

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Thursday, 25th August, 2022**

Time: **10.00 am**

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

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

Planning Committee

Membership

Chairman: Councillor Andy Meakin

Vice-Chairman: Councillor Jamie Bell

Councillors:

Samantha Deakin

Rachel Madden

Phil Rostance

Jason Zadrozny

Arnie Hankin

Lauren Mitchell

Helen-Ann Smith

FILMING/AUDIO RECORDING NOTICE

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

SUMMONS

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



Theresa Hodgkinson
Chief Executive

AGENDA

Page

- 1. To receive apologies for absence, if any.**
- 2. Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
- 3. To receive and approve as a correct record the minutes of a meeting of the Committee held on 20 July 2022.** 5 - 10
- 4. To receive and consider the attached planning application.** 11 - 32
- 5. Planning Appeal Decisions.** 33 - 36

This page is intentionally left blank

PLANNING COMMITTEE

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

on Wednesday, 20th July, 2022 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 (as substitute for
Jason Zadrozny) and Helen-Ann Smith.

Apology for Absence: Councillor Jason Zadrozny.

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

In Attendance: Hannah Cash.

P.5 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

1. Councillor Helen-Ann Smith, on behalf of the Committee, declared a general Non-Registrable Interest in relation to Members being known to the Applicant, Councillor Jason Zadrozny (Application V/2022/0456, Mr. J Zadrozny, Replacement Dwelling and Detached Garage, 74 Sutton Road, Kirkby in Ashfield). However, Councillors Samantha Deakin and Helen-Ann Smith additionally advised that they would be leaving the room for the duration of the item, due to their ongoing close personal friendship with the Applicant.
2. Councillor Helen-Ann Smith declared a Non-Registrable Interest in relation to Application V/2022/0299, L Westerman, Application to remove condition 2 – sound amplifying equipment of planning permission V/2019/0728, 4A Annesley Road, Hucknall. Her interest arose from the fact that she had previously spoken to the Applicant but in doing so had not expressed any opinions on the application at any point.
3. Councillors Lauren Mitchell and Phil Rostance declared Non-Registrable Interests in relation to Application V/2022/0299, L Westerman, Application to remove condition 2 – sound amplifying equipment of planning permission V/2019/0728, 4A Annesley Road, Hucknall. Their interests arose from the fact that they had previously listened to the Applicant's concerns but in doing so had not expressed any opinions on the application at any point.

P.6 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 1 June 2022, be received and approved as a correct record.

**P.7 Town and Country Planning Act 1990:
Town Planning Applications Requiring Decisions**

1. V/2021/0904, Crossover Consulting & PM Limited, Change of Use from Residential Care Home to House in Multiple Occupation, 37A Ogle Street Hucknall

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

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

It was moved and seconded that conditional consent be granted as per officer's recommendation subject to an amendment to condition 2 as follows:

Condition 2

This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.P/001, Received 22/12/2021. Proposed Site Plan, Drawing No.P/002 Rev.C, Received 01/03/2022. Proposed Elevations, Drawing No.P/008 Rev.B, Received 01/03/2022. Proposed Floor Plans, Drawing No's.P/006 Rev.A and P/007, Both Received 22/12/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

2. V/2022/0299, L Westerman, Application to remove condition 2 – sound amplifying equipment of planning permission V/2019/0728, 4A Annesley Road, Hucknall

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillors Lauren Mitchell, Phil Rostance and Helen-Ann Smith had previously declared Non-Registrable interests in respect of this application. Their interests were such that they stayed in the meeting and took part in the discussion and voting thereon.)

David Arnold, 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 submissions as required.

