There are several trees scattered across the site which will be required to be removed to facilitate the development, although most of the trees were identified as being Category 'U'. A native hawthorn hedgerow separates the site from Coxmoor Road. To mitigate any required tree removal it is proposed to replant a new hedgerow and 5 new trees along the main elevation fronting Coxmoor Road.

Bat surveys were undertaken at the site, and although some bats were observed in flight during the surveys, no bats were seen to exit and / or enter the buildings on site. Nevertheless any external lighting is to be carefully designed in accordance with

Bat Conservation Trust and the Institute of Lighting Professionals guidelines to avoid impact on existing trees and potential flight zones. External lighting at the site will be kept to a minimum to avoid light pollution not only to benefit wildlife but also to avoid any undue effects on to the work carried out by the observatory.

The application site falls outside of the defined ppSPA (possible potential Special Protection Area) for Nightjar's and Woodlarks. However the habitats on site are considered to be sub-optimal for display flight, breeding, feeding and ground nesting for these two species.

Nevertheless the development offers the opportunity to incorporate permanent bird nesting features for other species within the new building, in addition to the proposed replacement tree planting and further hedgerow planting.

### Trees

Trees and hedgerows on site appear to have not been regularly maintained due to their current health, structure and density, with the hedgerows displaying extensive gapping and fragmentation.

8 individual trees and 1 group of trees within the site are to be removed which have been identified as being C2 and U category trees. Boundary trees and hedgerows are to be retained and protected during construction works in accordance with BS 5837: 2012. For the avoidance of doubt category C2 and U trees are defined as follows:

- C2 – Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.
- U – Those trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

As previously identified new tree and hedgerow planting are proposed at the site to help mitigate against the tree removal.

### **Historic Environment:**

One of the principle elements of the proposal is the re-use of the existing subterranean Victorian Reservoir. Currently the reservoir comprises a large circular shaped earth-covered structure with an entrance providing access into the reservoir located in the south-eastern elevations. The banking has been 'cut-away' to help form this entrance. The only other access in to the existing structure is via a hole in the roof of the structure which would have previously provided access into the reservoir via the externally sited pumping station, prior to the more recent doorway opening being created to the south-east as discussed. At the time of the Council's site visit (January 2023) the external pumphouse on top of the reservoir was under demolition.

Internally the reservoir structure comprises a lattice of tall brick arches and arched brick ceiling. Many calcium stalactite type formations have formed below the roof archways due to the wet and damp conditions. The internal floor also comprises of visible bricks, but in areas is subject to a thin covering of a wet clay-like sediment.

Although the reservoir is not currently formally identified on the Council's local heritage list as a non-designated heritage asset it is considered that it would appear to meet the Council's designation criteria. The structure is considered to represent a utility feature of historic interest, with its significance deriving from its rarity and integrity. The applicant claims the reservoir is structurally sound and there is no evidence to dispute this fact.

The NPPF describes a heritage asset as an irreplaceable resource which should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In addition the significance of a heritage asset should be enhanced by putting them to a viable use consistent with their conservation to provide wider social, cultural, economic and environmental benefits (paragraphs 190 and 190 respectively).

It is considered that the proposed development will help to retain the asset and put it to a viable use which will ensure its long term retention and also facilitate public access to view the heritage asset, which are considered to be positive aspects of the scheme.

Coxmoor Road forms a prominent escarpment within the local landscape, with there being far reaching views. The new planetarium building will be located in an elevation position atop the existing reservoir structure. Given the location of the site and proximity to nearby heritage assets, coupled with there being limited indivisibility, it is considered that the proposal will not have any detrimental harm to the setting and/or significance of any other nearby heritage assets.

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

Currently the existing observatory site utilises an area of land to the north for vehicle parking, which is leased from the Coxmoor Golf Club. As part of the new development the proposal has been designed to ensure sufficient parking provision can be provided to meet visitor demand to the planetarium. However it is understood that the land leased from the Golf Club is still available for use as an overflow car park should this be required for any reason.

A new access is to be provided which will facilitate the operation of a one-way vehicle 'loop' road through the site serving car parking, coach drop-off, motorbike bays, cycle storage, and electric vehicle charging infrastructure. The existing access will continue to operate to serve access from Coxmoor Road into the area of land to the north (leased from Coxmoor Golf Club) and to facilitate access to Western Power to a nearby sub-station.

It has been forecasted that up to 38 car parking spaces are required on site on the busiest days for open days/evening events. Coaches/minibuses are understood to only be used by school trips and occasional group visits. These visits would not coincide with any other visitor events/session, so car parking spaces would 'double-up' as coach parking bays. Currently school visit via coach have to stop in front of the site on Coxmoor Road for children to disembark, so the proposed access and parking arrangements are considered to be a significant improvement from a highway safety perspective.

4 motorcycle parking bays are to be provided, and visitor cycle parking in the form of Sheffield style stands provide space for a total of 10 cycles. An additional 4 cycle spaces are proposed for use by staff.

It is understood the events at the site will be timetabled with breaks in between sessions to ensure that earlier visitors will have vacated the site prior to other visitors arriving for later sessions. This will ensure an appropriate level of parking remains available.

It has been anticipated that circa 2-5 deliveries to the site will be required each week, likely by small goods vehicles, however provision has been made for large HGV access (including coaches), which has been supported by vehicle tracking plans.

A bin store is located adjacent to the main building, in a central location within the site so that refuse vehicles can stop within the site on collection days. Again vehicle tracking plans have been provided to support refuse vehicle manoeuvrability.

Following the consultation process the Highway Authority raise no objections to the proposed development subject to conditions and previously suggested an events management plan may be appropriate to be conditioned.

Nottinghamshire County Council's Transport and Travel Services Team have, within their consultation response, requested a condition requiring that a Demand Responsive Transport (DRT) bus stop has been provided within the site. It is considered that this request is premature, but in any event provision has been made on the submitted layout plan for the siting of a DRT bus stop, demonstrating that one can be implemented in the future if/when needed.

Overall it is considered that the proposed development would not cause any significant harm to highway safety, or detrimentally affect the capacity of the local highway network.

**Other:**

Drainage

The application site is located within Flood Zone 1, and drainage details have been submitted with the application. It is proposed to utilise soakaways to discharge surface water, with the top of any soakaway being no higher than the base level of

the reservoir. This will ensure that during any extreme storm event(s) that the water level in the soakaways is no higher than the base level of the existing structure.

It is understood the nearest public sewer is located approximately 700m away from the site, and due to this it is proposed to install a 18,000 litre sealed storage tank below ground to accommodate foul drainage from the proposed planetarium building and existing observatory. The applicant anticipates this would require emptying once a week, but could vary depending on visitor number during any given period. In any event monitoring of the tank is to be undertaken.

Consultation comments from the Local Lead Flood Authority, Severn Trent Water and the Environment Agency confirm they have no objections/no comments to make regarding these proposals. Informative notes have been suggested by these consultees.

### Ground Investigations

A 'Phase 1 Geo-Environmental Desk Study' and 'Phase 2 Geo-Environmental Assessment' have been undertaken. These reports detail ground investigations and infiltration testing etc undertaken at the site. It also details historic coal mine working up to depths of 630m, concluding that any ground movement due to coal mining activity up to the early 1960's should have stopped.

These 2 reports have been reviewed by the Council's Environmental Health team who consider that sufficient information has been submitted regarding ground investigations/contamination. They suggest an advisory note to the applicant regarding ground works.

### Conclusion:

Given the design, scale and function of the proposed development it is considered that the proposal would constitute an 'appropriate' form of development which would not cause undue harm to the character and openness of the Countryside.

The site will not be open for general public access and will only be open to the public for scheduled events and pre-booked visits, with there being a cap on the number of tickets available for each event, such as for school visits. If a special event is to be held then an event management plan should be agreed to ensure adequate overflow parking is arranged and highway safety is maintained.

Although the level of activity at the site is likely to increase as a result of the proposal, it is considered that given the sites use, area topography, distance to nearby residents and boundary treatments, there shall be no detrimental harm to the living conditions of nearby residents.

All vehicular activities for visitors etc will be conducted through a new one-way road within the site, which will serve dedicated car parking, coach drop-off, motorbike



bays and cycle storage. As such it is considered that there shall be no significant impact upon highway safety or the capacity of the local highway network.

The development will help to retain the Victorian reservoir as a heritage asset and put it to a viable use which will ensure its long term retention and also facilitate public access.

In addition to the social, recreational and educational benefits associated with the proposal, the development also seeks to incorporate features to increase the buildings sustainability and green credentials such as the use of a green roof, solar panels, air source heat pumps and electric vehicle charging points. New tree and hedgerow planting is also proposed along the site frontage with Coxmoor Road.

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

**Recommendation: Grant planning permission, subject to the below conditions:**

**CONDITIONS**

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
  - a. Site Location Plan, Drawing No.20188-00-001\_P4, Received 09/01/2023.
  - b. Proposed Site Location Plan, Drawing No.20188-00-002\_P4, Received 09/01/2023.
  - c. Proposed Site Layout Plan, Drawing No.20188-70-001\_P18, Received 07/03/2023.
  - d. Proposed Elevations, Drawing No's.20188-21-003\_P1, 20188-21-002\_P1, 20188-21-004\_P1 and 20188-21-001\_P1, Received 01/11/2022.
  - e. Proposed Flood Plans, Drawing No's.20188-20-004\_P7 and 20188-20-005\_P8, Received 01/11/2022.
  - f. Proposed Drainage Details SPO-HSP-XX-XX-DR-C-1001 Rev.P02, Received 01/11/2022.

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. The materials and finishes to be used for the external elevations/roof of the proposal shall match those as identified on the submitted 'Material Schedule', Received 01/11/2022.

4. If during construction works any potential land contamination or unusual odour is encountered, all construction works shall cease immediately and not resume until either:
  - a) The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
  - Or
  - b) The timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

If potential contamination is identified the development shall not be occupied until land contamination is fully remediated in accordance with a remediation scheme which shall first be submitted to and approved in writing by the Local Planning Authority. A post completion verification report, including results of sampling and monitoring carried out, shall then be submitted to and approved in writing by the Local Planning Authority demonstrating that the site remediation criteria have been addressed.

5. No part of development hereby permitted, including site clearance works shall commence until such time that a comprehensive Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. As a minimum the Plan should include details about: -

- the parking of vehicles of site operatives and visitors
- the proposed routing of construction traffic
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from clearance/demolition and construction works

Thereafter the CTMP shall be strictly adhered to throughout the construction period.

6. No part of the development hereby permitted shall be brought into first use until such time that the parking and access arrangements, as shown on

- drawing 20188-70-001\_P17 have been implemented to the satisfaction of the Local Planning Authority.
7. The site access arrangements shall not be brought into use until the visibility splays shown on drawing number 20188-70-003\_P2 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height for the life of the development.
  8. The Travel Plan uploaded 11 January 2023 shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.
  9. Prior to the hereby approved development being brought in to use an Event Management Plan shall be submitted to and agreed in writing by the LPA which shall detail how visitors to the site are to be managed during any event held at the planetarium/observatory. The development shall thereafter be operated in accordance with this Event Management Plan in perpetuity.
  10. Prior to the hereby approved development being brought in to use, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird and bat boxes/bricks which are to be installed within/on the new building or elsewhere within the site. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
  11. Prior to the hereby approved development being brought in to use details shall be submitted to and approved in writing by the Local Planning Authority in relation to areas of hard and soft landscaping. 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.
  12. The trees and hedgerows on site shall be protected during any construction work/site clearance in accordance with the details contained within the submitted 'Tree Survey' (Dated October 2022, Report Ref: 22-85-PHA).

## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.

4. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of future occupiers.
5. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) in the general interests of highway safety.
6. In the interests of highway safety.
7. In the interests of highway safety.
8. To promote travel by more sustainable means.
9. In the interest of highway safety.
10. To reduce the impact of the development on habitats and species.
11. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
12. To ensure safe tree/hedge retention during development.

## **INFORMATIVES**

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
  1. Connection to the public sewer
  2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
  3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued

by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

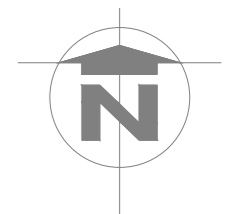
3. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).
4. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will

seek to assist you obtaining a solution which protects both the public sewer and the building.

5. The submitted drainage details are considered to be acceptable in principle from a planning perspective. Precise detail of drainage should be suitably inspected during construction by the appointed Building Control body.
6. public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please email [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) for details.
7. Please note that any relevant details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after the relevant technical approval is issued.
8. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
9. Information in relation to sensitive lighting can be found here: <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>



© This drawing and the building works depicted are the copyright of the Influence Environmental Ltd and may not be reproduced except with written consent. Figured dimensions only are to be taken from this drawing. All contractors must visit the site and be responsible for taking and checking all dimensions relative to their work. Influence are to be advised of any variation between drawings and site conditions.



Do not scale off drawings.  
All dimensions to be checked on site.

Revision	Drawn	Comments	Date



1:2500

STATUS Draft

**influence**<sup>®</sup>

**Midlands Office**  
Healy's Wharf  
Huddlestons Wharf  
Millgate, Newark  
Notts NG24 4UL  
+44 (0)1636 702152

**London Office**  
Juxon House  
100 St Paul's Churchyard  
London  
EC4M 8BU  
+44 (0)20 3102 7770

info@influence.co.uk  
www.influence.co.uk

**PROJECT**  
Cauldwell Road, Ashfield

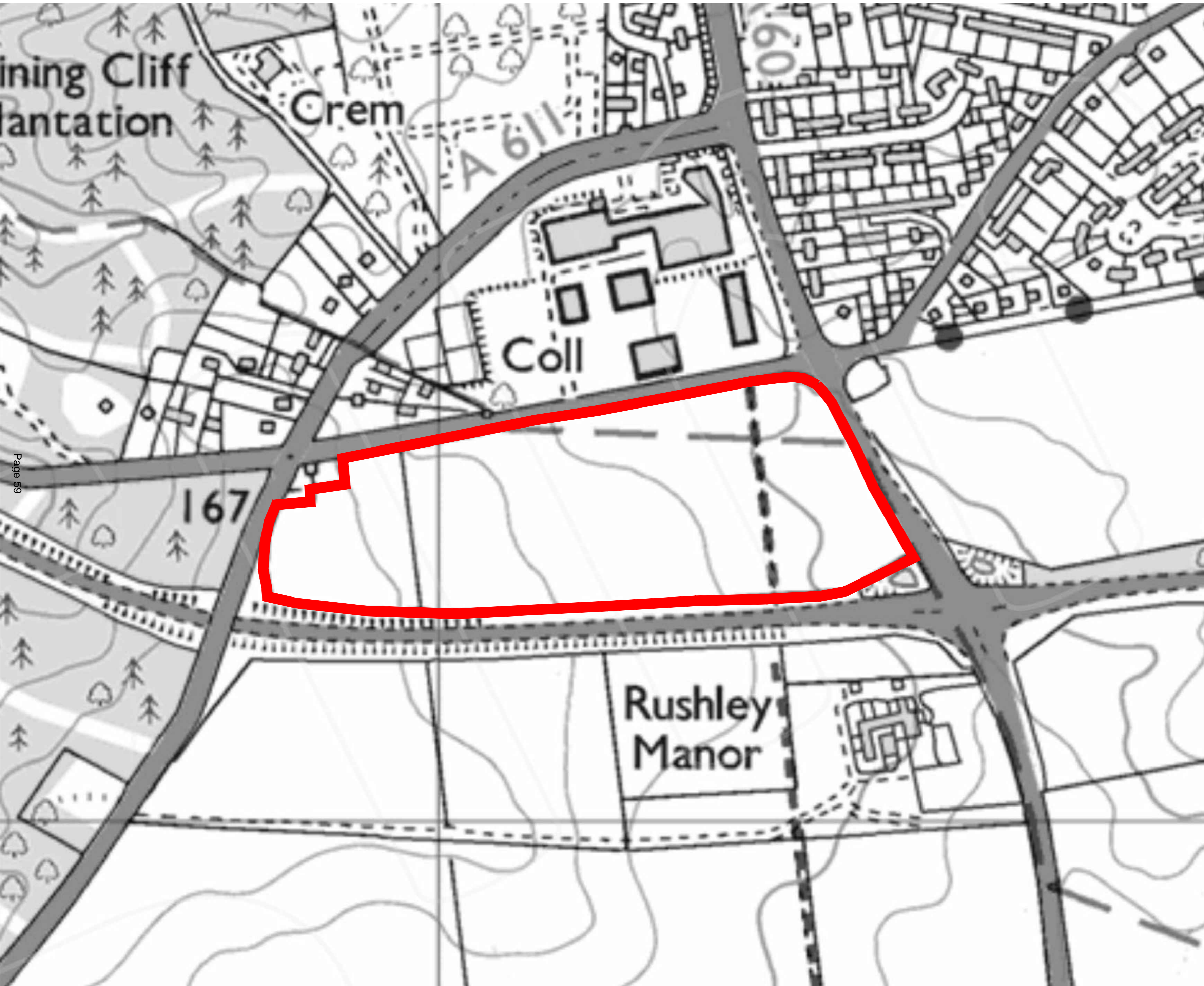
**CLIENT**  
Nottinghamshire County Council

**TITLE**  
Location Plan

SCALE 1:2500 DATE June '21

DRAWN KD CHECKED

JOB NO: <b>N0673</b>	DWG NO: <b>(08)001</b>	REV NO: <b>#</b>	ORIGINAL SIZE <b>A2</b>
-------------------------	---------------------------	---------------------	----------------------------





**COMMITTEE DATE**    22/03/2023                      **WARD**            Sutton Junction & Harlow Wood.

**APP REF**                      V/2021/0792

**APPLICANT**                      Arc Partnership on behalf of Nottinghamshire County Council

**PROPOSAL**                      Outline Planning Application with All Matters Reserved for up to 235 dwellings.

**LOCATION**                      Land South of Cauldwell Road Rushley Farm Mansfield

**WEB-LINK**                      [https://www.google.com/maps/place/Cauldwell+Rd,+Mansfield/@53.1194141,-1.194797,678m/data=!3m1!1e3!4m6!3m5!1s0x487995ff2328d143:0xce5c908e4a2de4bc!8m2!3d53.1216001!4d-1.212403!16s%2Fg%2F1t\\_hyhyb](https://www.google.com/maps/place/Cauldwell+Rd,+Mansfield/@53.1194141,-1.194797,678m/data=!3m1!1e3!4m6!3m5!1s0x487995ff2328d143:0xce5c908e4a2de4bc!8m2!3d53.1216001!4d-1.212403!16s%2Fg%2F1t_hyhyb)

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

**App Registered:** 25/11/21                      **Expiry Date:** 24/02/2022

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

***This application has been referred to Planning Committee as the proposed development represents a departure from the Council's Local Plan and the applicants are Nottinghamshire County Council.***

**The Application:**

The site comprises of approximately 10.4 hectares of agricultural land located on the urban fringe of Mansfield, to the north of Sherwood Way South (MARR, Mansfield and Ashfield Regeneration Route) and south of Vision West, Nottinghamshire College (Cauldwell Road). A small area to the north-east of the application site is located in the District of Mansfield.

A public footpath crosses the site from south to north with steps up from the Marr into the site. There are trees and shrub cover at the south-eastern part of the site near the junction with the A60. The MARR has been constructed to be lower than the fields either side of it, which reduces its visual impact on the wider countryside to help reduce noise impact. There is hedgerow and trees situated along the southern boundary with the MARR. The site itself is not easily visible from the MARR, due to this being situated within a cutting. The application site does not quite go to the boundary with the Derby Road on its western side. There is other land between the edge of the site and the carriageway here. In the north-west corner with Cauldwell Lane, there are two semi-detached dwellings, and a substation. Cauldwell Lane is a long straight road which links the A60 and the A611. There are residential properties which back onto the lane



up to the grounds of the West Nottinghamshire College grounds. There is an entrance to the college on the north side of the lane. The site has most recently been used for agricultural arable production.

The application illustrative masterplan shows two accesses into the site either side of the college entrance. The masterplan shows how the housing could be laid out, but this is not to be agreed at this stage. The field does have a hedgerow within the site to show old field boundaries. There is a small area with trees around it within the site, a possible depression with a pond.

Supporting information has been submitted which would amend the details of the access arrangements into the site, including providing a new green verge between the carriageway and the site boundary. The new pedestrian/cycleway route would be accommodated between the green verge and site boundary. This plan also shows the buffer zone for any future improvements to the A60. At this stage these details have not been agreed and therefore the application is being presented on the basis of it being an outline application with all matters to be reserved for future agreement.

### **Consultations:**

A site notice has been posted together with individual notifications to surrounding residents. A notice has also been published in the local press.

The following responses have been received:

#### **Resident comments:**

3 representations have been submitted objecting to the proposal, making the following comments:

##### Highways

- Busy roads. There has been a huge increase in traffic along Derby Road in the last 70 years. The junction between Cauldwell Road and Derby Road has seen a number of accidents despite the traffic lights. Articulated lorries use Cauldwell Road as a cut through from the MARR. There are tractors which use the road and double decker buses for the college. Getting out onto the A60 is difficult. Traffic density will increase significantly, exacerbated by the other developments in the vicinity.
- There is difficulty getting in and out of houses on Cauldwell Road. The proposal will increase the number of cars coming along Cauldwell Road out on to Derby Road.
- There should be an entrance from Derby Road to the MARR.
- Services
  - It would be beneficial for the developers allow access into their new water mains to avoid the need for existing septic tanks.

- Development is not sustainable development.
- There would be a detrimental wildlife impact.
- Should build on brownfield sites instead of agricultural green fields.

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

It is noted that the speed limit along the eastern side of Cauldwell Road is 30mph, and on the western side is 60mph. Bus routing through the site is not now required as initially suggested, but improvements to bus stops on both sides of Cauldwell Road should be secured through a Section 106 Agreement.

Visibility splays should be commensurate with the vehicle speeds on the road. The reduction of speed to 30mph along the whole length of Cauldwell Road should be considered. Illustrative plans show additional pedestrian refuges added to help traffic calming measures and reduce traffic speeds. More should be considered. The details of the final access arrangements into the site will need to be agreed. This can be conditioned. Pedestrian improvements should be provided along the whole length of Cauldwell Road.

Provision of a green verge between the carriageway and the site boundary, if the Highway Authority are to adopt this area will require the provision of a commuted sum of approx. £2000 per tree, plus an additional payment allowance for maintenance of the verge. Reserved Matters details at the S278 design stage would also include the road widths to avoid future disputes for the two ghost island right turn lanes and pedestrian refuges. 2 side running widths of 3.65m and the right turn lane of 3.5m's wide.

It is considered that the principle of the quantum of development can be accommodated from the two illustrated accesses into the site.

### **Nottinghamshire County Council Public Rights of Way Team:**

There are two footpaths affected by the proposal. Mansfield footpath 22, and Sutton footpath 66. The footpaths should be retained. The PROW team welcome the increased connectivity through the site, but the southern part of the existing footpath should be retained on its legal line. So that the users can use the newly constructed steps to access the A617 and the continuation of footpath 66. A diversion order will be required to amend the legal route. The Team would require further details and may object to the treatment of the right of way if not satisfactory. Further details of the internal footpath layout would also be required at the Reserved Matters stage. A temporary closure could be sought during construction. Open aspects should be retained, and any fencing should be low. If a diversion is unavoidable, then a new route should be separated from the estate roadways.

### **Nottinghamshire County Council Strategic Policy:**

There are no objections to the proposal from a minerals perspective. It would be useful if the application was supported by a waste audit. It is recommended that trial trenching is carried out as the geo-physical survey did not seem to pick up all the possible archaeological potential at the site. This should be prior to determination of the application.