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

It was moved by Councillor Arnie Hankin and seconded by Councillor Lauren Mitchell that:

- a) officer's recommendation contained within the report be rejected and planning consent be granted subject to the following Conditions:

Conditions

This permission shall be read in accordance with the following plans:
Site Location Plan 1:1250 & Block Plan 1:500, Received 25/10/17:
Existing Floor Plan, Received 27/10/17, Proposed Floor Plan, Received 26/10/17. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

Live music is only permitted to take place in the premises during the following hours and not at any other time
12:00pm (Midday) to 23:00pm on Friday, Saturday and Bank Holidays.
12:00pm (Midday) to 00.15am (the following day) on Christmas Eve (24 December) and New Year's Eve (31 December)

All entertainment in the form of amplified sound or speech shall be channelled through a Noise Limiter which is limited to a maximum of 82 decibels. The system will be operated at all times under the operating conditions set out in the Noise Assessment completed by E2 Consultants, project reference:12503-1. The noise limiter will cut off the power supply to the sound equipment if this level is exceeded.

The use of the hereby permitted development shall only take place during the following hours:

12:00pm (Midday) to 23:00pm Mondays to Thursday
12:00pm (Midday) to 00.00am Friday
12:00pm (Midday) to 00.00am Saturday
12:00pm (Midday) to 23:00pm Sunday
Christmas Eve (24 December) and New Years Eve (31 December)
opening allowed until 01.00am

No tables or seating shall be sited externally to the front or rear of the application premises.

The access door to the rear shall not be used by customers to access or egress the premises at any time.

The service yard to the rear of the premises shall not be used by customers at any time.

- b) delegated authority be granted to the Assistant Director, Planning and Regulatory Services, in consultation with the Planning Committee Chairman and Vice Chairman, to agree the most appropriate wording of the Conditions with the Applicant (to assist with the temporary nature of the approval) with the proviso that the application comes back to Committee for further consideration, should suitable agreement not be reached.

Reasons for rejecting officers' recommendation

Members considered that the variation would comply with Policy ST1 of the Ashfield Local Plan Review (2002).

For the motion:

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

Against the motion:

None.

Abstentions:

None.

3. V/2022/0385, Ashfield District Council, Application for Consent to Display an Advertisement - Main Building Signage "Kirkby Leisure Centre" 1no. Illuminated Festival Hall, Hodgkinson Road, Kirkby in Ashfield

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

4. V/2022/0456, Mr. J Zadrozny, Replacement Dwelling and Detached Garage, 74 Sutton Road, Kirkby in Ashfield

(In accordance with the Council's Constitution and the Members' Code of Conduct, all Members present at the meeting had previously declared Non-Registrable interests in respect of this application. Their interests were such that they all stayed in the room and took part in the discussion and voting thereon apart from Councillors Samantha Deakin and Helen-Ann Smith who left the room for the duration of the item.)

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:-

Nottinghamshire County Council Highways raised no objection but advised on the need to provide sustainable transport matters, maintain the driveway for turning vehicles and on the need to seek a licence for works proposed within the highway.

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

Informative

Please contact VIA East Midlands to obtain a licence to amend the existing highway verge across their frontage on Sutton Road. They can be contacted on 0300 500 8080 or by emailing contactus@viaem.co.uk. All associated costs will be the responsibility of the applicant.

The applicant is encouraged to provide an electric vehicle charging point and cycle parking as part of the scheme.

5. V/2022/0379, Mr. F. McDermott, Application for Tree Works: Works to Trees Subject to a Tree Preservation Order - TPO Ref:178 - Fell 7 Trees T1-T7, Pollard to 5M, 3 Trees T8-T10, Plus Ongoing Maintenance Authority TPO Ref: 086 Fell 4 Trees T9-T12, 105A Alfreton Road, Sutton in Ashfield

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

It was moved and seconded that the application be deferred to seek further information on the condition of the trees, possible alternatives and mitigation, an ecologist report and to enable a site visit for Committee Members.

(During consideration of this application, Councillor Lauren Mitchell left the meeting at 12.07pm.)

P.8 Tree Preservation Order - Chesterfield House, Titchfield Avenue, Sutton in Ashfield

Members were advised of an objection received in response to the making of a Tree Preservation Order (TPO) at Chesterfield House, Titchfield Avenue, Sutton in Ashfield for one Horse Chestnut Tree and five Lime Trees. A late item had been received advising that some remedial works were to be carried out on the trees with consultations taking place for further works in the future.

As a result of the late item, Committee was asked to also consider amending the TPO to remove the Horse Chestnut Tree from the Order.

RESOLVED

that having considered the objection and the late item regarding proposed remedial works to the trees, the Council proceeds to amend and confirm the Tree Preservation Order for the five Lime Trees only, on the terms outlined in the report.

P.9 Planning Appeal Decision

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

RESOLVED

that the report be received and noted.

The meeting closed at 12.33 pm

Chairman.

BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

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

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 Director – Place and Communities or the Assistant Director Planning and Regulatory Services by 5pm 19th August 2022.

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

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

R Docherty

Director – Place and Communities

Tel: 01623 457365

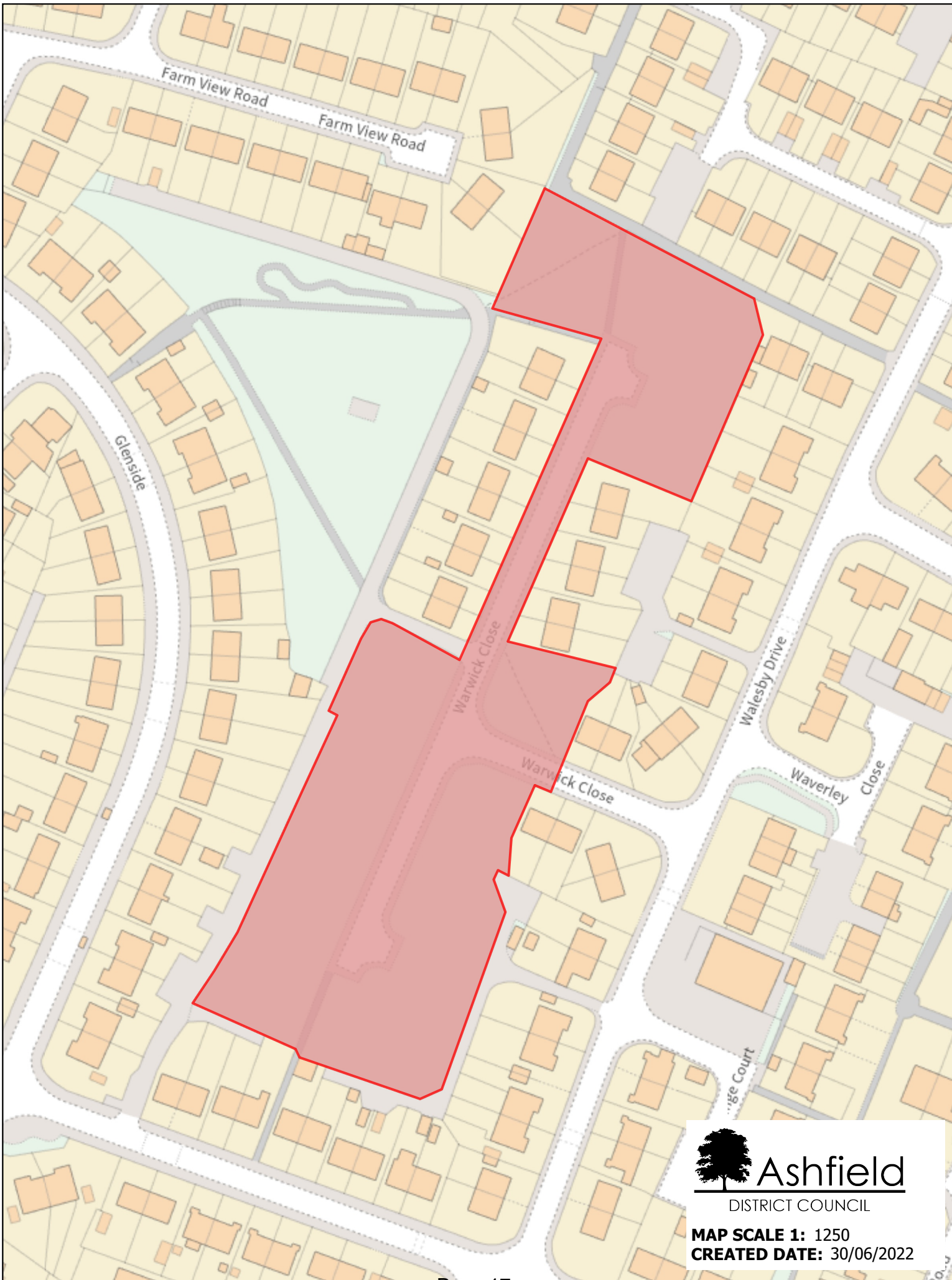
E-mail: Robert.Docherty@ashfield.gov.uk

This page is intentionally left blank

**PLANNING COMMITTEE – 25th August
2022**

Page	App No	Applicant	Recommendation	Proposal	Location
Abbey Hill					
17-32	V/2022/0326	Ashfield District Council	Approve	Construction of 34 Dwellings	Land at Warwick Close Kirkby in Ashfield

This page is intentionally left blank



This page is intentionally left blank

<u>COMMITTEE DATE</u>	25/08/2022	<u>WARD</u>	Abbey Hill
<u>APP REF</u>	V/2022/0326		
<u>APPLICANT</u>	Ashfield District Council		
<u>PROPOSAL</u>	Construction of 34 Dwellings		
<u>LOCATION</u>	Land at Warwick Close, Kirkby in Ashfield, Nottinghamshire, NG17 7PE.		
<u>WEB LINK</u>	https://www.google.com/maps/place/Warwick+Cl,+Kirkby+in+Ashfield,+Nottingham/@53.1018086,-1.2320042,295m/data=!3m1!1e3!4m5!3m4!1s0x487995957a30682b:0x4c48986dd49095e5!8m2!3d53.1017649!4d-1.2314374		