There are recycling centres in Mansfield which are close to capacity. It is likely that a new centre will be required to accommodate nearby new residential development as well as this site. The development is expected to generate an additional 58.75 tonnes of waste per annum. A contribution is therefore sought to meet demand. This is calculated at £61.09 per household and totals **£14,356.03**. This would be spent on a new split level recycling centre in Mansfield.

For education needs, the proposal would produce an additional 49 primary and secondary aged pupils including 1 pupil requiring a specialist place. There is no request for a contribution towards Primary School educational needs. There is also no deficit showing for secondary pupils, and similarly there is no requirement for a contribution to Secondary School places. There is a shortage of specialist educational needs, and therefore a contribution of **£83,728** is requested.

For library needs, there is likely to be a demand created at Mansfield library. Based on the number of new residents, a contribution of **£8288.00** is requested for new books.

For transport infrastructure, it is noted that the nearest bus stops are approx. 485m from the centre of the site. There are daily services on the A60 between Mansfield and Nottingham every 15 minutes. There is funding for a bus service to the development to the east to the site as part of the Lindhurst development.

The layout will be agreed at the Reserved Matters stage. Using a public transport modal share of 5%, it is estimated that the development will generate 30 two way trips. The contribution will increase modal share for sustainable transport and move away from single occupancy vehicle travel to compliment the aims of the National Bus Strategy. The payment can be split throughout the phases of development.

New bus stops would also be required to be provided within the site. A planning condition can be imposed to secure the provision of these subject to agreement with the Highway Authority. It is not envisaged that contributions towards school transport will be sought. It is expected that bus passes would be available for future residents for three months after occupation, to help change modal shift and change resident behaviour away from the motor car. It is recommended that a condition be imposed to deal with this.

### **Notts CC Local Lead Flood Authority:**

There is no objection to the proposal based on the submitted information described within the Flood Risk Assessment. It is therefore recommended that appropriate conditions are imposed to ensure that the Reserved Matters layout follows the

principles as laid down within that document. An informative should be added in the event that any submitted details change.

**The Environment Agency:**

They have reviewed the submitted documents and note that the site falls within zone 1 and therefore have no fluvial flood risk concerns.

**Nottinghamshire Constabulary Crime Officer:**

They note that the layout is illustrative. There are no objections in principle at this stage. Section 17 of the 'Crime and Disorder Act 1998' places a duty on each local authority: 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'. The development seems to have integrated the facets of good design.

**Nottingham and Nottinghamshire CCG:**

Based on 2.5 persons per dwelling, the development would result in a population of 587.5 persons. Using a set formula by the Dept of Health, this places an increased demand on services for Treatment and Consulting rooms. The practices that are likely to require enhanced site capacity as a result of the development are as follows:-

- St Peters Medical Practice
- Oak Tree Lane Surgery; and
- Orchard Medical Practice.

The costs required to meet this demand are calculated at **£127,340.63** to meet the needs from the development.

**Natural England:**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory protected nature conservation sites or landscapes.

**ADC Waste Manager:**

There are concerns about the number of dead ends within the layout. These should be reduced in order to reduce the chance of collisions and reduce the number of times refuse lorries reverse. The road layout should be sufficient to allow a 32t refuse collection vehicle to use the road. Consideration should be given to the safe storage of wheelie bins within the development and safely stored on individual properties.

**ADC Environmental Health:**

The submitted documentation appropriately assesses the potential impact of noise for the development. It identifies potential noise sources. There are proposed mitigation measures including internal acoustic specifications for glazing and ventilation. There is also likely to be a requirement for a noise barrier of either a landscape bund or

acoustic fencing. Further details of this would be required to show how this predicted mitigation is to be achieved. A condition will need to be imposed requiring details to be provided before occupation of the development. The layout has the potential to assist in reducing noise exposure for the proposed development, and in addition, the orientation and layout of the scheme should seek to offer acoustic protection of outdoor amenity as demonstrated in the noise assessment.

There is no air quality assessment submitted with the application, which is a concern, given the scale of development. It is therefore requested that an air quality assessment is required of any application further to the approval. It is agreed that a Construction Environmental Management Plan should be a conditional requirement in the event of the approval of the application.

**ADC Contamination:**

There is a possibility of ground contamination from agrichemicals, and ground gas. It is therefore recommended that a condition is imposed in respect of contaminated land.

**Nottinghamshire Wildlife Trust:**

No response to consultation.

**Mansfield District Council:**

No response to consultation.

**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 Safe and healthy communities.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Part 14- Meeting the challenge of climate change.

Part 15 – Conserving and enhancing the natural environment.

Part 16 – Conserving and enhancing the historic environment.

**Ashfield Local Plan Review (ALPR) (2002):**

ST1 – Development.

ST4 – The Remainder of the District.

EV2- Countryside.

EV6 – Local Nature Reserves.

EV8 – Trees and woodlands.

HG3- Housing Density

HG4- Affordable Housing

HG5 – New Residential Development.

HG6- Public Open Space in Residential Developments.

TR2- Cycling Provision in New Developments.

TR3- Pedestrians and People with Limited Mobility.

TR6- Developer Contributions to Transport Improvements.

**Supplementary Planning Documents:**

Residential Design Guide (2014).

Residential Car Parking Standards (2014).

**Relevant Planning History:**

There is no relevant planning history on the application site.

**Material Considerations:**

- Principle of Development
- Highways and Transportation
- Amenity & Heritage
- Ecology and Arboriculture
- Other minor matters
- Section 106 Agreement
- Planning Balance

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 (ALPR)

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan must 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 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 Council does not have a 5-year housing land supply of deliverable housing sites. In these circumstances, the application must be seen in the context of NPPF paragraph 11d, the tilting balance.

The Ashfield Local Plan Review (ALPR) 2002 in Policy HG1 sets out allocations of housing sites. As part of the Plan, the urban and settlement boundaries were amended to include these allocations, which were typically adjacent to the former main urban areas or named settlements. These boundaries were defined in order to allow sufficient growth, which was anticipated to meet future land use needs for the Plan period to 2011. Many of the housing allocations under ALPR, Policy HG1 have been developed. As such, this limits the opportunity for the existing ALPR to meet future housing needs.

The NPPF sets out the Government's objective to significantly boost the supply of homes (paragraph 60). In relation to housing in rural areas, the NPPF in paragraph 77 identifies that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Under paragraph 78, housing should be located where it will enhance or maintain the vitality of rural communities.

Local authorities are required to identify, and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing (the 5 year housing supply, NPPF paragraph 74). Under NPPF, paragraph 75 the supply of specific deliverable sites should include a buffer based on 5% 10% or 20% dependent on the circumstances surround the housing supply. Ashfield has been identified by the Government as failing to deliver enough housing. Consequently, Ashfield is required to prepare an Action Plan, apply a 20% buffer to the Five Year housing land supply calculation and apply a presumption in favour of sustainable development.

Based on the latest housing monitoring report, as of 1st April 2022 and applying a 20% buffer, Ashfield District Council had a 2.26 year housing land supply. Despite a number of planning permissions being granted since 1st April, the five year housing land supply is anticipated to have risen, but will still be significantly below the five year housing requirement.

Under these circumstances, NPPF paragraph 11 (d) together with a relevant footnote will be engaged. In relation to the operation of the 'tilted balance', the High Court has clarified that it is a matter for the decision-maker to decide how much weight should be given to the policies of the development plan, including the "most important policies" referred to in paragraph 11(d). The triggering of the tilting balance does not automatically lead to the grant of planning permission. Instead, it involves the balancing of competing interests, but with the tilt towards granting permission. This

should involve consideration of whether or not the policies are in substance out-of-date and, if so, for what reasons.

In terms of affordable housing requirements, the current affordable housing requirement is set out in 'saved' ALPR policy HG4. The size and location of the proposal would require 6% affordable housing, preferably provided on-site. The Policy does not differentiate between affordable home ownership, share ownership, affordable rents, and social rents. However, it is not considered that the Policy is consistent with the NPPF paragraph 65 which expects that 10% affordable housing should be provided on major development sites. Therefore, it is considered that 10% affordable housing should be provided on site. The evidence from The Greater Nottingham & Ashfield Housing Need Assessment, September 2020 identifies that in relation to affordable homes the emphasis is on rented accommodation or share ownership. In accordance with paragraph 63 of the NPPF, affordable housing is expected to be delivered on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities. Affordable housing needs to be integrated into the overall design and layout of the proposed development.

Policy ST1 of the ALPR is consistent with the provision of the NPPF. However, in relation to any conflict with 'other Local Plan policies', these other policies have to be considered in relation to the provisions of the NPPF.

Policy EV2- Countryside identifies that planning permission will only be given for 'appropriate' development. Development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. The application does not meet any of the forms of appropriate development set out in Policy EV2. In relation to openness the courts have held that it can have a visual component, depending on the circumstances, but a widely accepted meaning is also, simply, the absence of development. Applying the simple meaning of openness, the proposed development would result in a loss of openness. Consequently, the proposal is contrary to Policy EV2.

The NPPF sets out a more flexible approach to rural housing in paragraph 77 and 78 and to the rural economy in paragraph 83. Policy EV2 does allow some development and does not impose a blanket ban on new development in the countryside. The NPPF in paragraph 170 (b) also recognises the intrinsic character and beauty of the countryside. Consequently, the Policy has some consistency with the NPPF and can be considered to attract weight in this context.

The site is not identified as having any landscape designation under policies within the ALPR. The site is located within the Greater Nottingham Landscape Character Assessment, 2009 as SPZ 11 (SH 11) Lindhurst Wooded Farmlands. The landscape condition is defined as 'Moderate' and the landscape sensitivity is defined as 'Moderate'. The overall landscape strategy is Conserve and Create. For this site, this would mean retention of hedgerow, where possible, and create additional woodland or soft planting. It also states that new developments should be concentrated around Mansfield and Kirkby.



It is concluded that the proposal would be contrary to policy EV2 of the ALPR as the proposal is inappropriate development in the countryside. The proposal therefore is also, contrary to policy ST4 of the ALPR. It is not an allocated site. However, the very low levels of housing provision over the next five years, means that the substantial benefits of securing the additional housing and boosting supply within the Ashfield District area means that greater weight should be given to this aspect of the proposal, over the moderate detrimental impacts of the loss of this countryside site. It is not recognised as a locally valued bit of countryside in the context of paragraph 174 of the NPPF.

The site will extend residential development to the boundary with the MARR. This would be consistent with the decisions to allow new housing development on the eastern side of the A60. The site would be seen as part of the natural southern extension of the town of Mansfield. The site is accessible to local public services and amenities such as shops and entertainment. There would also be benefits secured from the development to improve public transport provision and encourage modal shift away from the car.

When considering the tilting balance in paragraph 11 d) of the NPPF, it is concluded that the principles of sustainable development have been achieved. The Local Plan policies for housing are out of date. There are considered to be no adverse impacts that would outweigh the benefits of the development.

### **Highways and Transportation:**

In principle, the quantum of development is considered acceptable and would not result in significant detrimental impacts on the local road network that would prevent the development. Negotiations have continued during the course of the application to improve the design of new highway infrastructure along Cauldwell Lane particularly. However, final design details have not been agreed at the time of the writing of the report, and therefore it has been agreed that the application be presented as an outline application with all matters to be reserved.

There will be a requirement to allow for the principle of a 15m buffer along the eastern side of the development to accommodate possible future highway improvements in connection with the wider development needs, particularly the development of land to the east of the site. This has been shown on the submitted plans and has been taken into account in the structural landscape plan. This buffer zone turns the north east corner and finishes at the new eastern junction into the development. The protection of this can be conditioned as a Grampian condition but the land should be transferred to the highway authority when required and this should be included in the Section 106 legal agreement.

A Section 278 agreement under the highways act will be required to deal with the treatment for the amended Cauldwell Lane and a Section 106 Agreement will be required to detail the payments for the new trees to be planted within the green verge between the carriageway and the new pedestrian cycleway created to the site frontage.

It is concluded that the principle of the additional quantum of development of up to 235 houses is acceptable, it will result in a sustainable development and would comply with conditions TR2, TR3 and TR6 of the ALPR 20002 and paragraphs 109, 110 and 111 of the NPPF.

### **Amenity & Heritage:**

There are no details to be agreed at this stage in relation to the siting of development, or its appearance, scale, or layout on the site. The quantum of development is considered appropriate for the size of site.

As the application is seeking outline planning permission for all matters reserved, the Council is only considering the principle of residential development as part of this application.

There are no designated or non-designated heritage assets on the site. There are a number within approx. 800m of the site. However, it is not considered that there would be any material detrimental impacts on these. There is however some potential for the development to impact on some below ground archaeology. The applicant submitted a Desk Top Assessment, and the County Archaeologist has made some recommendations regarding trial trenching at the site. It is considered that this could be appropriately carried out prior to any commencement of development at the site, and does not necessarily need to be carried out prior to determination. On this basis, a precautionary approach can be taken through imposition of an appropriately worded condition.

Any future development scheme should aim to achieve a permeable, safe, and accessible environment with clear legible pedestrian routes and high quality public space. The ALPR sets out policies on design aspect in Policy ST1 and HG5 and these are supported by SPDs on residential design and car parking, which provides detailed guidance on the standards of design the Council is looking to achieve. The policies in the development plan are supported by the provisions of the NPPF, and design guidance which emphasises the importance of good design and the creation of high quality buildings and places (NPPF 12 Achieving well-designed places).

Housing density requirements are set out in ALPR saved Policy HG3. In this location, the Policy requires a net minimum density of 30 dwellings per hectare(dph). Paragraph 5.69 sets out how the net density is derived. The ALPR recognises that it may not always be possible or appropriate to achieve minimum requirements, for example, where higher densities are not compatible with the site or its surroundings, as set out in ALPR paragraph 5.65. It is considered that the Policy is consistent with the approach set out in the NPPF 'achieving appropriate densities' paragraph 124 and 125. Given the site is 10.4 ha, the Local Plan approach would anticipate that approximately 75% of the site would be developable. On this basis, it would be anticipated that at 30dph, the site would accommodate 234 dwellings.

The NPPF emphasises the need to make effective use of land in meeting the need for homes. The supporting Planning Practice Guidance on Effective Use of Land highlights that it is important to consider housing needs, local character and appropriate building forms relate to the density measures being used.

The Greater Nottingham & Ashfield Housing Need Assessment, September 2020, sets out recommendations on market housing mix which seeks to respond to the modelled outputs, recent delivery trends and the needs for family households; as well as the role which each area plays in the wider housing market area. In terms of affordable housing provision, consideration is also given to affordability as well as the types of housing which will meet the needs of those of greatest priority. All of these factors have been brought together to arrive at a recommended housing mix by size and type and It is recommended that a condition be imposed to ensure that there is an appropriate mix of housing across the site.

Addressing climate change is one of the core land use planning principles, which the NPPF seeks to underpin in both plan making and decision taking. Opportunities for reducing climate change impacts should be reflected in development proposals. NPPF para 112 e) identifies that development should be designed to enable charging of plug-in and other ultra-low emissions vehicles in safe, accessible, and convenient locations. This aspect can be taken forward through the Reserved Matters application in terms of the details to be agreed.

The NPPF places a substantial emphasis on design, and this is reflected in National Design Guidance. The design of the development will be dealt with at Reserved Matters stage. This will include the design of roads in order to reduce the number of dead ends and cul de sacs within the development.

The proposal would have a detrimental impact upon users of the public footpath which goes through the site. At this stage, the proposal is outline and the details of the layout will be agreed at Reserved Matters stage. The impacts will be significantly detrimental for users of the footpath; however, the proposed impacts sit within the context of the nearby urban development of Mansfield to the north and the recent MARR to the south. The detrimental impact on users has to therefore be balanced against the benefits of securing the additional housing supply. The limit of the detrimental impact will be negotiated through the Reserved Matters process.

The proposal could have a detrimental impact on residents as a result of the potential noise impacts from the adjacent roads which bound the site. The submitted information indicates that some additional acoustic barriers may be required in the form of a landscape bund, or acoustic fencing. It is recommended that these details are agreed as part of the discharge of conditions, and can also be dealt with through the siting of the housing within the site in order to limit detrimental impacts, particularly on rear gardens of future occupants. On balance, it is considered that the impacts are unlikely to be so significant as to refuse the principle of the proposal.

Similarly, there is the potential for impact from air quality. No details have been provided to be able to fully assess the impacts on future residents. It is therefore recommended that an appropriate condition be imposed to secure future air quality assessments in order to assess how local air quality is likely to impact the detailed scheme at Reserved Matters stage.

There is the potential for contamination below ground at the site. It is therefore recommended that this can be dealt with through the imposition of an appropriate condition.

It is concluded that there are no amenity or heritage issues which would prevent the development.

### **Ecology and Arboriculture:**

National Planning Practice Guidance Natural Environment (para 10 – 35) sets out responsibilities regarding protected and priority species and habitats; 'proportionate' information and assessment required on biodiversity impacts at all stages of development; local ecology networks and nature recovery networks; application of mitigation hierarchy, net gain metrics, and promotion of woodlands.

No nationally or locally designated nature site have been identified on or adjacent to the site. There is a possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interest. Natural England advice is that a precautionary approach should be adopted by LPA's which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. An appropriate assessment has been submitted with the application regarding the Sherwood Forest possible potential Special Protection Area (ppSPA). The summary of the appropriate assessment identifies that:

- i. The impacts associated with this Scheme in combination with the wider allocation are deemed unlikely to negatively impact the potential qualifying features of the ppSPA. As such, no mitigation is required. However, education to new residents should be provided as good practice due to the proximity of the scheme to the ppSPA to ensure new residents are conscientious of the nature on their doorstep.
- ii. This report concludes that the assumptions at the Local Plan level continue to hold true.

ALPR, Policy EV8 Trees and Woodland provides protection to trees worth of retention on the site. Given the nature of the site, this potential could apply to hedgerow trees.

The NPPF para 174 stresses that planning policies and decisions should contribute to and enhance the natural and local environment by a variety of measures including minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. Planning Practice Guidance Natural Environment identifies that *'high-quality networks of multifunctional green infrastructure contribute a range of benefits, including ecological connectivity, facilitating biodiversity net gain and nature recovery networks and opportunities for communities to undertake conservation work.'* Networks are identified as a consideration in relation to how planning decisions plan for biodiversity and geodiversity.

Therefore, there should be ecological net gain potential for the site in relation to the retention and enhancement of existing hedgerows and the creation of new habitats.

There are no objections to the proposal from Natural England. The submitted ecological survey indicates that the majority of habitats on site were generally of limited botanical interest and poor species diversity. The scattered trees and boundary hedgerow offer some value as corridors for the movement of species. Whilst none of the hedgerows are considered ecologically important, they are habitats of Principal Importance under the Natural Environment and Rural Communities Act 2006. There will be opportunities for biodiversity enhancement in the form of additional bird and bat boxes on the site to improve the ecological value at the site. There are no detrimental effects on Local Nature Reserves, Local Wildlife Sites, or the SSSI at Strawberry Hill heaths.

There are no identified detrimental impacts on Great Crested Newts. A mature Ash tree can be retained on site as it could be a potential bat roost. The existing hedgerows would be used as bat foraging locations. Apart from widening of the access road the other existing hedgerows should be retained. The removed hedgerow would need to be replaced with new hedgerow to ensure there is no overall net loss. The overall site has a low value for foraging bats. Lighting proposals can be controlled through imposition of a condition to limit impact on bats.

There were no Woodlark or Nightjar found at the site. There is a low likelihood of the habitat being suitable although they may fly over. There is a low likelihood of reptiles on the site, but they may use the hedgerow corridors to travel through. There were no badger setts recorded at the site. Mitigation measures can be put in place during construction to limit impacts from development. New areas of grassland, fauna, refuge areas, and hedgerow and tree planting enhancements can ameliorate any detrimental impacts from the development and result in biodiversity gain. New native trees can provide additional food sources for birds. New hedgerow planting can provide more diverse species rich hedgerow. Any new balancing ponds could incorporate features for biodiversity and encourage reptiles and newts and insects to the site.

It is recommended that appropriate conditions are imposed to ensure that the proposal can comply with paragraph 180 of the NPPF. Further details can be agreed as part of the Reserved Matters stage.

#### **Contaminated Land:**

It is considered that the principle of the development is acceptable. The site is at low risk of potential contamination from historic coal mining. There is the potential from below ground contamination from other historic uses, or from gas. It is considered appropriate to deal with this through imposition of an appropriately worded condition. The proposal therefore complies with paragraph 185 of the NPPF.

#### **Drainage:**

The site is located within flood zone 1. A Sustainable Urban Drainage Scheme (SUDS) should be utilised if possible. The application is supported by a Flood Risk Assessment. This identifies that suds should be feasible at the detailed design stage.

A condition can be imposed as recommended by the Local Lead Flood Authority. On this basis, there are no drainage concerns with the proposal. Further technical work will be required to design the Reserved Matters scheme. It is therefore concluded that the proposal complies with paragraphs 167 and 169 of the NPPF.

### **Section 106 Agreement and Heads of Terms:**

The requirements of the CIL Regulations are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

The applicant has agreed to enter into a Section 106 Agreement for all reasonable costs to ameliorate the effects of the development on the local environment and to support public infrastructure provision as a result of demands from the development.

As a major housing development scheme, the proposal results in the requirements for the provision of Section 106 contributions and provision of matters relating to public infrastructure and benefits. For this development this will include the following:

- Provision of 10% of affordable housing within the area of Ashfield District Council area, which is likely to result in up to 19 dwellings, in a scheme to be agreed at the Reserved Matters stage in terms of number of units and of an appropriate mix;
- A contribution of **£83,728** is required to meet the needs of Specialist Education to meet the requirements for the provision of 1 space created by the development. This would be used for expanding special school facilities attached to a mainstream school;
- A contribution of **£8288.00** is required to provide additional library stock at Mansfield Library.
- A contribution of **£14,356.03** is required to provide a new cycling facility to meet the needs of future recycling facilities within Mansfield to meet the demands from the development as the existing centres are close to capacity;
- A contribution of **£127,340.63** is requested to meet the needs of the future residents in relation to future health needs. This has been calculated using standard Department of Health figures based on additional persons within the development. This will provide for extensions or refurbishments to either of three health centres within Mansfield, in a scheme yet to be detailed;
- Developer Contributions Strategy- based on the overall cumulative impacts on the highway network, a contribution of **£1498** per dwelling is requested towards delivering strategic improvement schemes, based on needs identified within the Mansfield Infrastructure Delivery Plan. This will be required to mitigate future impacts of the development based on future growth.
- Travel Plan Co-ordinator- to help change peoples mindset about modal shift away from the car; and or organise measures on the site to encourage public transport initiatives and walking and cycling initiatives. The Travel Plan Monitoring and evaluation fee for the County Council will be **£16,200** for a 6 year period.

- The 15m strip of land should be transferred to the highway authority when required to achieve highway improvements on the A60.
- An off-site contribution towards the provision of public open space facilities within the area of Ashfield of £1000 per dwelling. This is to meet the future recreational needs of the residents of the site, and could be used for a number of different nearby facilities to benefit the residents of the development, in accordance with the Ashfield Public Open Space Strategy 2016-2026.
- Details of a Residents Management Scheme to be agreed to deal with the site management of the public areas of the site in relation to provision of public open space, the neighbourhood play area, and the SUDS for the development.

It is considered that the above requests are reasonable and required in relation to the effects of the development, and would meet the tests of the Community Infrastructure Levy Regulations.

### **Planning Balance and Conclusion:**

The relevant legislation requires that the application be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by economic, social, and environmental dimensions and the interrelated roles they perform.

In this case, the provision of new homes carries substantial weight in favour of granting planning permission. It would boost the supply of housing in accordance with the NPPF, contributing up to 265 new homes, of which 10% would be affordable. It would bring about additional housing choice and competition in the housing market.

There would be detrimental impacts on users of the public footpath which runs through the site. This will be significant due to the open nature of the countryside fringe which users travel through, which would be replaced with potential disturbance of the route by new housing development, and the extension of the urban area towards the MARR. Nevertheless, it is considered that the need to boost housing supply has greater weight than the detrimental impacts upon users of the footpath network. Reserved Matters details can help reduce the impact of development through securing a separate route for pedestrians through the site in a detailed scheme to be agreed. The impact is not so significant as to resist the principle of development at the site.

It is considered that potential future detrimental impacts on residential amenity for occupants of the development can be dealt with through the siting and design of the new dwellings on the site, taking in to account any findings from the air quality assessment. It is not considered that in principle the proposal could be refused for this reason.

There would be a loss of countryside, and the proposal would be contrary to policies ST4 and EV2 of the ALPR 2002. Nevertheless, the proposal of the principle of an additional provision of up to 265 dwellings in a sustainable location on the edge of

Mansfield would bring substantial benefits and help boost the supply of houses in accordance with the requirements of the NPPF.

It is therefore concluded that none of the reasons put forward for opposing the development establishes that the harm would be significant or would demonstrably outweigh the benefits. Therefore, having reviewed all the submitted information, and assessing this against all relevant policies and material planning considerations, within the planning balance, it is considered that outline planning permission should be granted, subject to conditions and a Section 106 legal agreement.

**Recommendation: Approve, subject to the conditions detailed below and a Section 106 Legal Agreement, which secures the following:**

- Affordable Housing-10% for the area within Ashfield District Council
- Healthcare- £127,340.63
- Special Educational Needs- £83,728.00
- Travel Plan Co-ordinator- £16,200.00
- Bus stop improvements to Cauldwell Lane.
- A contribution to a new recycling facility in Mansfield £14,356.03
- A contribution towards nearby junction improvements at a figure of £1498 per dwelling to mitigate future cumulative development impacts on the highway network.
- A contribution to the provision of off-site open space/recreational facilities within Ashfield at a figure of £1000 per dwelling.
- A Residents Management Scheme for all the public areas of the development.
  
- A sum of £2,350 to be provided to cover the cost of monitoring the section 106 Agreement in accordance with C.I.L. legislation.
- Transfer of land to the highway authority for highway improvements on A60

## **CONDITIONS**

1. 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) Access
  - (e) Landscaping



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 development to which this approval relates shall be begun not later than whichever is the later of the following dates:
  - (a) The expiration of 3 years from the date of the outline planning permission;
  - (b) 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.
4. The development hereby approved shall broadly be carried out in accordance with the details and specifications of the following drawings:-
  - Site Location Plan, Drawing No. (08)001;
  - Application Form;
  - Design and Access Statement;
  - Flood Risk Assessment May 2021;
  - Geology report May 2021;
  - Environmental Assessment October 2021;
  - Archaeological and Heritage Desk Based Assessment;
  - Housing and Affordable Assessments;
  - Transport Assessment June 2021;
  - Transport Assessment Addendum November 2022;
  - Ecological Report July 2021;
  - Sustainability Appraisal April 2021;
5. No part of the development shall commence until a scheme to mitigate the developments impact of the A60 / Cauldwell Road junction has been agreed and improved in writing by the local planning authority and the Local Highway Authority (LHA). The area safeguarded to deliver these works is shown on drawing reference number CRM-BWB-GEN-XX-DR-TR-100\_S2-P4. The proposed scheme shall consider any wider improvements to junction required to facilitate the delivery of the extant permission for the Lindhurst site opposite and not compromise their delivery in any way. The approved scheme shall be implemented prior to the occupation of any dwellings on site.
6. No part of the development shall commence until a scheme to mitigate the developments impact of the A611/Cauldwell Road junction has been agreed and improved in writing by the local planning authority and the local highway authority. The proposed scheme shall consider any wider improvements to junction required to facilitate the delivery of appropriate crossing facilities/enhanced central refuge to the south of the junction, to connect to the existing shared cycleway/pedestrian facilities on the west side of A611. The approved scheme shall be implemented prior occupation of any dwellings on site.

7. No development shall commence on any part of the application site unless or until a suitable traffic calming/pedestrian refuge layout and traffic management works (preferred speed reduction to 30mph which is subject to a separate consultation process) has been provided along Cauldwell Road as shown for indicative purposes only on the attached plan (drawing reference number CRM-BWB-GEN-XX-DR-TR-100\_S2-P4 ) to the satisfaction of the local planning authority. The approved scheme shall be implemented prior occupation of any dwellings on site.
8. No development shall commence unless or until plans denoting the location of new bus stops central to the 2 site accesses have been submitted to and approved by the local planning authority and shall include bus stop pole including flag; bus shelter; solar lighting in bus shelter; raised kerb; real time displays and associated electrical connections; bus stop clearway; lowered access kerbs; additional hard stand where required. The Council specification for bus stop facilities should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate. The approved scheme shall be implemented prior occupation of any dwellings on site.
9. No part of the development hereby permitted shall be brought into use unless or until the details of a scheme for provision of two taster bus tickets per household each valid for three calendar months (£60 per resident i.e., a total of £120 per household) OR a £120 cycle discount voucher to residents of the development made available on occupation of each dwelling are submitted and approved by the local planning authority. The scheme should include details of the bus pass(es) including the area of coverage, arrangements for promoting the passes, application, and monitoring arrangements.
10. The formal written approval of the local planning authority is required prior to commencement of any development with regard to internal street layout, including longitudinal (maximum 1 in 20) and cross sectional gradients, footpath/road key dimensions, parking and turning facilities (private & public), surfacing, street lighting, highway structures, junction/pedestrian/forward visibility splays, DfT LTN 1/20 cycleway/pedestrian facilities, VPA/tracking, electric vehicle charge points, drainage/outfall proposals, visitor parking on street i.e. 5 metre lengths available not obstructing driveway, construction specification and provision of and/or diversion of utility services; Hereinafter, referred to as reserved matters (RM).

All details submitted to the LPA for RM approval shall comply with the County Council's current Highway Design and Parking Guides and shall be implemented as approved at the Section 38 stage under the HW Act 1980.

11. No part of the development shall be occupied until details of the proposed arrangements and plan for future management and maintenance of the proposed streets including associated drainage of the development have been submitted to and approved by the local planning authority. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered under Section 38 of the Highways Act 1980.

12. No part of the development hereby permitted shall be brought into use unless agreed in writing by the local planning authority, detailed plans denoting the proposed Public Right of Way (PRofW) routes within the site, its treatment and/or diversions (not to follow a highway pavement) to connect to existing active movement facilities shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the agreed details and completed prior to occupation of the development hereby approved. The PRofW routes shall thereafter be retained, maintained, and kept available for the users of the PRofW.
13. Prior to commencement of development a detailed Construction Management Plan (CMP) shall be prepared and submitted for written approval of the local planning authority in conjunction with the local highway authority. The CMP shall include safe access to the site for deliveries, loading and unloading of plant and materials and wheel cleansing of vehicles prior to egress from the site onto the public highway. Reactive sweeping of the public highway is not an appropriate means of addressing this issue. The approved CMP shall be implemented and complied with upon commencement of the development and the obligations within the CMP shall be adhered to throughout all construction phases of the development.
14. Details of access, appearance, landscaping, layout, and scale required to be submitted and approved under Condition 1 for each phase of development shall, where applicable, include details of:
- A detailed layout plan of the phase in context with the whole site (for the avoidance of doubt the submitted Masterplan and Design & Access Statement shall be considered to be for indicative purposes only);
  - The means of access;
  - Pedestrian and cycle routes within the application site and connections to existing facilities which shall be available for public use on completion of the said phase;
  - The layout and marking of car parking, servicing, and manoeuvring areas;
  - Fencing, walling, boundary treatments and means of enclosure;
  - A scheme of hard and soft landscaping, including the specification of trees, hedges and shrub planting and details of species, density, and size of stock;
  - The finished ground levels for the site and floor levels of the buildings relative to existing levels and adjoining land;
  - Plant and equipment and other structure;
  - Safe routes to schools and school safety zone;
  - Refuse/recycling storage and collection points;
  - Provision for electric vehicle charging points (on overnight trickle charge) and cycle storage facilities;
  - Bat and bird boxes, including type, position, and number; and 1 bee brick per dwelling and hedgehog highways;
  - The detailed design of all roads and junctions, which shall include details of visibility splays, pedestrian refuges, dropped kerbs, tactile paving, traffic calming, street lighting, bridges, culverts, public utilities, and street lighting;
  - Details of the means of foul and surface water drainage together with a programme of implementation;

- Drainage and rainwater run-off systems including SUDS which shall accompany any road layout submission and detailed maintenance/management arrangements;
- Floodlighting/exterior lighting including lux plots; and
- Measures to minimise the risk of crime in accordance with Secured by Design Principles.
- The provision of 10% of the gross housing area as open space, part of which shall include provision of a Neighbourhood Play Area.

The details shall be completed in accordance with the agreed above schemes.

15. No part of the development shall be occupied or be brought into use until the owner, or the occupier of the site has appointed and thereafter continue to employ or engage a 'site-wide' travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Outline Travel Plan (CRM-BWB-GEN-XX-TR-003-PT-S1-P0.-02) dated Sept 21 by BWB and whose details shall be provided and continue to be provided thereafter to the local planning authority.
16. The travel plan coordinator shall, within 6 months of commencement of their engagement, produce or procure a Detailed Travel Plan for each residential / commercial parcel of the development that sets out final targets for the different types of uses with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Outline Travel Plan. The Travel Plan will require its targets to be updated following baseline monitoring as referred to above, and to be implemented in accordance with the approved timetable and details and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the local planning authority.
17. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) to be approved by the local planning authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the local planning authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the local planning authority.
18. a) No works shall take place (save for above ground demolition works and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i) A preliminary risk assessment which identifies:
  - All previous uses;
  - Potential contaminants associated with those uses;

- A conceptual model of the site indicating sources, pathways and receptors; and
- Potentially unacceptable risks arising from contamination at the Site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii) The results of the site investigation and detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- iv) A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard; and
- v) If required, a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

- b) If during the works any additional suspected contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:
  - i) The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the local planning authority.
  - or
  - ii) Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the local planning authority.

Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.

- c) The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

19. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved BSP Consulting Flood Risk Assessment (FRA) and Drainage Strategy ref. CRM-BSP-ZZ-XX-RP-C-0001-P01\_Flood\_Risk\_Assessment dated 28 May 2021, has been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit any positive discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

20. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted with the Reserved Matters application and shall be implemented in accordance with the approved details before the development is first brought in to use.
21. The Reserved Matters layout shall ensure that there is at least 10% of the gross development area of the site dedicated as Public Open Space within the site, in a detailed scheme to be agreed.
22. No site clearance, preparatory work or development shall take place in any phase until a scheme for the protection of the retained trees in that phase (the tree and hedgerow protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees in the phase shall be carried out as approved for that phase and retained throughout the construction period for that phase.
23. The development hereby permitted shall be carried out in accordance with the mitigation measures and recommendations contained within Chapter 10 (mitigation measures and enhancements) of the submitted Environmental Assessment (October 2021). The reserved matters should follow the principles identified within section 10.7 and 10.8 of the report.
24. No development shall take place before the applicant, their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted

to and approved in writing by the local planning authority. This shall include a scheme of trial trenching. This shall take place prior to any commencement of development at the site. The works shall be implemented in full in accordance with the approved scheme. The results shall be submitted to the local planning authority for their assessment and any mitigation scheme and recommendations implemented prior to the submission of the final Reserved Matters.

25. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall demonstrate that for each of the dwelling types identified in Table 13.17 and Figure 6 of the Environmental Statement dated October 2021 that the acoustic mitigation specified for that dwelling has been installed to the specification identified and that the provision of a 3 m high acoustic barrier, either as an earth bund, acoustic screen or combination of the two has been installed at the location is shown in Figure 13.7 of the Environmental Statement dated October 2021. Where the 3 m earth bund or acoustic barrier cannot be installed at the location indicated, details shall be provided of alternative acoustic mitigation measures to be installed. The alternative measures shall achieve an equivalent noise reduction, to identified acoustic barrier.

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

26. Before commencement of the development hereby approved an assessment of local air quality impact on the development site shall be submitted to and approved in writing by the local planning authority. Any mitigation measures identified as being necessary to protect the dwelling and public open spaces from unacceptable air quality shall be implemented prior to the development being brought into use and shall be maintained thereafter.
27. A Construction Environmental Management Plan (CEMP) considering the factors identified in paragraph 13.6.1 of the Environmental Statement dated October 2021 shall be submitted to and approved in writing the local planning authority. All subsequent construction shall be undertaken in accordance with the approved scheme.
28. Details of the Reserved Matters application shall include provision for the construction of 2 new vehicular accesses from the internal road layout to the boundary with properties at Rushey Cottage and Cauldwell Crossroads Cottage and closure of the existing accesses to Derby Road and Cauldwell Road. They shall also include details of the provision of a connection to the mains foul water sewage to be installed within the development site to the boundary of the site with those two properties. The connection of the accesses and the foul water sewage connection shall be provided and be available for use prior to the occupation of the 200th dwelling on the site.

**Reasons:**

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
4. To ensure that the development takes the form envisaged by the local planning authority when determining the application.
5. In the interests of Highway safety and to ensure that the required transport mitigation for this junction is provided by means of holistic transport solution is achieved which considers the needs of other major developments planned to come forward in the local area
6. In the interests of highway safety and to ensure vulnerable users have access to safer improved sustainable facilities that encourage active travel.
7. In the interest of highway safety.
8. To promote and encourage sustainable & active travel.
9. To promote sustainable travel.
10. To ensure the development is constructed to a satisfactory fit for purpose standard for use of the public and in the interest of safety for all highway users.
11. To ensure that the road infrastructure is maintained to an appropriate standard.
12. The proposed development is likely to affect the existing PRow and this may require diversion at the reserve matters stage of this process to allow the development to proceed.
13. To reduce the possibility of deleterious material being deposited on the public highway, prevent nuisances and in the interests of highway safety.
14. To define the terms of the permission and for the avoidance of doubt.



15. To promote sustainable travel.
16. To promote sustainable travel.
17. To promote sustainable travel.
18. To promote sustainable transport.
19. To protect future occupiers of the development from unacceptable land contamination risk in accordance with NPPF, paragraphs 183 & 184. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan the development process could result in the spread of contamination and a risk to public health.
20. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
21. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
22. To provide adequate facilities for the occupants of the development and to meet the requirements of policy HG6 of the Ashfield Local Plan Review 2002.
23. In the interests of arboriculture.
24. To ensure adequate opportunity is provided for archaeological research on this historically important site to comply with paragraphs 199 to 203 of the NPPF.
25. To protect the aural amenity of future occupiers of the dwellings
26. To protect the development from unacceptable air quality impacts
27. To protect against the deposition of materials from the site including the protecting the aural and olfactory amenity of existing dwellings in the vicinity of the site.

28. To provide highway improvements for the residents of the nearby developments, and to secure planning gain through the provision of access to a public mains sewer system.

### **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. The Local Lead Flood Authority ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. They will provide you with bespoke comments within 21 days of receiving a formal consultation.
3. In order to carry out required amendments to the existing site access you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control North by emailing [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) in the first instance. All associated costs will be borne by the applicant.
4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
5. 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.
6. Severn Trent Water normally that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed buildings.

7. Any lighting strategy devised at Reserved Matters stage should be designed in accordance with current 'Institution of Lighting Professionals' guidelines to ensure there is no harmful light spill from external lighting to avoid negatively affecting bats or any other nocturnal wildlife. Information in relation to sensitive lighting can be found here: <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>
8. This decision should be read in conjunction with the Section 106 legal undertaking provided by the applicant associated with this development.
9. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the NCC's current highway design guidance and specification for roadworks.
10. To carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. To undertake the works, which must comply with the NCC's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the HA as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Contact [hdc.north@nottsc.co.uk](mailto:hdc.north@nottsc.co.uk) 0115 804 00 22.
11. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA about compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.  
Please note, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the HA until technical approval of the Section 278-38 Agreement is issued. It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the NCC in writing before any work commences on site. Contact [hdc.north@nottsc.co.uk](mailto:hdc.north@nottsc.co.uk) 0115 804 00 22.
12. The applicant should note that any areas over the normal minimum, intended for adoption will require the payment of a commuted sum for future maintenance. (i.e., additional areas exceeding usual highway design requirements, additional street furniture, landscaping, Sustainable Drainage

Systems, retaining walls, bollards, and materials outside usual specification). The applicant is strongly advised to hold discussions with the HA as soon as possible to agree sums, ownership, and responsibility for perpetuity.

13. The applicant will be expected to consider the needs of people with impaired mobility when considering the longitudinal design of streets. Gradients greater than 1 in 20, will only be accepted over short lengths, in exceptional circumstances where cut & fill is not possible to achieve gradients to aid walking/cycling.
14. The proposed development may require the stopping up/diversion of the public adopted highway under the TCPA & GIA. The grant of planning permission for this development does not authorise the obstruction or the stopping up/diversion of the public highway and an unlawful obstruction to the public highway is a criminal offence and may result in the obstructing development being removed. A separate application for a Stopping Up Order will be required. This process is separate to the planning process and may take several months before the Order is secured. The applicant is advised to make an application as soon as possible and should contact the Dept of Transport Office & National Transport Casework Team. Please see

[https://www.planningportal.co.uk/info/200187/your\\_responsibilities/40/other\\_permissions\\_you\\_may\\_require/14](https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14)

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

15. The application for the traffic regulation speed limit order along Cauldwell Road is to be submitted to VIA East Midlands. This is a separate legal process, and the applicant should contact [businessdevelopment@viaem.co.uk](mailto:businessdevelopment@viaem.co.uk) for further details.
16. Other useful contacts- Transport & Travel Services & bus stops [transport.facilities@nottsc.gov.uk](mailto:transport.facilities@nottsc.gov.uk); [PTDC@nottsc.gov.uk](mailto:PTDC@nottsc.gov.uk) Travel Plans [transport.planning@nottsc.gov.uk](mailto:transport.planning@nottsc.gov.uk) Street lighting design/relocation of existing streetlights [antonio.biondi@viaem.co.uk](mailto:antonio.biondi@viaem.co.uk)
17. Planning consent is not agreement to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to ensure all necessary licences and permissions are in place.
18. NCC's Developer Contributions Strategy states that where the developments cumulative impact on the transport network that cannot be mitigated by an individual development, financial contributions may be pooled towards strategic improvement schemes, as identified in the Local Plan. This site is identified as contributing towards the overall growth and associated cumulative impact.

Appendix A of the Mansfield Infrastructure Delivery Plan (IDP) identifies several junctions that are anticipated to be at, or above, capacity by the end of the plan period based on the combined impact of local plan growth, together with an estimated cost of upgrading the capacity of each junction. This will also apply to the Ashfield area although their LP process is still not finalised or adopted. The IDP requires the funding to be delivered through Planning Obligations and therefore NCC has identified a pro-rata cost of £1,498 per dwelling towards delivering these works, based on the forecast growth during the plan period. The contribution is necessary to mitigate the cumulative impact that the development would have on the local transport network and is proportionate to the size of development proposed (i.e., number of dwellings). The contribution will be used to deliver schemes within the locality, based on the geographical groupings set out in Appendix A of the IDP and is therefore directly related to the development. Please note that the contribution is not intended to mitigate localised impacts identified in the Transport Assessment that will be prepared in support of the planning application. Localised improvements will be subject to separate conditions and/or obligations as agreed with the NCC Highways Development Management-Control team.

19. There is an expectation that the revised public highway scheme along Cauldwell Lane will be designed to incorporate a separate footpath/cycleway verge of the appropriate width, including the provision of appropriately located street trees outside of the visibility splays of the two new vehicular accesses into the site.

This page is intentionally left blank



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1:** 1250  
**CREATED DATE:** 13/01/2023



**COMMITTEE DATE**    22/03/2023                      **WARD**            Sutton Central and  
New Cross

**APP REF**                      V/2022/0852

**APPLICANT**                Ashfield District Council

**PROPOSAL**                Public Realm Improvements to Portland Square and  
Change of Use to Land Off Fox Street into a New Public  
Car Park.

**LOCATION**                    Land At Portland Square & Fox Street / Low Street,  
Sutton in Ashfield, Notts.

**WEB-LINK**                    <https://www.google.com/maps/place/Fox+St,+Sutton-in-Ashfield/@53.1257276,-1.2612965,202m/data=!3m1!1e3!4m5!3m4!1s0x48799680325cb5f9:0x2714c8ca667c5fde!8m2!3d53.1262944!4d-1.260979>

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

**App Registered:** 22/11/2022                      **Expiry Date:** 16/01/2023

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

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

### **The Application**

This is an application to redevelop two areas within Sutton in Ashfield's Town Centre. The first area is a parcel of land off Fox Street which was previously occupied by the former Conservative Club building which was demolished in circa 2013. It is proposed to develop this area into a multi-function space, although its primary use would be for car parking to provide residents with in-town parking.

The River Idle runs along this sites eastern boundary and is currently culverted. The project seeks to open-up a section of the river to provide seating and an attractive walkway through into the main town centre square (Portland Square).

Portland Square is to also be redeveloped as part of this proposal, providing a level access surfacing across the area to ensure it is accessible by all members of the community. New tree planting and areas of outdoor seating are also proposed as part of the development to create a contemporary area of public realm.



Both projects form part of the Council's programme of works associated with the Towns Fund.

### **Consultations**

A site notice has been posted together with individual notifications to nearby properties, in addition to a notice being published in the local press.

The following responses have been received:

#### **ADC Environmental Health:**

- No comments to offer.

#### **ADC Planning Policy:**

- Portland Square is the main civic space within the town centre which is used for events. It is acknowledged it is in need of refurbishment to create a high-quality public space.
- Fox Street is identified in the Sutton Town Centre Masterplan as being a key development opportunity to improve pedestrian links.
- The Sutton Town Centre Masterplan contains 7 broad principles, one of which is to 'improve the quality of the public realm'.
- Replacement planting should be done where existing trees are lost.
- Opening of the watercourse provides opportunity to enhance existing, and create new habitats.
- Look for opportunities to promote walking, cycling and public transport.
- Surface water flooding would require mitigation.

#### **ADC Tree Officer:**

- No objections to the proposal on arboricultural grounds.
- Site has been discussed on multiple occasions with the applicant and can confirm that the arboricultural information supplied is as required and is fully acceptable.

## **ADC Licensing**

- The removal/amendments to the Taxi rank spaces will need to be put to the Licensing Committee and Hackney Carriage Trade for consultation following any planning decision.
- Whilst the proposal slightly amends the existing Taxi rank provision, the amended taxi rank will still be catered for under this proposal.

## **Health and Safety Executive:**

- The development does not intersect a pipeline or hazard zone.
- HSE Planning Advice does not have an interest in the development.

## **Local Lead Flood Authority:**

- No bespoke comments to make. General informatives advised.

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

- No objections – No public rights of way are affected.

## **Nottinghamshire County Council Highways:**

### Comments dated 23/02/2023:

- Mitigation measures for tree loss should be agreed with the Forestry team.
- Access to the car park from Fox Street would confuse drivers and pedestrians regarding priority of access. Blister tiles and different colour block paving should therefore be removed.
- Access should remain as existing in terms of visual design to ensure priority of pedestrians along the footway.
- HGV vehicle tracking from Fox Street seems tight and would need to be reassessed as part of the Construction Method Statement.
- The existing TRO for taxi ranks is proposed to be amended with some being removed.
- Further details required relating to surface water drainage. A condition would be suitable.
- The uploaded Design and Access Statement from November 2022 is missing pages and the text quality is hard to read.