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

App Registered 22/04/2022

Expiry Date 22/07/2022

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

This application has been referred to Planning Committee in the interest of transparency since Ashfield District Council is the applicant, and also owner of the application site.

The Application:

This is an application for 34 dwellings on a Council owned site. The application seeks to utilise areas of brownfield land which were previously developed with residential housing prior to them being demolished.

The properties themselves will be semi-detached, comprising a mix of 2 and 3 bedrooms. The scheme is aimed to deliver 100% affordable housing on site.

The proposal also includes areas of hard surfacing for vehicle parking and manoeuvring, the provision of turfed private outdoor amenity space, and the incorporation of new tree and shrub planting.

Consultations:

Site and press notices have been posted together with individual notifications to surrounding residents. A re-consultation has also been undertaken on the revised drawings received. The following responses have been received:

Resident comments:

3x representations have been submitted, objecting to the proposal. They raise the following points:

- Little notice given to residents regarding consultation.
- Requiring comments online or by email prohibitive to elderly relatives.
- Overlooking.
 - Exacerbated by land level differences.
- Crime/antisocial behaviour.
 - Previous flats on this site were linked to area crime.
 - Creation of 'jitties' behind properties.
- Query whether any boundaries to existing properties would be affected/fencing replaced.
- Query why they have received notification of the development.

Ashfield District Council Environmental Health:

No objections (does not include comments in relation to contaminated land).

Local Lead Flood Authority:

No objections based on submitted information. Condition requested relating to a detailed scheme of surface water drainage.

Severn Trent Water:

Foul connection into public foul drain would be subject to formal connection agreement. No comments relating to surface water drainage.

Informative advised.