- The relocated market requires the new car park to be closed on the town centres busiest days (i.e. market days). Keeping the market on Portland Square would allow visitors to benefit from off-street parking off Fox Street.

### **Policy**

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

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

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

ST1 – Development.

ST2 – Main Urban Area.

SH1 – District Shopping Centre.

EV8 – Trees and Woodland.

TR2 – Cycling Provision in New Development.

TR3 – Pedestrians and People with Limited Mobility.

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

Part 2 – Achieving sustainable development.

Part 6 – Building a strong, competitive economy.

Part 7 – Ensuring the vitality of town centres.

Part 8 – Promoting healthy and safe communities.

Part 9 – Promoting sustainable transport.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Part 14 – Meeting the challenge of climate change.

Part 16 – Conserving and enhancing the historic environment.

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

**Sutton in Ashfield Town Centre Spatial Masterplan (2019).**

**Relevant Planning History**

Portland Square:

**V/1994/0132** - Two Telephone Kiosks - Telecom Prior Notification - Unconditional Consent.

**V/1994/0426** - Two New Telephone Kiosks - Telecom Prior Notification - Unconditional Consent.

**V/1998/0374** - Erection of Telephone Call Box - Telecom Prior Notification - Unconditional Consent.

**V/2014/0667** - Change of Use From Public Open Space to an Outdoor Market, with Electrical Supply for up to 30 'Pop-up' Stalls - FULCC.

**V/2022/0855** - Works To Trees Within a Conservation Area - Prune Away from the Road - TCA - Unconditional Consent.

Fox Street:

**V/1977/0015** - Site for shopping and commercial with associated service areas and car parking - Conditional Consent.

**V/1977/0571** - Site for ground floor and first floor alterations and extensions - Conditional Consent.

**V/1980/0993** - Alterations & extensions to club - Conditional Consent.

**V/1985/0498** - Site for retail store (20,000 square feet) - Conditional Consent.

**V/2013/0228** - Demolition of Existing Conservative Club Building - FULCC.

**Material Considerations:**

- Visual Amenity.
- Residential Amenity.
- Public Realm and Communities.
- Highway Safety & Transport.
- Natural Environment.

- Historic Environment.
- Other.

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

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

### **Visual Amenity:**

Portland Square currently displays a 'tired' and outdated area of public realm, with the current expanse of hardstanding across the square dating back to the early-mid 1990's, which does little to engage communities outside of planned events.

Similarly the former Conservative Club site on Fox Street (herein referred to as 'Fox Street') has remained vacant, overgrown and enclosed for around 10 years, which in itself has resulted in a negative impact upon the character of the street scene.

To the North of the application sites is Asda Supermarket, one of the largest draws to the town centre with good parking. It is intended to capitalise on this to encourage further use and footfall within the town centre.

The proposal seeks to create a contemporary area of public realm to directly connect a number of primary and secondary routes in and around the town centre, utilising concrete raised planters to function as directional markers and introducing natural green elements through grass, wild flower, hedgerow and tree planting in areas where green infrastructure is currently lacking, which will enhance the visual aesthetics of the area and also improve levels of biodiversity.

The Fox Street site will also be opened up. The current brick boundary wall along Fox Street will be removed, as will the wall between the site and Asda, and new copper beech hedgerow planted along this boundary. Eight 'small leaved' lime trees are to also be planted along Fox Street and the walkway along the River Idle to further enhance the street scene. The River Idle along the eastern site boundary of

the Fox Street site is to be opened up to provide visual interest to the area and enhance biodiversity, with a new 1.24m high railing and benches proposed to be installed along the River.

One of the key aspirations of the Sutton Town Centre Masterplan is to strengthen connections across the town centre by linking key destinations to promoting activity. A number of overarching principles were identified to help achieve this vision.

The character and identity of an area can be enhanced by reinforcing patterns of development, utilising natural feature such as watercourses, trees and landscaping to create a sense of place.

Improvements to the quality of public realm and legible routes through the town centre can be achieved by providing safe, secure and accessible environments that area well-lit and meet the needs of all users of communities (such as mobility scooters, wheelchairs, pushchairs etc, for example) to create healthy and social environments which encourages activity along lively and pleasant routes to connect key activity nodes.

Town centres also need to be adaptable and responsive to change, including flexible use areas to support a variety of uses.

The proposal would meet these masterplan principles by providing a pedestrian focused space which is located at the convergence of several key routes (Forest Street, Outram Street and Low Street) through the town centres retail area.

The choice of surfacing, utilising a differentiation of materials will create clear legible routes and areas through the town centre. A material mix of various shades of grey will identify different areas and routes within the town centre. The use of raised landscaped planter will also help to guide pedestrians through this space, with trees also being utilised to frame key destinations and routes.

The topography of Portland Square will be amended to remove the existing stepped areas and provide a levelled area (with a gradual gradient) to ensure the area is accessible by all users, with places to stop, sit and rest if required.

Overall it is considered that the proposal would create attractive areas of public realm which would meet the masterplan principles of improving the quality of public realm, promoting an ease of movement, improving legibility and maintaining and improving diversity through mixed use spaces.

### **Residential Amenity:**

It is acknowledged that there may be residential properties within the vicinity of the works, such as above retail premises which may overlook the application site for example. In such circumstances some disruption may be experienced by residents throughout the duration of any works, however this would only be in the short term and would not warrant a refusal of the application on this basis. Overall it is

considered that the development would not cause any significant harm to the living conditions of any nearby residents.

### **Public Realm and Communities:**

The National Planning Policy Framework (NPPF) identifies that the planning system should seek to provide social and recreational facilities for communities to promote social interaction and facilitate different members of the community meeting. The development will create new multi-function spaces and provide an opportunity for different members of the community to come together in an area of public realm where retail meets recreation/leisure, thus promoting social interaction.

The NPPF (2021) also highlights how the planning process should provide safe and accessible developments so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

The proposed development will use different types of lighting to ensure all areas are well lit to discourage anti-social behaviour. This will include spotlights within trees, lighting built into the planter beds and street lights around the border of the planting, car park and along pedestrian routes. These contribute towards an attractive and well-designed area of public realm, utilising clear, well lit and legible pedestrian routes.

In addition, the raised planters will be fitted with RGB up-lighting which is capable of utilising a variety of colour options, allowing the Council/event organisers to hold themed events and utilise them in interactive play/trim trials. The natural play elements seek to engage younger generations and diversify activities within the town centre.

Around the planters will be seating at various heights and of different designs to accommodate various needs within the community. A 'shading' study has been undertaken which highlights how the seating within Portland Square can be utilised at various times of day at different times of year to ensure a reasonable mix of sun and shaded areas. CCTV will also be relocated to maximise coverage within/along the open areas and pedestrian routes.

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

The development aims to deliver a pedestrian focused area of public realm, providing clear, safe and legible pedestrian routes. Although Portland Square would provide priority to pedestrians provision has been made for vehicles to access parts of this area on an ad-hoc basis. For example access is retained for a mobile bank van to access Natwest Bank, and a refuse vehicle can 'loop' around the square should this be required, and vehicle tracking plans have been provided accordingly.

Access to Portland Square is also available for mobile catering units should these be required.

A total of 41 car parking spaces are to be provided on the site off Fox Street, 3 of these spaces are to be allocated to those with a disability (1 of which is also proposed to 'double-up' as an Electric Vehicle (EV) parking space), and 3 motorcycle spaces are to be provided. A ticket machine to be installed in the car park.

The access to this car park from Fox Street is to remain as existing (although the current access gate is to be removed). The continuation of the footway along the sites frontage will ensure priority to pedestrians and avoid confusion between pedestrians and motorists as to who has priority. This has been requested by the Highway Authority following their internal consultation with Highway Safety and Casualty Reduction specialists at the County Council. Therefore there would be continuity between the material palette of Fox Street and Portland Square to help physically and visually link both areas.

In order to provide the new car park, to ensure there is sufficient manoeuvring space for vehicles to enter and leave the site via the existing access, a total of 4 taxi bays along Fox Street would need to be removed.

The Council's Licensing Team have been consulted on the proposed removal of the 4 bays who raise no objections to their loss, and they acknowledge that provision to retain the taxi rank along Fox Street has been accommodated, recognising the benefits of the redevelopment. It is also understood that the Council's Place and Wellbeing Team discussed the proposal with some of the taxi drivers who use Fox Street. The results from these discussions showed a preference to retain the taxi rank bays on Fox Street (with the loss of 4 bays) as opposed to moving the rank bays in to the proposed Fox Street car park.

Vehicle tracking has been provided for HGV's turning in to the Fox Street site, although further information is required in the form of a Construction Method Statement to identify any temporary measures etc which may need to be implemented during construction to adequately protect other users of the highway and pedestrians etc.

On market days these will be held on the new Fox Street car park (with space available for up to 32 market stalls), and the car park would be closed for general vehicle use on these days. A series of drop bollards at the entrance to the site will be utilised to prevent vehicle access. Stallholders will be able to park up against their stall and be able to easily unload and pack away.

It has been identified within the submitted information that it is the intention to install cycle hoops, but limited details of what this would consist of/where these will be implemented on site have been forthcoming, however it is considered that these details can be secured by way of a condition.



## **Natural Environment:**

A number of trees on site, which fall within the adopted highway extent, are proposed for removal as part of this application. A total of 6 trees are proposed to be removed, comprising of Cherry, Hazel and Lime. 4 of these trees have been identified as Category C trees (low quality trees), with the remaining 2 identified as Category B trees (moderate quality trees).

The submitted 'Arboricultural Report' considers that the cherry trees are an inappropriate species for their location in the long term due to their specific characteristics such as wide spread, raised surface roots and being sensitive to soil compacting. The removal of one of the lime trees will allow a retained lime tree to develop a larger and more symmetrical growth to increase its amenity value.

To off-set this loss a total of 16 trees are proposed to be planted, x8 'small leaved' lime trees at the Fox Street site around the car park/along the river walkway, and x4 'small leaved' lime tree and x4 'common birch' trees are to be planted within Portland Square. A new copper beech hedgerow is to be planted along the north-east boundary of the Fox Street site, in addition to a 'wildflower mix' being planted along the length of the re-opened riverbank.

The small leaved lime trees have been selected for use around the car park/square areas, and are regularly used in more urban areas due to them being durable and tolerant of urban environments. They also do not produce as much sap/ honey dew as common or European lime trees.

A portion of the River Idle is to be opened-up to expose the watercourse which is currently culverted. These measures in combination with one another are considered to represent an enhancement to the town centres green offering, enhancing levels of biodiversity.

The submitted information has been assessed by the Council' Tree Officer who considers that the arboricultural details supplied to support this application are acceptable, and therefore has no objections to the proposal on arboricultural grounds.

Discussions are ongoing between the applicant and the Forestry Team at Nottinghamshire County Council with regards to whether it is appropriate to remove all the proposed trees. However whether or not the County Council as the landowner would allow the District Council to remove the trees or not, this would be a separate matter which would fall outside of the planning process, and would not in its own right prevent this application from being determined.

Nevertheless a 'CAVAT (Capital Asset Value for Amenity Trees) Assessment' has been submitted to support the application. A CAVAT Assessment is a tool used to value amenity trees as public asset. The new trees, which will be planted in tree pits with an irrigation and aeration system, once established are considered to double the

CAVAT value of the existing highway trees which are to be lost through this development.

### **Historic Environment:**

The proposed works at Portland Square are approximately 95m to the north-east of the Sutton in Ashfield Church and Market Place Conservation Area. In addition there are a number of Non-designated heritage assets which have been identified around Portland Square and within the wider vicinity. The closest Listed building is located some 200+m away from the site to the north-west.

Given the location of the sites and their proximity to nearby heritage assets, in addition to there being limited intervisibility, it is considered that the proposal will not have any detrimental harm to the setting and/or significance of any nearby heritage assets.

### **Other:**

#### Drainage:

Surface water drainage at Portland Square is currently collected via the use of gullies and channel drains which are discharged directly into existing public storm water sewers. The proposed drainage strategy is to collect storm water flows via the use of gullies and channel drains, convey them to attenuation tanks / bio-retention systems to store excess run-off, and discharge the flows into the existing public drainage systems at a controlled rate.

Soakaways are proposed to be used for surface water drainage at Fox Street following infiltration testing. The drainage strategy is to collect all overland flows from the site into gullies and channel drains and allow the flows to discharge into the ground via the use of a soakaway.

### **Conclusion:**

The current area of public realm on Portland Square dates from the early-mid 1990's, with the Fox Street site having stood vacant and overgrown for the past 10 years (approx.).

The proposal seeks to create a contemporary area of pedestrian focused public realm to directly connect a number of primary and secondary routes in and around the town centre, utilising concrete raised planters to function as directional markers and introducing natural green elements through grass, wild flower, hedgerow and tree planting in areas where green infrastructure is currently lacking, which will enhance the visual aesthetics of the area and also improve levels of biodiversity.

The River Idle along the eastern site boundary of the Fox Street site is to be opened up, with a new 1.24m high railing and benches proposed to be installed along the River.

The choice of surfacing, utilising a differentiation of materials will create clear legible routes and areas through the town centre, with trees also being utilised to frame key destinations and routes.

It is considered that the proposal would create attractive areas of public realm which would meet the masterplan principles of improving the quality of public realm, promoting an ease of movement, improving legibility and maintaining and improving diversity through mixed use spaces.

The proposed development will use different types of lighting to ensure all areas are well lit to discourage anti-social behaviour. CCTV will also be relocated to maximise coverage within/along the open areas and pedestrian routes. These contribute towards an attractive and well-designed area of public realm, utilising clear, well lit and legible pedestrian routes.

A total of 41 car parking spaces are to be provided on the site off Fox Street, 3 of these spaces are to be used by those with a disability (1 of which is also proposed to 'double-up' as an Electric Vehicle (EV) parking space), and 3 motorcycle spaces are to be provided.

Although 6 trees have been earmarked for removal, a total of 16 trees are proposed to be planted across the two sites.

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

**Recommendation: Grant planning permission, subject to the below conditions:**

## **CONDITIONS**

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
  - Site Location Plan, Drawing No.(08)PF002 Rev.A, Received 21/11/2022.
  - Proposed Site Layout Plan, Drawing No.73.1210.8-(08)PF001 Rev.G, Received 13/02/2023.
  - Proposed Site Layout Plan (Portland Square), Drawing No.73.1210.8-(08)PS001 Rev.G, Received 13/02/2023.

- Proposed Site Layout Plan (Fox Street), Drawing No.73.1210.8-(08)FS003 Rev.K, Received 09/03/2023.
- Proposed Drainage Details (Portland Square), Drawing No.9381-GCA-XX-XX-DR-C-501 Rev.A, Received 21/11/2022.

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. The development shall be undertaken in accordance with the schedule of materials as, outlined under Option B, contained within the submitted 'Supplementary Design Information' document, Dated 09/02/2023.
4. All planting, seeding or turfing indicated on the hereby approved drawings shall be carried out in the first planting and seeding season(s) following the site being brought in to use 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 a similar size and species.
5. Prior to the hereby approved development being brought in to use, 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.
6. Prior to the hereby approved development being brought in to use drainage plans for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be undertaken in accordance with these details.
7. No part of the development hereby permitted shall be brought into use until the new access off Fox Street is constructed with provision to prevent the discharge of surface water from the access area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Elements to be identified within the Construction Method Statement include but are not limited to; possible temporary junction alterations, protection to pedestrians (including pedestrian footways), site clearance, construction periods and lorry/HGV routing/manoeuvring.

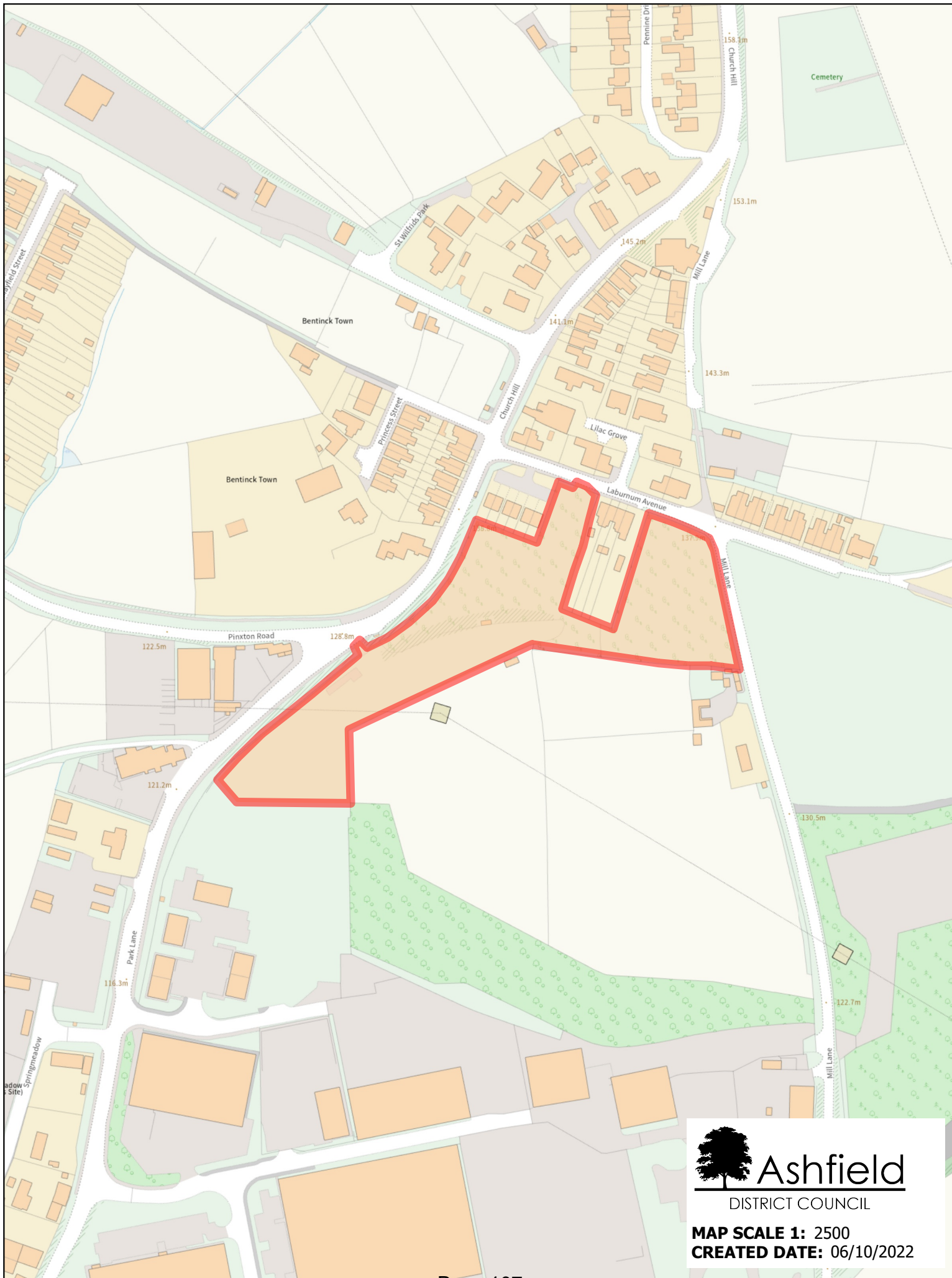
## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
5. To promote sustainable modes of travel and an alternative to car ownership.
6. 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.
7. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
8. In the interest of general highway safety.

## **INFORMATIVES**

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. No consent is granted or implied for any adverts which may require separate advertisement consent.
3. The development should not increase flood risk to existing properties or put the development at risk of flooding.
4. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

5. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
6. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 2500**  
**CREATED DATE: 06/10/2022**

**COMMITTEE DATE** 22/03/2023                      **WARD** Kirkby Cross and Portland

**APP REF** V/2020/0627

**APPLICANT** Nasims Ltd

**PROPOSAL** 38 No. New Dwellings with Associated Infrastructure, Public Open Space and Landscaping

**LOCATION** Land off, Laburnum Avenue, Kirkby in Ashfield, Nottingham

**WEB LINK**  
<https://www.google.com/maps/place/Laburnum+Ave,+Kirkby+in+Ashfield,+Nottingham/@53.093287,-1.2726246,339m/data=!3m1!1e3!4m6!3m5!1s0x4879944ff6273c7b:0x46b574ed2d266d0c!8m2!3d53.0937203!4d-1.2658493!16s%2Fg%2F1td64v6s>

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

**App Registered** 24/09/2020                      **Expiry Date** 24/12/2020

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

***This application has been referred to Planning Committee by Councillor Williamson on the grounds of Highways Safety.***

**Site Description.**

The application site which extends for about 1.5 hectares, is located on the urban fringe of Kirkby in Ashfield in an area of Countryside between the main built-up area to the north, the re-developed Bentinck Colliery to the south and the developed frontage of Park Lane to the west. To the east is Mill Lane and, beyond, farmland which is part of the designated Green Belt.

All boundaries of the site are marked by a mix of fences and hedgerows apart from along Laburnum Avenue where there are some open areas.

The site slopes gently down from Laburnum Avenue towards the south. The site is currently a grassed field with some trees within the site. There is an area of hardstanding in the south-west corner of the site close to an existing access into the



site from Park Lane, this was carried out when the planning application for the Traveller's site was partially implemented following the appeal decision in 2012 and is to be retained to be used to serve the Traveller's site.

### **Planning Application**

The application, as submitted, sought planning approval for 48 dwellings with associated landscaping and public open space on the site, served by a single access from Mill Lane to the east. This was subsequently amended to 38 dwellings because the land in the south-west corner of the site had gained planning consent for a Traveller's site which had been partially implemented.

The application, as amended, is a mix of two and three bedroomed houses of two storeys, having pitched roofs. Eight of these would front Laburnum Avenue, four would front Mill Lane and the remainder would be within the application site.

The drawings submitted in support of the application show that a larger area of Public Open Space (POS) would be provided between the Traveller's site and plot 38 in the south-west of the site and a much smaller area of POS is proposed between the site boundary and the main access road into the site along the south boundary.

### **Consultations**

Site Notices have been posted together with individual notification of surrounding residents. Further consultations have also been carried out in respect of amended drawings.

### **Initial neighbour consultation responses.**

Ten letters of objection from neighbours were received which set out the following comments:

- There would be a loss of landscape and attractive scenery.
- There would be a loss of wildlife and protected species.
- Extra traffic would cause congestion and a build-up of vehicles around the site.
- There would be a detrimental impact on highways safety with extra cars being a danger to pedestrians.
- Mill Lane is already a dangerous road having a blind corner adjacent to the application site with cars driving too fast.
- Mill Lane is too narrow to deal with the extra traffic and traffic surveys along here should be done during the rush hours.
- The new access into the development would be hazardous and increase the probability of accidents.

- Noise and air pollution would result from extra vehicles.
- It would be a chaotic environment for both vehicles and pedestrians.
- Car headlights would shine into the windows of existing residents.
- Laburnum Avenue is already heavily used for on street parking and this application would make it worse.
- The development would overshadow existing houses and result in a loss of natural light.
- There would be a significant loss of privacy affecting existing houses on South View to the northwest of the application site which only have small rear gardens. The high wall proposed here would block light.
- There would be direct views into windows of South View.
- This is a cramped development; too many houses on a small site.
- Private rear gardens would be overshadowed by the development.
- The wooden fencing proposed along the boundary with 'The Stables' to the south would not be strong enough to protect livestock and there should be a hedgerow planted to strengthen the boundary.
- Water and electricity supplies to 'The Stables' run through the application site.
- It would be much better to develop on other 'brown field' sites.
- This development would result in visual and environmental pollution.
- The local infrastructure including doctors' surgeries and dentists would not be able to absorb the extra pressure created by this development.
- Noise and disturbance during construction works would affect existing residents.
- The surrounding roads flood frequently during heavy rain.