Environment Agency:

The development falls within flood zone 1 and therefore there are no fluvial flood risk concerns associated with the site. Additionally there are no other environmental constraints associated with the application site.

Nottinghamshire County Council Planning:

Planning obligations sought for bus stop infrastructure (£24,500) which should be paid prior to occupation.

Nottinghamshire Health Authority:

A contribution for healthcare (£18,423.75) as part of any Section 106 Agreement has been requested.

Nottinghamshire County Council Highways:

1. Proposed development will not have a significant detrimental impact upon the highway network, however the submitted Transport Statement does not discuss the internal site layout.
2. Traffic calming measures should be incorporated to achieve target speeds of 20mph.
3. The site should be permeable for pedestrians and cyclists.
4. Commuted sums would be required for adoption of roads and any additional carriageway/features.
5. Applicant should undertake a review of the desired routes in association with collision data and mitigation.
6. Any new traffic generated from the site is viewed as being new traffic as the site has been vacant for over 12 years.
7. Plan showing total number of on-street parking spaces, such as for visitor use, should be provided. The plan should also show dropped crossings and pedestrian visibility splays.
8. Strongly recommended that all dwellings are fitted with EV charge points.
9. All footways should be 2m wide.

Nottinghamshire County Council Rights of Way:

No objections, no public rights of way are affected by the proposal.

Nottinghamshire Wildlife Trust:

1. Generally satisfied with the conclusions of the Ecology Report and that it has been undertaken according to good practice guidelines.
2. Any grassland creation should include flowering species including white clover. A flowering lawn mix is deemed a suitable replacement.
3. Measures for hedgehogs should be implemented – gaps in fences etc.
4. Any new boundary hedgerows that are created on site should use native species including dogwood, hawthorn, and spindle (species already present on site).
5. Provision for roosting bats and nesting birds should be built into the new structures.

6. All planting should be of native varieties or have known benefits to British wildlife. Species such as cherry laurel, Portuguese laurel, or Leylandii should be avoided.
7. Recommend that a Landscape and Ecological Management Plan (LEMP) be secured as a condition to detail how the recommendations made within the ecological report, as well as the habitats and open spaces on site are to be appropriately managed for biodiversity. The LEMP should also detail the location of the hedgehog highways, bird nesting and bat roosting provisions, and information relating to the tree, hedgerow plants and seed mixes.

The Coal Authority:

The area does not fall within a defined development high risk area.

Policy:

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

National Planning Policy Framework (NPPF) (2021):

Part 5 – Delivering a sufficient supply of homes.

Part 8 – Promoting healthy and safe communities.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST2 – Main Urban Area.

EV8 – Trees and Woodland.

HG3 – Housing Density.

HG4 – Affordable Housing.

HG5 – New Residential Development.

Supplementary Planning Documents:

Residential Design Guide (2014).

Residential Extensions Design Guide (2014).

Residential Car Parking Standards (2014).

Relevant Planning History:

Northern Site:

V/2007/0764 - Demolition of 2 No Two Storey Blocks of Flats Including Outbuildings - Conditional consent.

V/2009/0629 - Prior Notification of Proposed Demolition at Warwick Close - Conditional consent.

Southern Site:

V/2009/0629 - Prior Notification of Proposed Demolition at Warwick Close - Conditional consent.

V/2010/0322 - Prior Notification of Proposed Demolition of 8 Houses - Conditional consent.

Material Considerations:

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

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

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

Paragraph 119 of the NPPF 2021 stipulates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes which should be promoted and supported where it would help to meet identified housing need.

The proposal represents a modest, but nevertheless important boost to the districts housing supply, providing 34 new residential units in a sustainable, main urban area location. The scheme would also provide economic benefits that would be generated through the construction of the dwellings and occupation thereafter.

Having regard to the presumption in favour of development, as outlined in paragraph 11 of the NPPF, the principle of the proposed development is considered acceptable provided all other material planning considerations can be appropriately satisfied.