Two letters of objection were received from a neighbour living adjacent to the site raising the following reasons:

- This application does not conform to normal planning considerations.
- Traffic congestion would make the busy nearby junction at Laburnum Avenue much worse.
- Many heavy vehicles use this road and it is used as a 'rat run'.
- The new site entrance would result in a loss of existing on-street car parking spaces.
- It would be difficult to widen the road close to the new entrance.
- Noise from heavy traffic.
- The developer has not looked at the impact on the local community.
- The houses are sited too close to fence lines.
- It would not be possible to maintain the garden boundary fence because there would be no gap. The gap here should be 1 metre.
- There would be a loss of light and privacy affecting the rear of the house and garden at 2, Laburnum Avenue.
- The entrance to the Travellers site is too close to the nearby road junction.

## **2<sup>nd</sup> consultation responses.**

A further 23 letters have been received from local residents objecting to the amended layout. The existing objections are claimed to remain but there are the following additional representations:

- The development is still too big.
- There is no change from the original scheme and all earlier objections stand.
- The houses should be further away from existing houses.
- Plot 25 should be removed.
- The roads will not be able to cope with the additional traffic. Between 2,000 and 3,600 cars already use Mill Lane each day.
- There would be an escalated risk to pedestrians as there are already frequent accidents.
- It would be better to find an alternative site as there are too many houses on a small site.
- There would be a detrimental impact on local wildlife.
- The services to an adjoining property run beneath plots 8, 9, 10, 15 and 16.

A further 17 letters of objection have been received from the neighbour who wrote twice on the original scheme he maintains and repeats his former objections but also has the following additional comments:

- There are no changes to the plans so all former objections remain in place.
- The access is dangerous and will lead to accidents.
- There could be possible future disputes about boundaries because of the inability to maintain boundaries.
- Parked vehicles could damage existing fencing.
- Plots 1 to 4 should be reduced in height and be converted to bungalows.
- The amended plans show plots 3 and 4 being re-located to mitigate against overlooking and loss of natural light. These amendments have not resolved the issues and the application is still unacceptable resulting in overlooking and a loss of light to the rear of the house and garden.

## **ADC Environmental Health.**

A condition is required setting out dust mitigation measures and site operation hours during building works which should be 08.00 18.00 hours Monday to Friday and 08.30 to 13.00 hours on Saturday with no working during Sundays and Bank Holidays.

A further condition dealing with possible land contamination is suggested and this would require the submission of a remediation scheme to deal with potential ground contamination found during building works.

## **ADC Landscaping.**

Details of the landscape treatment of the larger of the two areas of Public Open Space (POS) need to be submitted which can be controlled by a condition. Due to the close proximity of the Mayfield Street play area, there is no need to install any play equipment on the POS. However, a financial contribution of £141,000 is required for improvements to Mayfield Street POS, which would include a maintenance payment of £52,875 spread over a 15 year period at £3,525 per year.

A condition should be attached providing details of tree protection during building works.

### **NCC Planning Policy.**

With respect to financial planning obligations, there is a predicted surplus of primary and secondary school places so this application would not attract a financial contribution to provide extra school places.

A contribution of £14,500 is required to provide a real time display at a nearby bus stop, at stop AS0031.

### **NCC Area Health Authority.**

Due to the increase in population in the locality caused by the proposed development, a financial contribution of £25,468 is required to enhance the capacity/infrastructure of either Kirkby Community Primary Care Centre, Kirkby Family Medical Centre or Lowmoor Road Surgery.

### **Highways Authority.**

The Highways Authority have no objection to the application, as amended, and have set out nine conditions which should be attached to any planning consent. Initial concerns were expressed about the parking density of plots 1 to 4 but these were not significant enough to merit resisting the application.

The nine conditions would control the following issues:

- Full technical details of the proposed roads including cross sections.
- Frontage improvements along Mill Lane and Laburnum Avenue including a forward visibility splay of 47 metres for the bend and a 2 metre wide footway.
- A 2 metre wide connection to the bus stop on Park lane (B6018).
- All drives to be surfaces in a bonded material; loose gravel would not be acceptable.
- All access drives and parking areas to be able to prevent discharge of surface water.
- The two closest bus stops on Park Lane to be upgraded.
- Details of proposed street management, including drainage, to be submitted.

- A 30mph scheme to be implemented on Mill Lane.
- A Construction Method Statement to be submitted.

### **Notts Wildlife Trust.**

It is recommended that no development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the LPA. This will ensure that the biodiversity on the site would not be harmed during construction work. Precautionary measures of work should be taken to ensure that protected species are not compromised.

It is understood that an invasive species is present on the site, Field Horsetail, in this instance, and a non-native species protocol needs to be submitted to control its removal

Under the NPPF 2019, all development is required to ensure a biodiversity net gain and Notts Wildlife Trust wish to ensure this is achieved. It is therefore recommended that a 10m deep landscaped buffer zone be introduced along the southern boundary, all vegetation clearance should be timed to avoid the main bird breeding season of March to September, hedgerows should be retained where possible to help support wildlife and bird, bat boxes and hedgehog runs should be incorporated into the development.

### **Natural England.**

No objections or comments.

### **Local Lead Flood Team.**

No objections or comments have been lodged with the Council but a condition is required controlling the submission and implementation of a detailed scheme for surface water drainage.

### **Environment Agency.**

There is no objection to the application but the Agency draw attention to the distance between the application site and the Bentinck Generating site which thermally treats waste derived fuel to create a suitable gaseous fuel. The proposed development would not breach the air impact assessment at the generating site.

### **Severn Trent Water**

Advice was provided regarding public sewer connections and an informative/advisory note is required dealing with this issue. There were no other comments or objections.

## **Relevant Planning History.**

V/20009/0625 - Change of Use of Land to Traveller Site for Eight Plots with Associated Development (Hardstanding, Utility Blocks, Shared Bio Disc Treatment Plant, Fencing and Children's Play Area) Granted on appeal 20 March 2012

Adjacent site V/2015/0066 - Land corner of Laburnum Avenue and Park Lane, Kirkby in Ashfield. Outline application for residential development. Allowed on appeal. The Inspector concluded the site represented a sustainable location for new development. It is located on the edge of the settlement and future residents would have good access to the existing local services. It would make efficient and effective use of the land and given that the Council were unable to demonstrate a five-year supply of housing land he afforded these matters considerable weight. Subsequently 6 dwellings were approved and constructed

## **Policy**

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

Applications for planning permission must be determined in accordance with national planning policy guidance and the local development plan unless material considerations indicate otherwise.

## **National Planning Policy Framework.**

The relevant sections of the National Planning Policy Framework (NPPF) are:

- Part 2 Presumption in favour of sustainable development.
- 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 Spaces.
- Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change.

## **Ashfield Local Plan Review (ALPR) 2002 (saved policies).**

- ST1 Development.
- ST4 Remainder of the District.
- EV2 Countryside.
- EV6 Sites of Importance for Nature Conservation.
- EV8 Trees and Woodland.
- EM1 Employment Land Allocations.

- EM4 Protection of Employment Allocations.
- HG3 Housing Density.
- HG4 Affordable Housing.
- HG5 New Residential Development.
- HG6 Open Space in Residential Development.
- TR2 Cycling Provision in New Development.
- TR3 Pedestrians and People with Limited Mobility.
- TR6 Developer Contributions to Transport Improvements.

### **Material Considerations:**

- Principle of Development
- Layout and Design.
- Residents' Amenity
- Sustainability.
- Highways Safety.
- Contamination, Noise Impact and Air Quality.
- Landscape and Public Open Space.
- Ecology and Biodiversity.
- Drainage and Flood Risk Assessment.
- Developer Contributions.
- Planning Balance

### **Principle of Development.**

Most of the application site lies within land allocated as Countryside. ALPR policy EV2 sets out appropriate development in Countryside and residential development is not included on this list.

A small part of the site in the south-west corner is allocated for Employment under ALPR policy EM1, however, this part of the site forms part of the approved Traveller's site.

### **Housing Supply.**

Paragraph 60 of the NPPF sets out the Government's objective to significantly boost the supply of homes. Paragraph 74 requires Local Planning Authorities (LPA) to identify a minimum of five year's supply of housing against the local housing requirement allowing for a buffer varying between 5% and 20% dependent on the LPAs circumstances.

Based on the Housing Land Monitoring Report 31.3.2021 and applying a 20% buffer, Ashfield Council has a 2.25 year housing land supply which is well below the 5 year requirement. There is, therefore, a serious and immediate need for more housing to be delivered in the District.

In accordance with paragraph 11 of the NPPF, the tilted balance is, therefore, engaged. Accordingly, planning permission should be granted unless any adverse impacts of doing so would significantly outweigh the benefits of the scheme as a whole.

#### Tilted Balance.

The application site which is vacant land, lies at the edge of a sustainable main urban area. The NPPF confirms that planning policies and decisions should give substantial weight to the value of using sustainable sites for homes and other identified needs. Therefore, there is an emphasis on surplus and vacant land being used for a productive purpose.

This site represents an opportunity to deliver 38 new housing units in a sustainable and accessible location. Whilst this is a modest amount, the proposal will nonetheless help to address the significant under-provision of housing within the District. The principle of developing the site for housing is, therefore, acceptable but is required to be balanced against all other material considerations to ensure that the development provides an acceptable, sustainable development.

#### **Affordable Housing.**

The provision of adequate levels of Affordable Housing is an important requirement of new housing schemes and, at this location, 10% of the total provision needs to be affordable. As an alternative to provision on-site, it is possible to provide a financial contribution towards a location where there is an identified need for affordable housing.

The applicant, early in the consideration of this application, provided a Financial Viability Assessment which concluded that the provision of any Affordable Housing would not be possible because it would render the scheme financially unviable.

Negotiations between your officers and the applicant have resulted in the entire scheme being developed by a Housing Association and formal confirmation of this has been submitted by the applicant. This means that the entire proposal would comprise Affordable Housing which would be entirely acceptable. Control over this would be established by way of a legal agreement under Section 106 of the Planning Act.

#### **Layout and Design.**

The layout of the site is split into four identifiable parcels, the first of these comprising plots 1 to 4 which front onto Laburnum Avenue with existing houses sited either side to the east and west. As originally submitted, plots 1 to 4 were sited in a terrace of four dwellings with parking in front. However, there were issues concerning loss of



privacy and overlooking, which are set out later in this report, which required the terrace to be amended by way of moving them forward to create a shallow crescent with parking located in two banks of four spaces either side.

This modified arrangement is considered to be acceptable and in keeping with the surrounding area.

The second parcel also comprises 4 plots, taking the form of two pairs of semi-detached houses which are located at the north-east corner of the site, fronting close to the junction with Mill Lane. The front building line of the proposal is set back from the pair of semi-detached houses to the west but the rear building lines are in line with each other.

To the south of the four houses are a further 10 houses, proposed as 5 pairs of semi-detached houses arranged around the access road into the site. Two pairs of semi-detached houses are sited symmetrically either side of the main entrance from Mill Lane creating a balanced gateway into the site. The remaining six are arranged either side of the internal access road.

The remaining 20 houses form the fourth parcel and nine of these face onto the road laid out as two short terraces of three and four houses, respectively and a pair of semi-detached houses. The remaining eleven houses, in the form of one short terrace of three with the remaining eight as semi-detached dwellings.

The design approach proposes modest, two storey high, traditional brick dwellings with tiled roofs with some having a pale render feature at first floor level. The elevations would have projecting gables and brick soldier courses on the heads and cills of windows.

The dwellings are all modest in size and the whole development is smaller in scale than the pair of existing semi-detached houses fronting Laburnum Avenue. These two houses and their garden space are larger than those proposed, however, there are other houses around the site to the north and west which are of varying size and scale, particularly to the west which are of similar proportions to the proposal. Consequently, the proposed development would not be out of keeping with the surrounding area.

### **Residents' Amenity.**

Concerns were raised in both rounds of neighbour's consultations, particularly in relation to overlooking and loss of privacy, overdominance and loss of light. One neighbour at 2, Laburnum Avenue lives next door to proposed plot 4 and he has submitted 19 objection letters the details of which are summarised above.

The application, as submitted, proposed a short terrace of 4 houses broadly along the same line as 6 houses to the west, known as South View. The original position

of plot 4 was set back in relation to plot 4 was such that it would have had an unacceptable impact on 2, Laburnum Avenue because of loss of privacy, loss of natural light and overdominance.

The loss of privacy would have resulted from the mutual overlooking between rear and side windows of 2, Laburnum Avenue and the front bedroom windows of plot 4. Plot 4 has now been relocated so that the front elevation follows the same line as the rear facing elevation of 2, Laburnum Avenue.

Moving plot 4 forward of its original position has reduced the impact in terms of both loss of light and overdominance. This issue is assessed by way of taking a line at 45 degrees from the edge of the ground floor window which should not be transgressed by the proposal. In this instance, there is a slight transgression by the corner of plot 4 but this is mitigated by the orientation of the large garden of 2, Laburnum Avenue which faces southwest so will get a considerable amount of sun and natural light and also there is 4.5 m. distance between the two flank walls.

Mitigation for 2, Laburnum Avenue is provided by the fact that the existing rear garden is large, faces southwest and slopes down towards the south, thus maximizing light and sunshine. It is noted that plot 4 would only impact the top northwest corner of the existing garden.

The flank wall of plot 23 lies 3 metres from the bottom southwest corner of the garden of 2, Laburnum Avenue. This would have negligible impact on the amenities of the adjoining rear garden.

The occupier of 2, Laburnum Avenue has also raised concerns about the possibility of cars damaging his boundary fence by cars setting on fire, for example. Valid though these concerns may be, they are not material planning considerations so cannot be taken into account when assessing this application.

Other neighbours have also raised concerns. There are six houses directly adjoining the application site to the northwest and occupiers here have objected to the proposal because the new houses at plots 27 to 31 are too close to the existing rear boundaries. The distance between the rear of the proposed and existing houses is 21 metres throughout this part of the application which complies with the minimum standard in this respect. The new houses would also be at a lower level than those existing which would mitigate against the impact of the proposal.

With respect to the amenities of future residents, the distances between houses are acceptable and meet minimum standards. All the houses are a mix of 2 or 3 bedrooms and the garden sizes are acceptable. The amount of rear private space for some plots is limited, such as plots 10 and 15 but there is useable space at the sides of the houses which increases garden sizes.

The layouts of plots 18 and 19 are impacted by the pinch point between the rear site boundary and the gardens of existing houses fronting Laburnum Avenue so the depth of each of the gardens is restricted but there is space at the side which increases useable private space. On balance, these are acceptable and meet the council's standards.

Those plots along the southern boundary will all benefit from south facing gardens and also benefit from long views across open countryside.

### **Sustainability.**

The site is located close to shops, amenities and has good transport links.

Construction methods will include cavity walls which will allow high insulation levels to be introduced.

A minimum of 10% reduction in carbon emissions will be achieved by using low u-values for external elements, thus reducing energy demand. Provision of highly efficient boilers with effective heating controls, low carbon electricity from solar panels and the provision of electric car charging points on the properties will contribute to a sustainable proposal.

### **Highways Safety.**

Policy ST1 of the ALP says that development will be permitted where it does not adversely affect highway safety or the capacity of the transport system. NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the impacts on surrounding roads would be severe.

A Transport Assessment has been submitted in support of this application.

The single access into the site is taken from Mill Lane on the east side of the site. An access from the west side, from Park Lane was considered but the Highways Authority considered this to be unsafe because of traffic speeds and the road dimensions.

The Mill Lane access is considered to be safe with good visibility in both directions. Neighbours, in their representations, have expressed concerns about this proposed access because of excessive traffic speeds along Mill Lane. However, the access is close to the junction of Mill Lane with Laburnum Avenue where traffic has to slow down. To mitigate against high speeds potentially causing a traffic hazard at the proposed site access, a speed restriction of 30mph would be sought along Mill Lane along the east side of the site.

With respect to car parking provision, each house has two on-plot spaces in accordance with the Nottinghamshire Highway Design Guide 2021 and these are all either in front or to the side of the houses. Tandem parking is generally discouraged because this leads to on street parking but only four houses would have tandem parking and this low number is acceptable as it would not lead to significant on street parking.

Eight visitor parking spaces are included, four either side of the small area of open space.

The parking for plots 1 to 4 is contained within a parking area in front of the houses. This parking area is restricted but does meet design requirements. There is adequate visibility along Laburnum Avenue in both directions.

The parking for plots 5 to 10 and 15 and 16 is accessed directly from Laburnum Avenue and Mill Lane so there would be reversing into or out of the plots on to the roads. Space has been allocated as part of the garden of plot 8 that would be kept clear to allow for visibility around the bend of Laburnum Avenue and Mill Lane. This, along with reduced vehicle speeds at this point will render vehicle access and egress acceptable at this point.

A footpath link to Park Lane is proposed and would be very convenient for future residents to access bus stops, however, part falls outside the site boundary so the provision of this would be controlled by a 'Grampian' style condition.

### **Contamination, Noise Impact and Air Quality.**

With respect to potential land contamination, a condition would be attached which, in the event of contamination being discovered during construction, a programme of remediation measures would be required to mitigate against the impact of the contamination.

A Noise Assessment has been submitted in support of the application. This has examined the impact of dust and construction vehicle traffic exhaust fumes on the surrounding area and concludes that, due to the scale of development, there would be a negligible impact.

A condition would be attached which restricts construction hours to 08.00 to 18.00 hours Monday to Friday, 08.30 to 13.00 hours Saturday with no working on Sundays or Bank Holidays.

### **Landscape and Public Open Space.**

The applicant has submitted a Landscape Assessment in support of the planning application and states that, although the site is designated as Countryside, this is an unused area of wasteland with development on two sides. Consequently,

development of the site with landscaped mitigation measures would not have an adverse impact on the scale and character of the local area.

As part of the landscaping proposals for the site, all existing boundary hedges would be retained, enhanced with native species such as hawthorn and managed. The west boundary hedge is proposed to be grown to 6 to 7 metres high to screen adjoining development. Additional planting would also be introduced along the south and east boundaries.

New trees and shrubs would be introduced both within and along the boundaries to soften the outline of the site when viewed from higher ground such as Rose Hill.

Conditions will be imposed that control the submission of detailed landscaping proposals and tree protection measures during construction.

There are two areas of Public Open Space (POS) proposed within the site. The larger is in the southeast corner between housing and the Travellers site. No play equipment is required here but, due to the increased demands on POS by future occupants, a financial contribution of £141,000 is required for improvements to play equipment in the vicinity. This would be sought through a S106 agreement.

There is also a much smaller area of POS next to the southern boundary. Either side of this space is visitor car parking and the small area will be used as buffer planting to enhance the southern boundary.

Both areas of POS will be maintained as part of a management plan and this will be controlled by an appropriate condition and the S106 agreement.

### **Ecology and Biodiversity.**

It is a requirement of the NPPF (2019) that developments provide a measurable net gain for post development biodiversity.

An Ecology Report has been submitted in support of the application. This points out that the site currently comprises a mix of grassland, scrub planting and bare ground with perimeter hedgerows. A number of trees lie around and within the site. There are also invasive species on site, namely Field Horsetail and Golden Rod which would need to be removed, a matter which would be controlled by a condition requiring the submission of a Method Statement relating to the species removal.

There are no protected species active on the site.

The Ecology Report concludes that there is poor species diversity on site but there are a number of opportunities to enhance the site in this respect.

A hedgerow runs east to west through the site which would be lost as part of the proposal but there is ample opportunity to replace planting with new native species to be lost by infilling the hedgerows along the site boundaries. These would also function as wildlife corridors.

Areas of wildflower planting could be introduced along the sides of the access road and within the POS areas, the smaller one being completely given over to planting.

Habitat boxes for bats, birds and insects can be incorporated into the design of houses.

Nottinghamshire Wildlife Trust recommended that a 10 metre deep buffer strip be introduced along the southern site boundary. However, introduction of this within the site would split the site in two and outside the site to the south, the land is in third party ownership, not within the control of the applicant.

### **Drainage and Flood Risk Assessment.**

A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted in support of the application. The FRA confirms that the whole site is part of a much larger area contained within Flood risk Zone 1 which has a low probability of flooding (less than 1 in 1,000 annual probability). The risk of flooding is, therefore, negligible.

The supporting information states that a Sustainable Drainage Strategy (SuDS) will be incorporated into the scheme. As a result of consultations, a condition will be necessary requiring a detailed scheme for surface water drainage.

### **Developer Contributions.**

The requirements of the CIL Regulations state that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly relate to the development and fairly and reasonably related to the scale of the development.

A number of developer contributions are required which would be controlled by a section 106 agreement and these are set out below.

#### **Affordable Housing.**

The applicant has confirmed that this development will be carried out by a Housing Association, therefore the proposal would comprise 100% affordable housing.

#### **Bus Stop Improvements.**

A sum of £14,500 is required to provide a real time bus display to bus stop no. AS0031 close to the site on Park Lane.

#### **Health Care Improvements.**

Following consultations with Nottinghamshire Area Health Authority, a sum of £25,468 is required to provide the additional level of care resulting from the additional residents at this development.

#### Public Open Space.

Two areas of POS are proposed as part of this development but there is no requirement to provide any play equipment on site. There is an existing play area at Mayfield Street POS and a sum of £141,000 is required to enhance and improve play facilities here.

#### Monitoring Contribution.

The updated CIL legislation allows for a section 106 monitoring fee to be charged. This will amount to £1,000 and will cover the Council's fees for monitoring payment.

#### **Planning Balance and Conclusion :**

The NPPF says that proposals should be considered in the context of a presumption in favour of sustainable development which is defined by economic, social and environmental dimensions and the interrelated roles they perform.

The application site is contained within an area of Countryside located at the edge of a sustainable main urban area.

Having regard to the three objectives of sustainable development which is set out in the NPPF (2021), the proposal would have the following benefits:

#### Economic.

The proposal will bring forward jobs associated with people living on the site and the jobs created will be diverse in terms of full and part time positions and the level of skills required.

In addition to this, construction of the site will result in local construction jobs and demand for goods and materials from local suppliers and businesses. As such, the proposal will bring forward economic benefits to the surrounding area.

#### Social.

In social terms, the scheme would deliver 38 affordable houses managed by a Housing Association. The Council cannot currently demonstrate a 5 year housing land supply and the provision of 38 affordable homes carries significant weight in the determination of this application.

Environmental.

The proposal will bring forward a housing scheme of good quality on disused land and comprises flattened rubble areas and scrub planting. The housing will benefit the surrounding area by way of visual quality and residential amenity. The proposal has been designed to incorporate a variety of sustainable features to reduce the reliance on fossil fuels in order to mitigate the developments' carbon footprint.

The layout, scale and appearance of the development is considered to be acceptable. The impact on highways safety, the amenity of existing local and future residents, biodiversity, flooding and landscape have all been assessed and are considered to be acceptable.

Overall, the proposed development is considered to comply with policies contained within both the development plan and the NPPF. Consequently, the application is recommended for approval, subject to the conditions set out below and the requirements of the section 106 agreement.

**Recommendation: Conditional Consent subject to a Section 106 legal Agreement.**

Heads of Terms of section 106 Agreement.

1. A sum of £14,500 to be provided for improvements to a bus stop.
2. A sum of £25,468 to be provided for improvements to health care.
3. A sum of £141,000 to be provided for improvements to public open space.
4. A sum of £1,000 to be provided to cover the cost of monitoring the section 106 Agreement in accordance with C.I.L. legislation.
5. The development shall completely comprise affordable housing managed by a registered Housing Association.
6. A Residents Management Scheme for all the public areas of the development.