Visual Amenity:

As previously mentioned, the area surrounding the application site is residential in nature, with the properties within the vicinity of the site being mainly two storey semi-detached dwellings.

The properties are proposed to be constructed from red rustic bricks and slate grey roof tiles, incorporating buff coloured stone cills. The design and finish of the neighbouring properties is consistent, with brown, buff and red bricks used. As a result, it is considered that the proposed development would assimilate well into the street scene and cause no detrimental harm to the visual amenities of the area.

The sites are generally 'open' when viewed from Warwick close, with low level bollards in place around the highway edge. Beyond this the outer perimeters of the sites are generally bound by high level forms of boundary treatments (fences, walls etc) which currently form the boundaries of surrounding properties. To ensure a satisfactory standard of amenity is secured for existing and future occupiers new 1.2m and 1.8m fencing is proposed consisting of timber panels with concrete posts and gravel boards to the front and rear gardens respectively.

Amenity planting is proposed to the front and side of the properties. A limited number of trees will need to be removed from the site to facilitate the development. The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan indicates that the trees to be removed are generally considered to be of poor quality, with higher quality trees retained. A significant number of new trees are to be planted to

the front/side of the new dwellings to further enhance the street scene and associated biodiversity benefits. The exact species to make the tree and amenity planting is proposed to be secured via the use of a condition. Additionally, it is proposed to erect protective fencing around the remaining trees during any construction works to avoid any undue damage.

Residential Amenity:

The topography of the area is mixed, with the site generally sloping northwards to the end of Warwick Close before gradually rising again. It has been identified that there is an approximate level difference of 6m between the southern and northern portions of the site. Existing properties within the area are 'stepped' to account for this, and the design of the proposed dwellings seeks to reflect this approach.

The Council's adopted Supplementary Planning Document on Residential Design sets out minimum separation distances between properties. These standards seek to achieve 12m separation where a front/rear elevation would face a side elevation, and where a front/rear elevation would face another front/rear elevation, 21m separation should be sought.

The majority of the proposed properties exceed these requirements and whilst some do fall slightly below the standard given the varied topography of the site, and also taking into account the siting, orientation and sun path, it is considered that there will not be any significant detrimental impact upon the residential amenity of existing and future occupiers.

In respect of future occupiers, all of the proposed dwellings have adequate levels of private outdoor amenity space, and the minimum space standards within the properties also meets the Council's requirements, as outlined in the adopted Supplementary Planning Document on Residential Design.

A construction management plan has been submitted with the application which details that construction works (including deliveries) would take place between the hours of 8am to 6pm Monday to Friday and 8am to 1pm Saturdays, which are considered typical working hours. No work on Sundays or bank holidays is proposed. In the event that noise is causing a nuisance either during or after construction, such matters can be dealt with under other legislative powers.

Highway Safety:

The proposed development seeks to utilise the existing highway infrastructure of Warwick Close and create new private drives and off-street parking areas.

Parking areas and private drives are proposed to be constructed from block paving allowing surface water to drain sustainably.

Each property has been provided with two off-street parking spaces, which meets the Council's requirements for 2 and 3 bed properties, as set out in the adopted Supplementary Planning Document on Residential Car Parking Standards.

The Highway Authority have requested that a plan is submitted showing the areas available for on-street parking for use by visitors, for example. They also request that the plan should also show any dropped kerb crossing and pedestrian visibility splays. Pending this plan, further traffic calming measures may be required if identified to be necessary.

Vehicle tracking has been provided for some of the spaces within the private drives to show how vehicles can manoeuvre into and out of those spaces to ensure they are leaving the site in a forward gear.

Although three footpath routes are proposed to be stopped up, a number of key footpath links and accesses have been retained through the proposal, seeking to ensure the development is still permeable and provides access to the park and bus stops etc to encourage the use of other forms of sustainable travel. Properties on neighbouring sites, such as those on Abbey Road, have garage buildings and/or rear accesses which must remain accessible. Therefore the proposed development has been designed to take account of these and it has been identified that access to these will remain unobstructed during any construction works.