## **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 – 220028-PL01 rev. J.
  - Site Finishes Plan – 220028-PL01 rev. J.
  - Boundary Treatment – 220028-PL03 rev. J.
  - Street Scenes – 220028-PL04 rev. F.
  - Street Scenes – 220028-PL05 rev. F.
  - Site Development Plan – 220028-PL07 rev. C.
  - House Type 1 and 2 – 220028-LUB-PL100.



- House Type 3 and 4 – 220028-LUB-PL101.
  - House Type 5 and 6 – 220028-LUB-PL102.
  - House Type 7 and 8 – 220028-LUB-PL103.
  - House Type 9 – 220028-LUB-PL104.
  - House Type 10-220028-LUB-PL105.
  - House Type 11 – 220028-LUB-PL106.
  - House Type 11B – 220028-LUB-PL121.
  - House Type 11A – 220028-LUB-PL121 rev. A.
  - House Type 11A Floor Plans and Elevations 220028-LUB-PL120 rev. A.
  - House Type 11B Floor Plans and Elevations 220028-LUB-PL121.
  - Tree Construction Plan RSE – 4060 – TCP – rev. V1.
  - Additional Provisions Layout 220028-PL06 rev.E.
  - Indicative Gypsy Site 220028 – PL08.
  - Link Footway to B.6018 – 7707-MJM-XX-XX-SK-D-6690.
  - Vehicle Movement Analysis – Fire Tender – 7707-MJM-XX-XX-DR-D-6652.
  - Vehicle Movement Analysis – Removal Van – 7707-MJM-XX-XX-DR-D-6651.
  - Vehicle Movement Analysis – Refuse Vehicle – 7707-MJM-XX-XX-DR-D-6650.
  - General Arrangement – 7707-MJM-XX-XX-DR-D-6601.
  - Drainage Layout – 7707-XX-XX-DR-D-5210.
3. No development shall take place until details or samples of the materials and finishes to be used for the external elevations and roof of the development 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. No part of the development shall take place until full technical details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. The development shall be implemented prior to the occupation of any dwelling to the satisfaction of the Local Planning Authority.
  5. No part of the development shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall be thereafter retained and maintained in such bound material.
  6. No part of the development shall be brought into use until the access driveways and parking areas are constructed with provision to prevent unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of water to the

public highway shall be implemented prior to the occupation of any dwelling and thereafter retained.

7. No part of the development shall commence until details of the proposed arrangements and plans for future management and maintenance of the proposed streets including associated drainage of the development have been submitted to and agreed in writing by the Local Planning Authority. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.
8. No development shall take place, including any demolition works, until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors.
  - Loading and unloading of plant and materials.
  - Storage of plant and materials used in construction of the development.
  - The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate.
  - Wheel washing facilities.
  - Measures to control the emission of dust and dirt during construction.
  - A scheme of recycling/disposing of waste resulting from demolition and construction works.
9. Prior to the commencement of development, full details of a new 2 metre wide footpath linking the development to the existing bus stop on Park Lane have been submitted to and approved in writing by the Local Planning Authority. Such details shall include appropriate kerbing, retaining structures and relocation of signage and street furniture.
10. Prior to the commencement of development, details of the off-site traffic management works comprising an extension/relocation of the existing 30mph speed limit along Mill Lane past the site frontage to the south. These works shall include provision of footways, street lighting, signs and lining and any required physical speed restraint feature in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such Management Works shall be implemented prior to the occupation of any dwelling and retained thereafter.
11. Prior to the commencement of development, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall :
  - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and the design shall be in accordance with CIRIA C753. Limit the discharge rate generated

by all rainfall events up to the 100 year plus 40% for climate change critical rain storm 5 l/s rates for the developable area.

- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO 30219 Rainfall Management for Developments' and the approved FRA.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm systems inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100 year plus 40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

Such approved surface water drainage scheme shall be implemented prior to the occupation of any dwelling and retained thereafter.

12. Prior to the commencement of development, a Tree Protection Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. Such Method Statement shall be implemented during the duration of construction works and remain in place until all works are complete.
13. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. 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 buildings 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.
14. The hours of use of the hereby permitted development for 38 houses shall only take place during the following hours:
  - 08.00 hours to 18.00 hours Monday to Friday
  - 08.30 hours to 13.00 hours Saturday.
  - No working Sunday and Bank Holidays..
15. No works shall take place (save for above ground demolition works, site preparation, erection of fencing, laying of or provision of any services, laying of temporary services and erection of temporary site buildings for construction

purposes until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and agreed in writing by the Local Planning Authority.

The scheme shall include:

- i A preliminary risk assessment which identifies:
  - All previous uses.
  - Potential contaminates associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors, and
  - Potentially unacceptable risks arising from contamination of the site.
- ii A site investigation scheme based on 1 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii The results of the site investigation and detailed risk assessment referred to in 2 and based on these an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken.
- iv A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 are complete to a satisfactory standard, and;
  
- v A monitoring and maintenance plan, setting out the provisions for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

If, during the works, any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either;

- i The potential contamination has been assessed and a remediation scheme submitted to and approved in writing by the Local Planning Authority, or
- ii Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority. Any additional land contamination shall be fully remedied prior to the occupation of the development.

The development shall not be occupied until a post completion verification report, including the results of sampling and monitoring carried out, has first been submitted to and agreed in writing by the Local Planning Authority demonstrating that the site remediation criteria has been met.

16. Prior to the commencement of development, details of bird, bat and bee boxes to be included as part of this development shall have been submitted to and agreed in writing by the Local Planning Authority. Such boxes shall be implemented prior to the occupation of dwellings and retained thereafter.
17. Prior to the commencement of development, details of a management scheme for the two areas of open space shall have been submitted to and agreed in writing by the Local Planning Authority. Such plan shall be implemented following the occupation of the first dwelling and remain in place thereafter.

## **REASONS**

1. To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. To ensure that the development is constructed to safe and adoptable standards.
5. To reduce the possibility of loose material being deposited on the public highway.
6. To ensure that surface water is not deposited on the public highway causing a danger to road users.
7. To ensure that the road infrastructure is maintained to an acceptable standard.
8. To reduce the possibility of deleterious material being deposited on the public highway in the general interests of highways safety.
9. To encourage active travel and the use of public transport facilities.
10. In the interests of highways safety.
11. To ensure that the development is in accordance with the NPPF and local planning policies. It should be ensured that all major developments have sufficient water management, are not increasing the risk of flooding and do not increase flood risk off-site.
12. In the interests of retaining trees and landscaping.
13. In the interests of the visual amenities of the area.
14. To safeguard the amenities of local residents living in the vicinity of the application site.
15. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with the NPPF paragraph 178. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan even the early stages of the development process (other than as specified) could result in the spread of contamination and a risk to public health.
16. In the interests of biodiversity and nature conservation.

17. In the interests of the amenities of the future occupiers and visual amenities of the development.

## INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development and Building Control Section of the Authority on Mansfield (01623 450000).
2. Section 278 Agreement (Highways Act 1980). To carry out then off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. To undertake the works, which must comply with NCC's current highway design guidance and specification for roadworks, the applicant will need to enter into an agreement under section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the HA as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Contact [hdc.north@nottscc.co.uk](mailto:hdc.north@nottscc.co.uk) 0115 804 0022.
3. Section 38 Agreement (Highways Act 1980). The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act, payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA about compliance with the Code or, alternatively, to the issue of a Section 38 agreement and bond under the Highways act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contacts the HA at an early stage to clarify the codes etc. with which compliance will be required in the circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the NCC in writing before any work commences on site. Contact [hdc.north@nottscc.co.uk](mailto:hdc.north@nottscc.co.uk) 0115 804 0022.

4. Commuted Sums. The applicant should note that any areas over the normal minimum, intended for adoption will require the payment of a commuted sum for future maintenance. (i.e. additional areas exceeding usual highway design requirements, additional street furniture, landscaping, Sustainable Drainage systems, retaining walls, bollards and materials outside usual specification). The applicant is strongly advised to hold discussions with the HA as soon as possible to agree sums, ownership and responsibility for perpetuity.

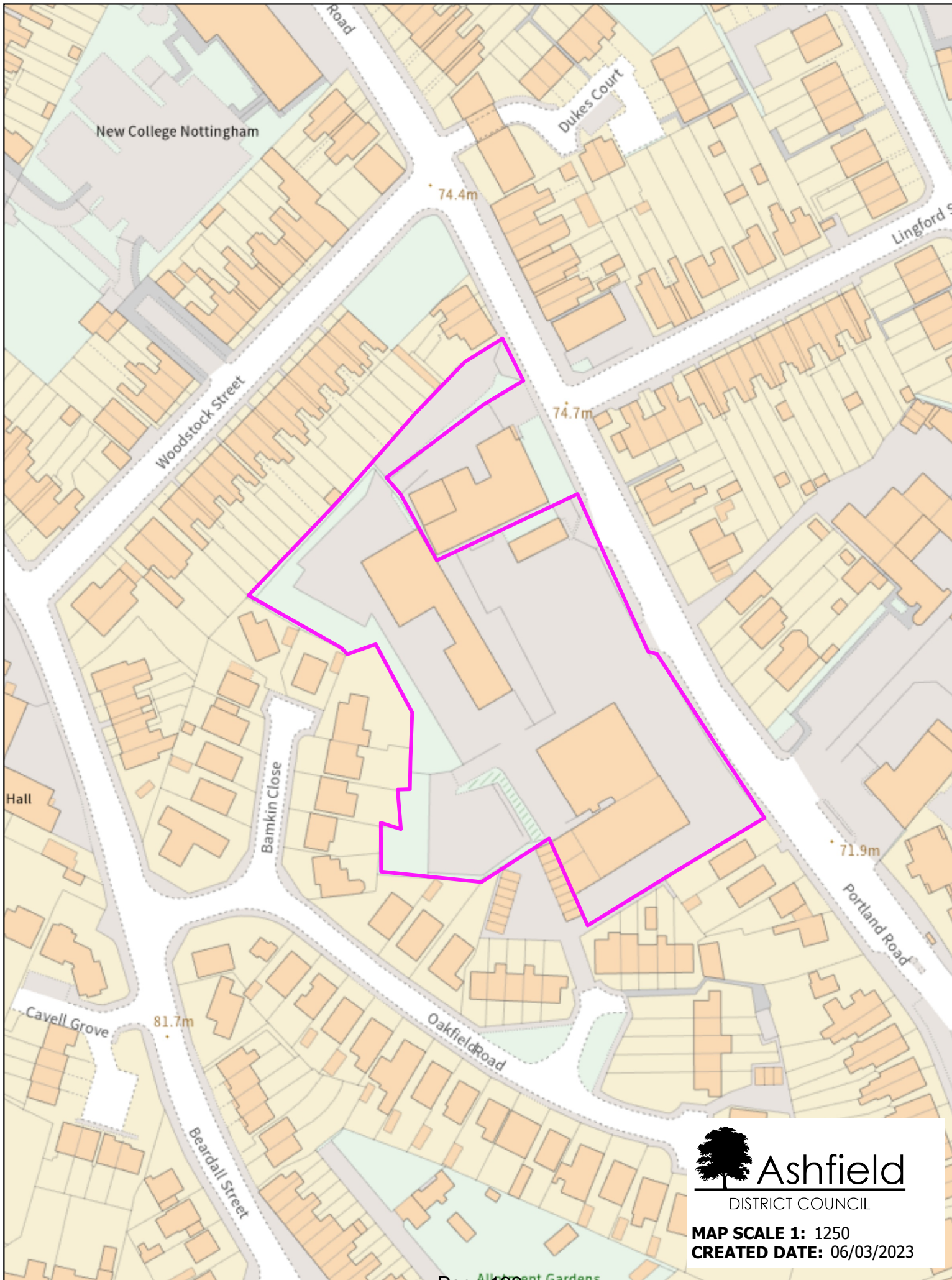
5. Adoption of roads/streets. The HA only seeks to adopt streets where the new street network is acceptable in all highways and transportation terms. Accordingly, the HA may refuse to accept future maintenance liability of roads that do not meet the required standards and specification.

Planning consent is not an agreement to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works, you must contact Highways Network Management at [licenses@viaem.co.uk](mailto:licenses@viaem.co.uk) to ensure all necessary licenses and permissions are in place.

6. The Local Lead Flood Team should be re-consulted with any changes to be submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to the LLFT objecting to the discharge of conditions. Bespoke comments will be provided within a period of 21 days of receiving formal consultation.

This page is intentionally left blank





**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 06/03/2023**

**COMMITTEE DATE**    22/03/2023                      **WARD**            Hucknall Central

**APP REF**                      V/2022/0615

**APPLICANT**                N William

**PROPOSAL**                Change of Use From Car Showroom, Car Sales & Repair Garage to Self Storage ( Class B8 ) Including Siting of Portable Storage Containers and Storage Units on Open Areas of the Site

**LOCATION**                    76, Portland Road, Hucknall, Nottingham, NG15 7SA

**WEB-LINK**                <https://www.google.com/maps/search/maps/@53.0348507,-1.1999762,18z/data=!4m2!2m1!6e1>

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

App Registered 18/08/2022

Expiry Date 12/10/2022

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

***This application has been referred to Planning Committee by Cllr Mitchell to discuss residential amenity and Cllr Waters to discuss the character of the area, traffic and amenity.***

### **The Application**

This is an application for a change of use from car showroom, car sales & repair garage to self storage (Class B8) including the siting of portable storage units on open areas of the site. The application seeks to use the existing buildings on the site for storage by sectioning off the interiors to provide separate units to customers but proposes no external alterations. In addition to this it is proposed to site a number of storage units of two different sizes to the hard standing to the front and rear of the site and provide a car park for customers to the front of the site.

The proposed storage units are detailed as being kuboid portable storage units with one size measuring 2m by 3.9m with a height of 2.1m and the other size measuring 2.07m by 2.07m with a height of 2.1m.

The front boundary wall will be replaced with a landscaping strip across the whole frontage and a 2.4m high fence and gate to half of the front boundary. There will also be 2.4m high gates within the site to provide additional security.

### **The Site**

The application site was formerly an established car sales site including showroom and on-site repairs garage however the site has been vacant for a couple of years now. It is located off Portland Road in the main urban area of Hucknall a short distance away from the town centre. To the north of the site is the telephone exchange and residential properties. To the east, south and west of the site are residential properties.

### **Consultations**

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

### **Residents**

#### **1<sup>st</sup> Consultation**

30 comments were received raising the following concerns:

- Increase in noise and disturbance
- HGVs bringing shipping containers
- Impact on visual amenity, appearance of locality, not a good representation of Hucknall
- Customers/deliveries will have to wait for gates to open
- Not suitable use for location, Better suited in industrial setting
- Increased traffic, Inadequate turning
- Increased on street parking
- Busy road which is heavily congested
- Increased air pollution
- Area is mostly residential
- Increased industrial crime and waste
- Impact from operation hours
- Dirt and dust
- Impact from stacking containers, loss of flight
- Impact on house prices
- Impact financially
- Impact from lighting
- Impact on health of residents, quality of life
- Japanese knotweed
- Trees on site but no mention of retention
- Too close to houses
- Vandalism and anti-social behavior
- Could store hazardous material, fire risk
- Sites better suited for doctors surgery

#### **Re-consultation**

4 comments were received raising the following concerns:

- Original comments stand
- Danger form traffic congestion
- Knotweed
- No plans for derelict land adj 12 Portland road

## 2<sup>nd</sup> Re-consultation

4 comments were received raising the following concerns:

- Original comments stand
- Not a suitable use for the location
- Amended plans increase number of containers
- No information regarding derelict land adj to No.12 Portland Road which is overgrown and full of building materials
- Amended operating times now proposes earlier opening
- Noise Impact Assessment state no forklifts or pallet trucks but these are usually expected under B8

## 3<sup>rd</sup> Re-consultation

5 comments were received raising the following concerns:

- Japanese Knotweed
- Area is mostly residential
- Portland Road is busy main route
- Use would better suite industrial area
- Crime, vandalism and anti-social behavior associated
- Impact on house prices
- Concerns about what is stored in containers
- Too close to residential properties
- Increased noise and disturbance
- Security of other boundaries
- Why is only one acoustic fence proposed
- Amended hours of operation are earlier than originally proposed
- Disagree that use of forklifts would not happen as this is what is usually associated with B8

## **ADC Land Contamination**

- Site has a historically contaminative use however the application is for a change of use for hard standing areas therefore recommend a watching brief in case possible contamination is encountered

## **NCC Highways**

### 1<sup>st</sup> Consultation

- Site has historically been used as a car showroom, car sales and car repairs but has been vacant for over 2 years
- Site has 4 extant points of access along the Portland Road frontage. It is proposed to close off two and they would need to revert to full height footways which involves works on the highway. Site layout plan should be amended accordingly. Main site access is to be retained however it is not clear from the plans what is proposed for the access beside no 12 Portland Road, opposite funeral parlor.
- Being mindful of the sites historic use, further information needs to be provided to demonstrate that the sites proposed traffic generation is not beyond that of the historic use. There are 35 parking spaces at the front of the site, whilst sufficient parking will need to be provided for the proposed use it

will also need to be provided because of the inability to park on street due to existing traffic regulation orders. Is it unlikely that 35 containers will be accessed at the same time?

- How big are parking spaces? Customers are unlikely to just arrive in cars, consideration should be given to providing parking spaces for larger vehicles.
- Positioning of portable containers in close proximity to the main access is of concern. Demonstrate that 2 vehicles in this case 2 7.5t vans can pass one another using swept path analyses.
- All vehicles regularly expected to visit the site to pick up or drop off goods regardless of size must be able to enter and exit the site in a forward gear. Otherwise the number or position of the portable containers will need to be reconsidered.

#### Re-consultation

- Two extant accesses become redundant as part of the proposal therefore the applicant will need to permanently close them off and revert them to footway with full height kerbs prior to first use.
- Satisfied that the site is unlikely to generate any more traffic than what the site has historically and that a range of parking solutions are to be provided on site. Appropriate swept path analyses have been provided. The only caveat to this would be if the positioning of the portable containers were to change then the exercise should be repeated to ensure that vehicles won't end up reversing out onto Portland Road.
- No highways objections subject to conditions and informatives

#### 2<sup>nd</sup> Re-consultation

- Amendments do not fundamentally change previous conclusion other than the need to update the proposed conditions to reflect the drawings.

### **ADC Environmental Health**

#### 1<sup>st</sup> Consultation

- Noise – premises backs onto a residential area which could be impacted by noise from the proposed use of the site however without a noise impact assessment provided to demonstrate the impact of the proposed use we cannot comment if the site usage is acceptable. Request condition for noise impact assessment to be submitted prior to use.
- Lighting – since the site is accessible during early mornings and later evenings throughout the year, the current lighting provision would not seem to facilitate secure access for users of the site, yet without a lighting scheme provided in the application cannot comment if the increase in lighting would negatively impact the local residents in the form of light pollution. Requested condition for lighting scheme to be submitted prior to occupation.

#### Re-consultation

- Noise – Noise impact assessment submitted. Agree with the methodology of the assessments and the proposed mitigations including the change of operation hours, the use of kuboid units instead of shipping containers and a screening wall at a height of 2.5m to the Southern border as acceptable.
- Requested condition

## **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 6 – Delivering a strong, competitive economy
- Part 8 – Promoting healthy and safe communities
- Part 9 - Promoting sustainable transport
- Part 12 – Achieving well designed places

### **Ashfield Local Plan Review (ALPR) (2002)**

- ST1 – Development
- ST2 – Main Urban Area
- EM5 – Protection of Existing Employment Sites and Buildings

## **Relevant Planning History**

- V/1974/0004 – Car Park – Conditional
- V/1978/0650 – Extension for Offices & Stores - Conditional
- V/1985/0045 – Canopy, Sales Kiosk and Underground Storage Tanks - Conditional
- V/1991/0202 – Single Storage Garage Workshop – Conditional
- V/1991/0847 – Single Storey Workshop – Conditional
- V/1996/0707 – Installation of Storage Boxes and Change of Use to allow Carriage or Spare Parts and Promotional Mat - Conditional
- V/2003/0970 – Showroom Extension & Rear Covered Way – Conditional
- V/2013/0058 – Change of Use of Petrol Station Forecourt and Kiosk to Car Sales Pitch and Sales Office – Conditional

## **Main Considerations**

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

- Visual Amenity
- Residential Amenity
- Highway Safety

## **Visual Amenity**

The application site is currently vacant with boarded up windows and has been subject to vandalism. The proposal will bring the site and existing buildings back into use.

Concerns have been raised by residents in relation to the proposal having a detrimental impact on the appearance of the locality, visual amenity and not being a good representation of Hucknall as Portland Road leads to the town centre.

The storage units proposed on the hard standing to the front of the site will be a prominent feature in the street scene along with the proposed fencing. However during the application process amendments to the scheme have been submitted which include moving the proposed fencing so it only runs down half of the front boundary and including a landscape strip with trees and shrubbery to help screen the fencing and storage units. Whilst it is acknowledged that the fencing and units will still be visible the landscaping will help to soften the appearance of them in the street scene.

Adjacent to the site is the telephone exchange which appears to be nominated for the local heritage list. Whilst the proposal will result in storage units being in proximity to this site it is considered unlikely to have an impact on the appearance of the neighbouring building and its character.

Overall it is considered that allowing a change of use of the site will bring a vacant derelict site back into use which in turn will improve the street scene. Whilst the proposal will be prominent to some extent in the street scene it is considered that the proposed landscaping will help to soften this and limit any impact the proposal may have in the visual amenity of the area and character of the street scene.

### **Residential Amenity**

There have been a number of concerns raised by residents in relation to the proposal and its impact on residential amenity.

Due to the nature of the proposal and layout of the site it is considered unlikely that it would have a detrimental impact on the amenity of neighbouring properties in terms of overlooking, overbearing, loss of privacy and overshadowing. It is understood that there are concerns that the storage units may be stacked which could impact neighbouring properties however it is recommended that a condition is attached to any forthcoming approval which would state that the units can not be stacked on top of each other.

Due to the proximity to residential properties a noise impact assessment was requested. The assessment was submitted along with a number of amendments to the scheme which included removing the shipping containers from the proposal and replacing them with the Kuboid KB200 units as they are smaller, do not bang and are made of composite plastic so there would be no resonance from impact to the side of the containers etc. Also the opening hours were amended to 7am to 7pm Monday to Saturday only with no opening on Sundays and Bank holidays. Finally an acoustic screen is proposed along the southern boundary between adjacent properties and the site. ADC Environmental Health have commented that they agree with the methodology used and the proposed mitigation amendments and have requested a condition.

The proposed opening hours are considered acceptable and should be conditioned in the interest of protecting residential amenity. Many comments raised concerns



regarding the site operating 24 hours a day and through the night and early morning. However by conditioning the proposed 7am – 7pm opening hours this will ensure the site only operates between these times.

There have also been concerns raised in relation to comings and goings, noise from machinery and vehicle noise. It is considered that comings and goings and vehicle noise would potentially be on a similar scale to what they were for the car sales business. It is considered unlikely that machinery will be used within the site as it is proposed for storage only. It is acknowledged that whilst the site is getting up and running and the containers are being delivered there may be an increase in vehicles for a short time but once it is in operation it is considered unlikely that any significant noise and disturbance should occur from the proposed use and any that does is unlikely to go above that experienced for the car sales business.

Concerns have been raised in relation to lighting at the site and the impact this may have on residents. Further information has been submitted detailing that the existing lighting on the site is to be retained exactly as it was for the car sales business. This comprises of small floodlamps on buildings and poles. It is proposed to only have the lighting switched on during the hours of operation. To ensure this is the case a condition is recommended. Plans demonstrating the internal lighting in the 3 buildings have also been submitted and it has been detailed that the internal lights will be on and activated when detected by sensor. Due to the above it is considered unlikely that the proposed lighting would have an impact that would be more detrimental than what it was previously for the car sale business.

### **Highway Safety**

The application proposes to utilise the existing main entrance of the site and will close off two of the other accesses whilst leaving the final access adjacent to No.12 Portland Road in situ with the existing gates and bollards to remain. A car park providing 17 car parking spaces, 7 van parking spaces and 2 7.5t lorry spaces is proposed.

Nottinghamshire County Council have been consulted on the proposal and in their initial comments raised a number of queries and requested further information and clarification on parking space sizes, access points and a swept path analyses. Further information was provided along with swept path analyses and the Highways Authority commented that they have no objections subject to four conditions and two informatives being appended to any forthcoming approval. They also commented that the two accesses to become redundant must be stopped up and reverted back to a footway. They were also satisfied that the site is unlikely to generate any more traffic than what the site has historically and that a range of parking solutions have been proposed. They did however raise that the only caveat to this would be that if the positioning of the containers were to change the swept path analyses would need to be repeated.

It is recommended that in the site layout proposed is conditioned to ensure that if the applicant wishes to amend the layout of the containers in the future or increase the



number of containers they would need to apply for permission. Therefore, the highways and access situation could be assessed again.

Concerns have been raised by residents in relation to increased traffic, inadequate turning and increased on-street parking on nearby streets. After assessing the submitted information and comments from the Highways Authority It is acknowledged that there will be more traffic whilst the site is being brought into use because of the siting of the units but once complete and open to customers is considered unlikely to lead to a detrimental increase in traffic. In addition to this the swept path analyses and layout plans provided demonstrate that vehicles can move within the site to access and egress in a forward gear and a number of parking spaces have been provided. Due to the nature of the proposal, it is unlikely that customers will park on neighboring streets as they will want to be as close to their unit as possible to drop off and pick up items being stored.

Taking the above into consideration it is considered that the proposal would not have a detrimental impact on highway safety or the highway network.

### **Other**

Comments have been received from residents stating that there is Japanese Knotweed on the site. To ensure that the correct procedures are followed in relation to any potential Japanese knotweed and to stop the spread it is recommended that a condition be appended to any forthcoming approval requiring the applicant to establish the extent of Japanese knotweed on site and if any is found to submit a management plan.

There have also been concerns raised in relation to not knowing what is being stored and the potential for hazardous material to be in the units creating a risk. It has been detailed in the submitted design and access statement that customers are not allowed to store any goods which are hazardous, flammable, environmentally harmful, explosive, illegal or perishable.

### **Conclusion :**

The application site is currently vacant and the proposal offers the opportunity to bring the site back into use. As discussed within this report whilst it is acknowledged that the proposal will be prominent in the street scene it is considered that with the addition of the landscaping proposed this will help to soften the appearance thus having less impact on the character of the street scene and visual amenity of the area. It is considered unlikely that the proposal will have a detrimental impact on the amenity of residents and conditions are recommended to control aspects of the business in the interest of protecting residential amenity. Access and movement within the site have been assessed and NCC Highways offer no objections subject to conditions therefore no concerns are raised in relation to highway safety and the highway network.

Therefore, the application is recommended for conditional consent subject to the conditions detailed below.

**Recommendation: - Grant consent 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, Site Layout Plan, Storage Container Elevations, Boundary Elevations, Dwg No. LOFT-22-P01revF received 03/03/2023, Landscaping Plan Dwg No. LOFT-22-P03revA received 03/03/2023, Proposed Floor Plans Dwg No. LOFT0-22-P02 received 17/08/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The proposed storage containers shall not be stacked at any time.
4. No part of the development hereby permitted shall be brought into first use until two existing site accesses that have been made redundant as a consequence of this consent and as shown on plan LOFT-22-P01revF are permanently closed and the access crossings reinstated as full height footway to the satisfaction of the Local Planning Authority.
5. No part of the development hereby permitted shall be brought into first use until the parking and turning areas are provided in accordance with the approved plan, LOFT-22-P01revF. These areas thereafter shall not be used for any purpose other than parking, turning, loading, and unloading of vehicles.
6. 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.
7. Before the development hereby approved is operational, the recommended sound insulation scheme submitted as part of the application shall be implemented in full and validated by a competent person and the validation report submitted to and approved in writing by the local planning authority.
8. If during the construction works any potential land contamination or unusual odour is encountered, all construction works shall cease immediately and not resume until either:
  - i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

or

- ii. The timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

If potential contamination is identified pursuant to part (a) of this condition, the development shall not be occupied until land contamination is fully remedied in accordance with a remediation scheme submitted to and approved in writing by the Local Planning Authority and a post completion verification report, including results of sampling and monitoring carried out, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the site remediation criteria have been met.

9. There shall be no storage outside the containers hereby permitted or buildings within the site at all times.
10. Prior to occupation of the development the extent of Japanese Knotweed on the site shall be established and if any is found within the site a management plan with time frames shall be submitted to and approved in writing by the Local Planning Authority and work shall be carried out in accordance with the agreed management plan.
11. The use of the hereby permitted development for Self-Storage shall take place during the hours of 7am – 7pm Monday to Saturday only and at no times outside of these hours or on Sundays and Bank Holidays.
12. No additional external lighting shall be installed unless a scheme has been submitted to and approved in writing by the Local Planning Authority. Any additional lighting installed shall be carried out in accordance with the approved scheme.
13. The existing lighting on site shall only be illuminated during the hours of 7am – 7pm Monday to Saturday.

## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To protect visual amenity and safeguard the amenity of residents.
4. In the interests of pedestrian safety
5. To ensure that vehicles entering and leaving the site may pass each other clear of the highway. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.
6. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
7. To protect the aural amenity of future occupiers of the dwellings

8. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with NPPF paragraphs 183 and 184.
9. To protect visual amenity
10. To prevent the spread of Japanese Knotweed
11. To safeguard the amenities of residents living in the vicinity of the application site.
12. In the interests of residential amenity.
13. In the interests of residential 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 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. The development makes it necessary to reinstate 2 vehicular crossings to full height footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, VIA East Midlands on 0300 500 8080 or email [contactus@viaem.co.uk](mailto:contactus@viaem.co.uk) to commence the licensing process.
3. It may be necessary to temporarily close the adjacent footway to undertake site clearance, and demolition works; if this is the case it will be necessary to contact VIA East Midlands in good time to ensure all necessary licenses etc have been approved. They can be contacted on 0300 500 8080 or email [contactus@viaem.co.uk](mailto:contactus@viaem.co.uk)



**COMMITTEE DATE**    22/03/2023                      **WARD**            Hucknall Central

**APP REF**                      V/2021/0172

**APPLICANT**                      Design

**PROPOSAL**                      Construction of 9 Dwellings and a Commercial B1 Unit with Parking and Amenity Spaces

**LOCATION**                      Former Tag Building, Watnall Road, Hucknall, Nottingham, NG15 6ES

**WEB LINK**                      <https://www.google.com/maps/place/Watnall+Road+Aerodrome,+Hucknall,+Nottingham+NG15+6EQ/@53.0323746,-1.2087698,240m/data=!3m1!1e3!4m6!3m5!1s0x4879eabef559f7d5:0x999a4d3dfd720f!8m2!3d53.0206967!4d-1.2236179!16s%2Fm%2F043ry3x>

**BACKGROUND PAPERS**    A, B, C, D, & K.

**App Registered** 08/03/2021                      **Expiry Date** 02/05/2021

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

*This application has been referred to Planning Committee by Councillors Rostance and Waters on the grounds of Overdevelopment and the Impact on Land Adjoining the Site which is owned by Ashfield District Council, respectively.*

**Site Description.**

The application site lies within the main urban area of Hucknall and access into the site is at the north-west corner from Watnall Road. The site has been cleared of the dilapidated brick buildings and currently comprises vacant land with self-seeded scrub vegetation, a concrete access along one side, some areas of hardstanding, the only part left from the previous development on-site being the stone wall along the front.

The previous use of the former 2/3 storey brick building on the site had last been as a fitness centre which, once vacated, quickly became derelict, prior to its demolition.

The site drops down towards the rear in the south where there is a smaller vacant site in Council ownership.

To the north-east of the site is housing fronting Storth Avenue. To the south-east is a smaller vacant site and to the south-west is a car park associated with Hazel Grove Care Home, a residential care home. The site fronts on to Watnall Road where the development along here is predominantly residential apart from the social club to the north-east and the shops further away to the north-east.

### **The Planning Application.**

The application, as submitted, sought approval for 9 dwellings and two B1 commercial buildings at the rear of the site known as the Watnall Centre. The B1 use would extend for 380 square metres over two floors.

A terrace of 4 houses would front onto Watnall Road. Due to the fall in levels, the front elevation would be single storey but two at the rear. An additional terrace of 4 houses within the site would be two storeys facing the front terrace but three at the rear, once again because of falling levels. House no. 9 would be along the east side of the site, close to the boundary.

Access would run down the east side of the site from Watnall Road to a vehicle turning area at the end of the site. From this turning area, an access drive serves house no. 9 and the two Watnall Centre buildings.

Alongside the access road, 18 parking spaces would serve the 8 houses being two per house with 4 visitor spaces. Two parking spaces would be provided for house no. 9 and four for the Watnall Centre.

Footpath links along the back of the stone wall on the front boundary and at the rear of the site would provide pedestrian access to all buildings. All houses would have front and rear gardens of varying sizes.

The application, as submitted, included a footpath along the eastern boundary between the proposal and the adjoining social club. This included two flights of steps, was enclosed by walls either side and there was a blind corner at the bottom. This path has been removed because it would not be possible for people with disabilities to use it, it was dark and uninviting and the blind corner would possibly invite crime. The land that was to be used for this path has been given over to additional garden space for three of the proposed houses.

### **Consultations**

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

The following responses have been received:

**ADC Conservation.**

There are no Listed Buildings near to the application site. The site has been cleared and all that remains is the substantial and attractive stone wall along the north-west boundary. To reflect the quality of this wall, external materials of red brick and natural slates are preferred. The proposed pedestrian access along the east boundary has steps, is enclosed and is uninviting. It would not be possible for people with disabilities to use it and it would be used for crime. There appears to be little opportunity for landscaping within the scheme.

**Nottinghamshire County Council Highways.**

The site access was, as submitted, too narrow at 4.5 metres but the width of this has now been increased to 6 metres which is an acceptable width. The level of car parking shown on the plans is acceptable, meeting the requirements of Residential Car Parking Standards.

There were concerns that refuse vehicles which will be 11.6 metres long, would not be able to enter and exit the site in a forward gear. However, a swept path analysis has been submitted which demonstrates that refuse vehicles will be able to manoeuvre within the site to allow entrance and exit in a forward gear.

One disabled parking space is required for the commercial use but there is space to provide this and this can be dealt with by an appropriate condition. Covered cycle storage and surface water drainage are required but these two issues can also be dealt with by conditions.

**Nottinghamshire County Council Planning Policy.**

With respect to financial planning obligations, there are none required for education or health care due to the small scale of the development.

A sum of £8,500 is required for improvements to either one of two bus stops, ref. AS0307 or AS0434 which are both close to the site on Watnall Road. A real time bus stop pole and display is necessary for one of the stops. They are both close to the application site.

**Local Lead Flood Authority.**

There are no objections.

**Resident Comments:**

Two rounds of public consultation have been carried out with local residents due to amended drawings having been submitted part way through the planning process.

**Round 1.**



Four letters of objection were received which set out the following comments:

- Cars parked on the access road between plots 5 to 8 and the commercial centre will directly overlook Storth Avenue due to the higher level above the existing roof line. Headlights would shine into gardens.
- The rear bedroom windows of plot 9 (2 windows) would overlook the rear of 6a, Storth Avenue.
- There would be noise and disturbance from the commercial centre and the future use is questioned.
- What would the vacant land at the rear of the site be used for?
- A better use for this site would be to provide a car park for those visiting local facilities.
- The proposed access from Watnall Road should be closed off and access taken from Farleys Lane.
- There have been increases in traffic over the last 22 years and the site is close to the junction of 5 converging roads. This site is not suitable for the significant increase in traffic associated with this application.
- The entrance into the site at the brow of a hill is not safe.
- There would be a loss of privacy affecting existing residents.
- Questions have been asked about what the boundary treatment would be.
- The site might be contaminated as expired tinned food has been buried on the site in the past.
- There would be a loss of wildlife, particularly birds and birds nest boxes should be provided as part of the development.

## **Round 2.**

A further two letters have been received from local residents objecting to the amended layout. Some of the previous objections have been repeated but a further comment has been submitted, pointing that Japanese Knotweed is present on the site.

## **Policy**

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

Applications for planning permission must be determined in accordance with national planning policy guidance and the local development plan unless material considerations indicate otherwise.

### **National Planning Policy Framework.**

The relevant sections of the National Planning Policy Framework (NPPF) are:

Part 2. Presumption in favour of sustainable development.

- 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 Spaces.
- Part 14. Meeting the Challenge of Climate Change, Flooding and Coastal Change.

### **Ashfield Local Plan Review (ALPR) 2002 (saved policies)**

- ST1. Development.
- ST2. Main Urban Areas.
- HG3. Housing Density.
- HG4. Affordable Housing.
- HG5. New Residential Development.
- HG6. Open Space in Residential Development.
- TR2. Cycling Provision in New Development.
- TR3. Pedestrians and People with Limited Mobility.
- TR6. Developer Contributions to Transport Improvements.

### **Supplementary Planning Documents.**

- Residential Design Guide.
- Residential Car Parking Standards.

### **Relevant Planning History**

Informal discussions prior to the application being submitted took place between your officers and the applicant.

### **Material Considerations:**

- Principle of Development.
- Layout and Design.
- Residents' Amenity
- Sustainability.
- Highways Safety.
- Other minor matters
- Planning Balance

### **Principle of Development.**

The application site is located within the main urban area of Hucknall, where, under the provision of ALPR (2002) policy ST2, development should be concentrated. It is noted that this site was formerly used as a fitness centre in a building which has been demolished. Consequently, the application site can be classified as brownfield and national planning guidance strongly supports re-development of such sites.

## Housing Supply.

Paragraph 60 of the NPPF says that it is the Government's objective to significantly boost the supply of homes. Paragraph 74 requires local planning authorities to identify a minimum of 5 years' worth of housing against the local housing requirement allowing for a buffer varying between 5% and 20% dependent on the local planning authorities circumstances.

Based on the Housing Land Monitoring Report of 31 March 2021 and applying a 20% buffer, Ashfield District has a 2.25 year housing land supply. There is, therefore, a serious need for more housing to be delivered within the District.

In accordance with paragraph 11 (footnote 8) of the NPPF, the tilted balance is engaged. Accordingly, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies as a whole.

## Tilted Balance.

The site is brown field, having been formerly developed, within a sustainable main urban area location. The ALPR does not have any policies which address previously developed land. However, NPPF paragraph 120c) sets out the planning policies and the decision should give substantial weight to the value of using suitable brownfield land within settlements for homes. There is, therefore, an emphasis on surplus and vacant land being redeveloped for a productive purpose.

## Employment Land.

With respect to the small area of the site at the rear which would be used for employment purposes, this is considered to be acceptable striking a balance between housing and a low impact employment use close together, appropriate in a main urban area.

There is an opportunity for future residents to also work on the site thus avoiding the need to drive to work, reducing the reliance on fossil fuels.

## **Layout and Design.**

The layout of the proposal is partly restricted by the significant fall in levels to the rear of the site and the desire to provide a street frontage onto Watnall Road.

Four houses will front Watnall Road which would be split level at one and two storeys, having a single storey along the frontage. The frontage is in line with the social club to the northeast. There is a mix of building types along Watnall Road and

the proposal would not look out of place in the street scene. The proposed single storey front elevation would be set behind the existing stone wall which is to be retained allowing a small garden in front of the houses along with bin storage, which would be hidden behind the wall.

The elevation fronting Watnall Road is the most visible as it fronts the public domain but due to the proposed height, the impact would be minimal.

Private gardens between the two terraces of houses would create acceptable garden spaces which would be bordered by close boarded wooden fencing.

The lower terrace of four houses would be split at two and three storeys and the site levels mean that the ridge height of the buildings would be the same. The three storey elevation is the most prominent feature of the application but this is far enough away from existing and proposed development as to not cause any overdominance.

There is a similar fall in levels affecting the houses along Storth Avenue and sections provided in support of the application show that the proposal reflects the height of existing buildings fronting Storth Avenue.

There is a simple pallet of materials being a mix of red/brown brick and render. The two terraces of houses would be red/brown brick with grey tiles on the pitched, hipped roofs. Windows would be uniform throughout all houses with brown window frames.

The only break in the uniformity of the elevations is the introduction of steps leading up to the first floor of the one/two storey houses from the rear gardens.

The exterior of the single house and the small business units would be pale render. The roof tiles of the single house would be the same grey as the other eight houses. The two business units would have red tiles which would create separation and identity between the two uses.

The use of the existing access road down one side is acceptable. Car parking would be located along the side of the access road comprising one line of 12 and a second line of six. Further car parking for the single house and the business unit is provided within the site. There are also footpaths along the frontage behind the existing stone wall and at the rear of the site serving houses and the business building.

The design, siting, scale and appearance of all proposed buildings is acceptable. The design and appearance of the houses would be different to the nearby houses on Storth Avenue but there is a wide variety of buildings in the immediate locality and the proposal will not be out of place. Space within the scheme is created by the gardens between the buildings.

## **Residents' Amenity.**

Concerns have been raised about the possibility of an unacceptable loss of privacy and overlooking from house no. 9 affecting the rear of existing houses fronting Storth Avenue. It is the case that plot 9 is close to the rear gardens of 2a and 4a, Storth Avenue but the rear wall facing the gardens has no windows, just a blank wall.

There are windows at the front and side and the only windows that could possibly affect existing houses are those on the south-east side elevation which actually face away from the existing neighbours. Only oblique angled viewing is available over the backs of the gardens. Consequently, there would be no unacceptable overlooking or loss of privacy.

With respect to potential overdominance of the blank wall of plot 9, the distance between existing and proposed buildings is between 14 and 17 metres and the rear garden is orientated to face south-west so receives the sun virtually all day.

It is considered that the impact of the blank wall on existing properties is acceptable.

With respect to amenities of future residents, the eight houses within the two terraces have private rear gardens each 10.5 metres in depth, bordered by 1.8 m high close boarded fencing. Plot 9 has garden areas on three sides. All houses have an acceptable level of amenity space.

A minimum distance of 21 metres between the rear elevations of houses is required to ensure that there is no unacceptable overlooking or loss of privacy and this has been achieved in this development.

At the southern end of the site is a B1 commercial use. There is a distance of 19 metres between the nearest elevation of this and plots 5 to 8.

The access road runs along the southwest boundary of the application site and beyond this is a car park associated with a residential home. There are blank elevations facing the home so there would be no overlooking or overdominance facing the home.

## **Sustainability.**

The site is located within a main urban area close to shops, amenities and good public transport links.

There is a mix of residential and employment uses and there is potential for people living on the site to also work there. This would reduce the need to use cars to commute to work. In a similar vein, the site is in a sustainable location and it is possible to walk, cycle or use public transport to shop or work rather than rely on the private car.

The proposal will incorporate sustainable design features in line with the newest L1 energy and part 14 of the NPPF.

Materials will be used which have low VOC emissions and the built fabric will exceed current Part L1 requirements enhanced with air tightness and thermal bridging controls.

Energy efficient systems such as low energy lighting, energy efficient boilers, heating controls and water controls will be used. On the south and southwestern facing roofs, solar panels will be used. Electrical charging points for cars will also be introduced within the site.

### **Highways Safety.**

Policy ST1 of the ALP says that development will be permitted where it does not adversely affect highways safety or the capacity of the transport system. NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the impacts on surrounding roads would be severe.

The access arrangements, as amended, are acceptable and there is good visibility in either direction. There were concerns about whether refuse vehicles would be able to enter and leave the site in a forward gear but a swept path analysis has been submitted which demonstrates that a 3 point turn within the site by a refuse vehicle is achievable.

With respect to car parking provision, the layout shows that there will be 18 spaces for the 9 houses, comprising 2 per dwelling and 6 for the business unit including two disabled spaces. This complies with guidance set out in the Nottinghamshire Design Guide.

Each house would have secure cycle parking and the business unit would have 8 secure cycle spaces.

Details have not been submitted for disabled access details or covered cycle parking for the business unit but these can be controlled by conditions.

There is a site at the rear of the application site in separate ownership and there has been concern expressed that this proposal would land-lock the site by closing off any access. However, it would be possible to access the site at the rear from the internal access road in the application site.

### **Contamination, Noise Impact and Air Quality.**

With respect to land contamination, local residents have stated that they believe that tinned food was buried on the site in the past. If, during construction works, this is discovered, remediation measures may well be required so a condition is necessary to control this eventuality.

The majority of neighbouring uses are residential and it is extremely unlikely that there would be any unacceptable noise or disturbance from existing houses. Introducing new housing next to existing residential areas is wholly appropriate. Within the development is the B1 commercial use but because of the low level impact of the intended use, this would not result in noise or disturbance to local residents. It is noted that close to the application site, on Watnall Road, there are a number of retail and commercial uses already.

With respect to air quality, the development would not result in any harmful emissions and, given the modest scale of the scheme and urban location, the emissions from vehicles would be a negligible addition to the existing levels of traffic.

### **Landscape and Public Open Space.**

The majority of open space within the site would be given over to garden space or amenity space associated with the business unit and responsibility for these areas lies with the respective occupiers/owners. However, there is a landscaped buffer strip proposed along the internal access road and the site boundary and a condition would control the responsibility for maintenance which would be by a Management Company.

### **Ecology and Biodiversity.**

It is a requirement of the NPPF (2019) that developments provide a measurable net gain for post development biodiversity.

An ecology report has not been submitted in support of this application because this is a site of relatively modest proportions.

The site currently comprises cleared vacant land covered in concrete, rubble and some scrub planting. The introduction of planting and gardens will improve the potential for biodiversity on the site significantly by attracting birds, insects and small mammals into the site.

Habitat boxes for bats, birds and insects can be incorporated into the design of the houses which can be controlled by a condition.

### **Drainage and Flood Risk Assessment.**

The whole site is part of a larger area which is contained within Flood Risk Zone 1 which has a low probability of flooding (less than 1 in 1,000 annual probability). The risk of flooding is, therefore, negligible.

The Local Lead Flood Team have been consulted but they have not commented on the scheme except to say that a sustainable drainage scheme for surface water is expected. This would be controlled by a condition. The foul drainage would be connected to the existing sewage system.

### **Affordable Housing.**

The provision of adequate levels of Affordable Housing is an important requirement of new housing schemes. However, this proposal is below the threshold set for Affordable Housing which is 14 dwellings, so Affordable Housing is not required as part of this development.

### **Developer Contributions.**

The requirements of the CIL Regulations state that a planning obligation can only be a reason to grant planning permission in the event of it being necessary to make the development acceptable in planning terms; directly relate to the development and fairly and reasonably related to the scale of the development.

One developer contribution is required which would be controlled by a Section 106 Agreement and this is set out below.

Should the business use be converted to residential use this would require S106 for the whole site. Permitted development rights to change the use without permission or through a prior notification application are therefore suggested to be removed by condition as the impact of a conversion would result in the requirement of an assessment of infrastructure required as a whole.

### **Bus Stop Improvements.**

A sum of £8,500 is required to provide a real time bus display to one of two bus stops close to the site, numbered AS0307 and AS0434.

### **Monitoring Contribution.**

The updated CIL legislation allows for a Section 106 monitoring fee to be charged. This will amount to £1,000 and will cover the Councils fees for monitoring the payment of the legal agreement.

### **Planning Balance and Conclusion.**



The NPPF says that proposals should be considered in the context of a presumption in favour of sustainable development which is defined by economic, social and environmental considerations and the interrelated roles they perform. The application is contained within a sustainable main urban area.

Economic.

The proposal will bring forward homes for approximately 10 to 18 people who would be in employment. The jobs will be diverse in terms of full and part time positions and the level of skills required from professional to manual positions.

In addition, the development will create additional benefits in the form of construction jobs including materials suppliers and local businesses. The site will bring forward economic benefits to the immediate surroundings and the local area more widely.

Social.

The scheme would deliver 9 high quality, affordable houses. The Council cannot currently demonstrate a 5 year housing land supply and the provision of new homes carries significant weight in the determination of this planning application.

Environmental.

In environmental terms, the proposal will regenerate an unsightly, vacant brown-field site by providing modern houses and employment opportunities thus improving the visual and environmental quality of the area. The proposal has also been designed to incorporate a variety of sustainable features to reduce the reliance on fossil fuels in order to reduce the carbon footprint.

The layout, appearance and scale of the development is considered to be acceptable. The impact on highways safety, the amenity of existing and future residents, biodiversity, flooding and landscape have all been assessed and considered to be acceptable.

Overall, the proposed development is considered to comply with both the development plan and the NPPF. Consequently, the application is recommended for approval subject to the conditions set out below and the terms of the legal agreement.

**Recommendation: - Conditional Consent subject to a section 106 Legal Agreement.**

Heads of Terms of Section 106 Agreement.

1. A sum of £8,500 for improvements to a bus stop.

2. A sum of £1,000 to be provided to cover the cost of monitoring the Section 106 Agreement in accordance with C.I.L. legislation.

## 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 A00 April 2021
  - Block Plan A01-Rev.B. Jan 2023
  - Layouts Street Level A02-Rev.A. Feb 2023
  - Layouts Garden Level A03-Rev.A- Feb 2023
  - Layouts Garden-1 Level A04-A- Feb 2023
  - Roof Plan A05 Feb 2023
  - Elevations Housing A06-A-Jan 2023
  - Elevations Watnall Centre A07 Feb 2023
  - Site Access from Watnall Road ARJ-01 Aug 2021
  - Visibility Splays and Junction Configuration P1121-01 Rev. B
3. No development shall take place until details or samples of the materials and finishes to be used for the external elevations and roofs of the development have been submitted to and 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. Prior to the commencement of development, details of bird, bat and bee boxes and hedgehog openings to be incorporated into the buildings and layout shall have been submitted to and agreed in writing by the Local Planning Authority. Thereafter such boxes and openings shall be included in the development prior to the occupation of the appropriate building and retained thereafter.
5. Prior to the commencement of development, details of disabled parking for the B1 Business use and covered cycle storage shall have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, such parking and covered cycle storage shall be included in the development and retained thereafter.
6. The area shown for car parking on the approved site layout plan shall be hard surfaced and the car parking spaces delineated, in a manner previously agreed in writing by the Local Planning Authority, before development hereby permitted is first occupied. The area shall not thereafter be used for any purpose other than the parking of vehicles.

7. Prior to the commencement of development, the applicant shall submit the following to the Local Planning Authority:
  - i A desk top study/Phase 1 report documenting the previous history of the site and its immediate environs
  - ii A site investigation/Phase 2 report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase 2 Report documenting the characteristics of the ground at the site. The Site Investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the Local Planning Authority.
  - iii A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas and/or significant levels of ground contamination. The scheme shall include a Remediation Statement and risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the Local Planning Authority, in advance of the works being undertaken.

All remediation should be carried out safely, ensuring that no significant risk(s) remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional contamination. Where additional contamination is found, the applicant must submit in writing, details of the contingency plan for the written approval by the Local Planning Authority.

On completion of remedial works and prior to the occupation/use of the development, the applicant must submit to the Local Planning Authority a Validation Report with confirmation that all remedial works have been completed and validated in accordance with the agreed details. The Validation Report must be submitted for the written approval of the Local Planning Authority prior to the development being put to its intended use.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding and turfing indicated on the approved landscaping scheme shall be carried out in the first planting seasons following the occupation of the buildings or 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

9. No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to the completion of the development. The scheme to be submitted shall:
  - Demonstrate that the development shall use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
  - Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
  - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
  - Provide detailed design (plans, networks and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - For all exceedance to be contained within the site boundary without flooding new properties in a 100 year plus 40% storm.
  - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
  - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.
  
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development including change of use relating to any Class in Part 3 of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.

## **REASONS**

1. To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended.

2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. In the interests of bio-diversity and the natural environment.
5. In the interests of highways safety.
6. To ensure adequate off street car parking in the interests of highways safety.
7. To ensure that the site, when developed, is free from contamination, in the interests of the safety of future occupiers.
8. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
9. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
10. To protect the amenity of neighbouring and future occupiers and to ensure any development is sustainable in the provision of appropriate infrastructure appropriate to the development as a whole.

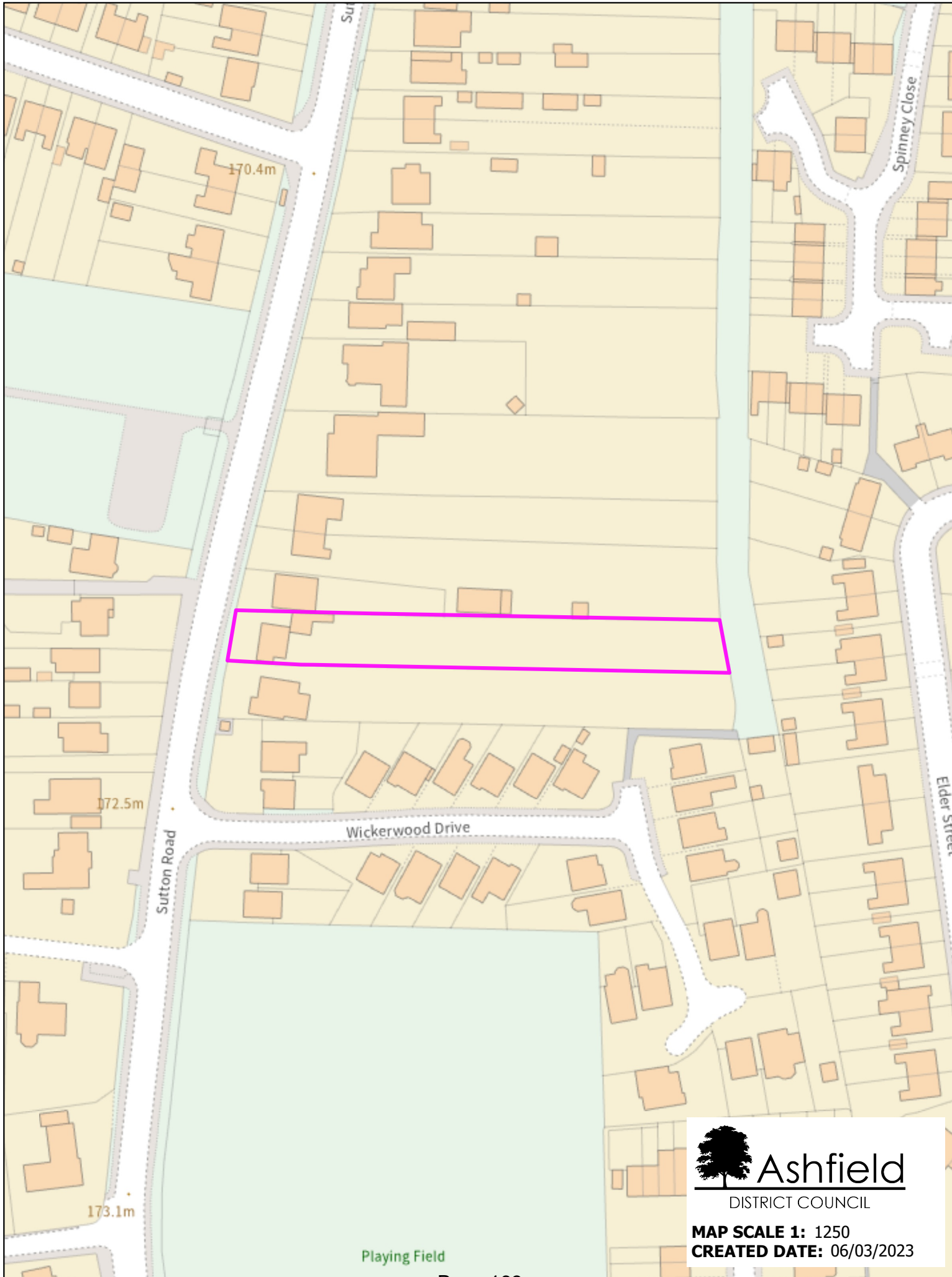
## INFORMATIVES

1. The developer is strongly advised to ensure compliance with all planning conditions attached to this 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 do not hesitate to contact the Development and Building Control Section of the Authority on 01623 450000. For further details on the decision, please see the application report by contacting the Development Section on 01623 457388.
2. Adoption of streets/roads. The Highways Authority (HA) only seeks to adopt streets where the new street network is acceptable in all highways and transportation terms. Accordingly, the HA may refuse to accept future maintenance liability of roads that do not meet the required standards and specification.

Planning consent is not agreement to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works, you must contact Highways Network Management at [licenses@viaem.co.uk](mailto:licenses@viaem.co.uk) to ensure all necessary licenses and permissions are in place.

3. The Local Lead Flood Team (LLFT) ask to be re-consulted with any changes to be submitted and approved details of any Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead us to objecting to the discharge of conditions. The LLFT will provide you with bespoke comments within 21 days of receiving a formal consultation.

This page is intentionally left blank



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 06/03/2023**

**COMMITTEE DATE**    22/03/2023                      **WARD**            Larwood

**APP REF**                      V/2023/0035

**APPLICANT**                Mr Jason Zadrozny

**PROPOSAL**                Outline planning application with all matters reserved for 4 dwellings.

**LOCATION**                    74 Sutton Road, Kirkby in Ashfield, NG17 8GZ.

**WEB LINK**                    <https://www.google.com/maps/place/Sutton+Road+Kirkby+in+Ashfield,+12+Sutton+Rd,+Kirkby+in+Ashfield,+Nottingham+NG17+8GS/@53.1050675,-1.2687903,170m/data=!3m1!1e3!4m6!3m5!1s0x487994486e92880d:0x6d1b179a77c1efc0!8m2!3d53.1019228!4d-1.2690608!16s%2Fq%2F1dltt0q>

**BACKGROUND PAPERS**    A, B, C, F and K.

App Registered 23/01/2023                      Expiry Date 19/03/2023

*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 a member*

**The Application:**

This is an outline planning application with all matters reserved for a proposed residential development for 4 dwellings at 74 Sutton Road, Kirkby in Ashfield. The existing dwelling on site would be demolished to facilitate the development.

Therefore the Council is only considering whether the principle of residential development is acceptable as part of this application. Matters relating to the scale, layout, design and landscaping of the proposed development would be subject to consideration as part of any future planning application submitted to the Council.

**Consultations:**

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



## **Resident comments:**

10 representations have been submitted, 8 objecting to the proposal and 2 supporting it, raising the following points:

### Object:

- Amenity:
  - Too close to boundary.
  - Loss of privacy.
  - Overshadowing.
  - Noise and disturbance.
  - Impact on amenity during construction.
- Highways:
  - Highway is already busy and congested, especially at rush hour.
  - Highway safety will be compromised.
    - Including pedestrians and cyclists.
  - Will create parking issues.
- Will set a precedent.
- Devalue property.
- Loss of outlook.
- Asbestos on site.
- Impact on trees and hedgerows.
- Will require access to third party land for construction – i.e. scaffolding placement.
- Restrict access for maintenance.
- Drains run along boundary line.
- Applicant owns other land.

### Support:

- Creates modern family homes in a sustainable urban area.
- Other houses across from the site have done the same.

- Properties on Sutton Road are all different.

**Local Lead Flood Authority:**

No bespoke comments to make. General informatives advised.

**Severn Trent Water:**

Condition and informative advised.

**Policy:**

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

**Ashfield Local Plan Review (ALPR) (2002):**

ST1 – Development.

ST2 – Main Urban Area.

EV8 – Trees and Woodland.

HG3 – Housing Density.

HG5 – New Residential Development.

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

Para 11 – Sustainable Development.

Part 5 – Delivering a sufficient supply of homes.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

**Supplementary Planning Documents:**

Residential Design Guide (2014).

Residential Extensions Design Guide (2014).

Residential Car Parking Standards (2014).

### **Relevant Planning History:**

- V/2012/0161 - Demolition of Existing Dwelling, Replacement Dwelling with Detached Garage - FULCC.
- V/2018/0630 - Fence and Posts - FULCC.
- V/2022/0456 - Replacement dwelling and detached garage - FULCC.

### **Material Considerations:**

- Principle of Development.
- Amenity.
- Other.

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:**

Based on the latest housing monitoring report, as of 1st April 2022 and applying a 20% buffer, Ashfield District Council had a 2.26 year housing land supply. Despite a number of planning permissions being granted since 1st April, the five year housing land supply is anticipated to have risen but will still be significantly below the five year housing requirement.

Under these circumstances, NPPF paragraph 11(d) together with any relevant footnote will be engaged. This means that planning permission should be granted, unless 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.

In relation to the operation of the 'tilted balance', it is a matter for the decision-maker to decide how much weight should be given to the policies of the development plan. The 'triggering' of the tilted balance does not automatically lead to the grant of planning permission, but instead involves the balancing of competing interests, but with the tilt towards granting permission. Each planning application is assessed on its own merits.

The application site is located within the main urban area of Kirkby in Ashfield, where the principle of development is acceptable under Policy ST2 of the ALPR (2002).

The site is enclosed by other residential properties to the north, east, south and west. To the east is a strip of overgrown landscaping between the application site and the residential properties on Elder Street.

The character of the street scene is mixed with a variety of property types and plot formations visible. Properties within the vicinity generally front onto a highway, be it in a north-south or east-west delineation, although there is evidence in the immediate vicinity (directly to the west of the application site) where other properties display a comparable plot arrangement to the proposal with residential development to the rear of existing properties.

The details submitted with the application, such as a layout plan and elevation/floor plan drawings, have been submitted for indicative purposes only and illustrate only one possible way in which the site could potentially be developed.

**Amenity:**

Concerns have been raised by residents throughout the consultation process regarding, amongst other things, the impact the development will have on amenity (overlooking, overshadowing, disturbance etc) and highway capacity/safety.

As part of this outline planning application with all matters reserved, the Council is only considering the principle of residential development on the application site. Matters relating to the scale, layout, design, access and landscaping of the proposed development would need to be considered as part of any future planning application(s) submitted to the Council.

Therefore the potential impact upon neighbours would be subject to consideration and assessment at a later date relating to possible impact on privacy, overshadowing, massing, overlooking etc. Additionally ensuring adequate visibility splays and parking standards etc can be achieved would also be subject to further consideration at a later date.

With regards to resident concerns about disruption caused during any construction work, it is recognised that some disruption could be experienced during the construction phase of any development, however this would be for a temporary period only and as such would not warrant a refusal of the application on this basis. However there would be an expectation that any works associated with the construction of the dwellings would follow good practice advise and legislation in relation to reasonable working

hours, dust control etc. Should problems of this nature arise these would need to be raised through the appropriate channels, such as via the Council's Environment Health team, to be investigated further.

**Other:**

Impact on property value and loss of a view are not material planning considerations. Similarly any access to third party land for any works and access for maintenance purposes are civil matters between the relevant parties to resolve.

It has been alleged that there may be asbestos present on site. If this is the case it would be the landowners/developers responsibility to ensure safe handling and disposal on any hazardous material which may be encountered on site. The potential presence of asbestos on site would not prevent any planning application from being determined.

None of the trees on site are protected by a Tree Preservation Order.

**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.

The application site is located within the main urban area of Kirkby in Ashfield, where the principle of development is acceptable. The Council is only considering the principle of residential development as part of this outline planning application with all matters reserved. Therefore the potential impact upon neighbours would be subject to consideration and assessment at a later date

The scheme provides an opportunity to improve local ecology via the use of conditions to secure enhancement measures relating to new landscaping, provision of bird nesting boxes, bee bricks and hedgehog friendly fencing.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

**Recommendation: Grant planning permission, subject to the below conditions:**

**CONDITIONS**

1. 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) Access
  - (e) Landscaping
2. An 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 development to which this approval relates shall be begun not later than whichever is the later of the following dates:
    - (a) The expiration of 3 years from the date of the outline planning permission;
    - (b) 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.
  4. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.512:OS:01, Received 20/01/2023. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
  5. The Reserved Matters details for the site layout shall include details which incorporate a formal vehicle turning facility within the site boundary which can accommodate emergency vehicles such as a fire engine. Vehicle tracking plans should be submitted to illustrate this. The formal turning facility shall thereafter be implemented in accordance with the agreed details prior to the occupation of the dwellings and be maintained as such in perpetuity.
  6. The Reserved Matters details for landscaping shall also detail the proposed treatment of the site's boundaries. Any garden fence/wall should be provided with a small hole (130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. The boundary treatments shall thereafter be implemented in accordance with the agreed details prior to the occupation of the dwellings and be maintained as such in perpetuity.
  7. The Reserved Matters details for the dwellings shall include the provision of at least one Bee brick to be included in the design for each property, and this detail shall be provided in the constructed dwellings prior to their occupation.
  8. The Reserved Matters details for the dwellings shall include the type and number of bird and bat boxes/bricks which are to be installed within/on the new dwellings or elsewhere within the site. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.

9. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted with the Reserved Matters application and shall be implemented in accordance with the approved details before the development is first brought in to use.
10. The Reserved Matters details for access shall include the provision of vehicle and pedestrian visibility splays on each side of the vehicle access. These measurements should be taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6 meters above the carriageway level at all times.
11. The Reserved Matters details for the dwellings shall indicate the proposed finished floor level of all buildings, and the relationship of such to the existing dwellings/land. The development must not be brought in to use until these details have been agreed in writing by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

## **REASONS**

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
3. To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
4. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
5. In the interest of highway safety.
6. To ensure the satisfactory appearance of the completed development, an adequate level of amenity, and to enhance biodiversity.
7. In the interests of enhancing local ecology.
8. To reduce the impact of the development on habitats and species.
9. 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.
10. In the interest of pedestrian safety.
11. To protect the amenity of the area.

## INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The development should not increase flood risk to existing properties or put the development at risk of flooding.
3. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
4. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
5. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
6. 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.
7. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.





<b>Report To:</b>	<b>PLANNING COMMITTEE</b>
<b>Date:</b>	<b>22 MARCH 2023</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>
<b>Executive Lead Member:</b>	<b>COUNCILLOR SARAH MADIGAN, EXECUTIVE LEAD MEMBER FOR CUSTOMER SERVICES AND STRATEGIC PLANNING</b>
<b>Ward/s:</b>	<b>CARSIC, UNDERWOOD</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

### **Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

### **Recommendation(s)**

To Note the Appeal Decisions.

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

To bring to Members attention the recent Appeal Decisions.

### **Alternative Options Considered**

*(with reasons why not adopted)*

N/A

### **Detailed Information**

Planning Application – Appeal Decisions

#### **Carsic**

<b>Planning Application Site Proposal</b>	V/2022/0513 32c Carsic Road, Sutton in Ashfield Outline Application with Some Matters Reserved for a Maximum of 9 Dwellings and Associated Access.
<b>Appeal Decision</b>	Appeal dismissed
<b>Costs application</b>	Dismissed

The Inspector considered the proposal would not harm the living conditions of neighbouring occupiers and although was supported by some of the local community he concluded the use would be likely to generate significant customer and delivery activity resulting high parking demand and a substantially adverse impact on highway safety.

He further concluded the authority had not been unreasonable in reaching its decision and did not award costs to the applicant.

**Underwood**

**Planning Application**      **X/2021/0061**  
**Site**                              The Mews Barn, Felley Mill Lane South, Underwood  
**Proposal**                        Agricultural storage building.'

**Appeal Decision**              Appeal dismissed

This application was submitted with the applicant claiming the building was permitted development and that approval was sought for prior approval only. The Inspector concluded that the proposed development does not comply with the conditions, limitations and restrictions applicable to permitted development under Schedule 2, Part 6, Class A of the GPDO.

**Implications**

**Corporate Plan:**

Reporting these decisions ensures we are open and transparent in our decision making process.

**Legal:**

Legal issues relating to specific planning appeals are set out in the report. As the report is for noting, there are no legal issues associated with the recommendation in the report.

**Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:** N/A

<b>Risk</b>	<b>Mitigation</b>
N/A	N/A

**Human Resources:**

No implications

**Environmental/Sustainability**

None

**Equalities:**

None

**Other Implications:**

None

**Reason(s) for Urgency**

*(if applicable) N/A*

**Reason(s) for Exemption**

*(if applicable) N/A*

**Background Papers**

*(if applicable) None*

**Report Author and Contact Officer**

**Mick Morley**

**Development Team Manager**

**01623 457538**

**[mick.morley@ashfield.gov.uk](mailto:mick.morley@ashfield.gov.uk)**

**Robert Docherty**

**Executive Director - Place**

This page is intentionally left blank



<b>Report To:</b>	<b>PLANNING COMMITTEE</b>
<b>Date:</b>	<b>22 MARCH 2023</b>
<b>Heading:</b>	<b>UPDATE ON GOVERNMENT CONSULTATIONS</b>
<b>Executive Lead Member:</b>	<b>COUNCILLOR SARAH MADIGAN, EXECUTIVE LEAD MEMBER FOR CUSTOMER SERVICES AND STRATEGIC PLANNING</b>
<b>Ward/s:</b>	<b>ALL</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

### **Purpose of Report**

To inform Members of current government consultations

### **Recommendation(s)**

To Note the proposed potential changes.

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

To bring to Members attention the current consultations.

### **Alternative Options Considered**

*(with reasons why not adopted)*

N/A

### **Detailed Information**

The Consultation indicates an uplift of Planning Fees which includes 35% for majors and 25% on minor and other types of application with any additional funds raised by the proposed fee increases to be ring fenced for use by local authority planning teams. This is intended to be performance related. The consultation asks for views on the use of a range of proposed new quantitative metrics, which include:

- The average time taken to validate applications;
- The number of extension of time agreements;
- The average number of weeks taken to respond to suspected planning breaches;

- The proportion of open planning enforcement cases that are over six months old;
- The percentage of delegated and committee decisions;
- The percentage of committee decisions to refuse permission against the advice of officers that are subsequently allowed at appeal.
- introduce a prior approval fee for the permitted development right allowing the Crown to develop sites within the perimeter of a closed defence site
- build planning capacity and capability within local authorities, including challenges in recruitment and retention, and how these can be addressed
- reduce the Planning Guarantee from 26 weeks to 16 weeks for non-major applications
- improve the quality of the local authority planning service by monitoring more performance measures.

The consultation is available to view at

<https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation>

The deadline for comments to be submitted is by 25 April 2023 any comments you wish us to consider and raise should be forwarded by 10 April 2023

## **Implications**

### **Corporate Plan:**

Reporting these potential changes since they may have an impact on the service. At a future date.

### **Legal:**

There are no Legal issues arising from this report.

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

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

<b>Risk</b>	<b>Mitigation</b>
N/A	N/A

**Human Resources:**

No implications

**Environmental/Sustainability**

None

**Equalities:**

None

**Other Implications:**

None

**Reason(s) for Urgency**

*(if applicable) N/A*

**Reason(s) for Exemption**

*(if applicable) N/A*

**Background Papers**

*(if applicable) None*

**Report Author and Contact Officer**

**Mick Morley**

**Development Team Manager**

**01623 457538**

**[mick.morley@ashfield.gov.uk](mailto:mick.morley@ashfield.gov.uk)**

**Robert Docherty**

**Executive Director - Place**

This page is intentionally left blank