The construction management plan identifies that wheel washing facilities will be available onsite during construction works to ensure there is no undue deposit of debris/materials onto the public highway.

Although the Highway Authority strongly recommend that full Electric Vehicle (EV) charge points are installed on each property, it is considered that a more pragmatic approach is to ensure that the necessary infrastructure is installed during construction so that all dwellings are capable of utilising EV charge points in the future, providing occupiers with the option to install the charging apparatus should they wish to do so.

Other:

The submitted ecology report identifies that the site is dominated by short mown amenity grassland with some areas of scrub which were frequently disturbed by human activity such as residents and dog walkers. Also none of the trees on site offered scope for roosting bats and there were no buildings on site.

The site comprises previously developed land, with the proposal providing the opportunity to improve local ecology. Recommendations and enhancement measures have been identified within the ecology report, and these are proposed to be secured via the use of conditions, such as the landscaping detail (including new tree planting), provision of bird nesting boxes, bee bricks and hedgehog friendly fencing.

Surface water drainage is proposed to utilise ground infiltration (with soakaway tests yielding reasonable infiltration rates) and foul sewage proposed to be connected into the existing foul water drain running through/within the vicinity of the development site.

No recorded landfill sites, historic landfill sites, Waste Management Facilities, Waste Transfer Sites or Registered Waste Treatment or Disposal Sites are located within

500m of the site. As such it is considered that no specific remedial measures with regard to soil contamination will be required at the site with respect to either the construction phase groundworkers or the protection of future occupiers of the site.

Conclusion:

The Council is 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 proposed development site offers the opportunity for the construction of 34 new residential properties in a sustainable, main urban area location, which will also contribute to the districts social housing stock providing social benefits, as well as economic benefits during the construction of the dwellings and occupation thereafter.

The proposed development scheme does not raise any significant concerns with regards to the impact upon the visual amenity of the locality or upon the residential amenity of existing and future occupiers. Furthermore, each dwelling is provided with a suitable level of off-street parking provision.

The scheme provides an opportunity to improve local ecology via the use of conditions to secure enhancement measures relating to new landscaping (including new tree planting), provision of bird nesting boxes, bee bricks and hedgehog friendly fencing.

The proposal is a Council scheme providing 100% affordable housing across the site. Planning contributions for bus stop infrastructure and health have been sought and a unilateral undertaken should be entered into to secure these infrastructure improvements in the locality.

It is therefore recommended following receipt of the legal undertaking that this application be granted planning permission, subject to the following conditions:

Recommendation: Grant Conditional Consent following receipt of a legal undertaking requiring contributions to bus stop improvements and health provision.

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.
3. This permission shall be read in accordance with the following plans:

- i. Site Location Plan, Drawing No. 31468 520 01 Rev.C, Received 25/04/2022.
- ii. Proposed Site Layout Plans, Drawing No's. 31468 520 02 Rev.K, 31468 520 03 Rev.K, and 31468 520 04 Rev.F, All Received 25/07/2022.
- iii. Proposed Elevations and Floor Plans, Drawing No's. 31468 520 06 Rev.B, 31468 520 07 Rev.C, 31468 520 08 Rev.A and 31468 520 07 Rev.B, All Received 13/05/2022.
- iv. Proposed Boundary Treatments, Drawing No. 31468 520 10 Rev.C, Received 25/07/2022.
- v. Proposed Landscaping Layout, Drawing No. 31468 520 11 Rev.C, Received 25/07/2022.

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

- 4. There hereby approved dwellings shall not be occupied until any rear garden fence/wall has been 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 and maintained as such in perpetuity.
- 5. Prior to the occupation of the hereby approved dwellings, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird boxes which are to be installed within/on the new dwellings. The boxes shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
- 6. At least one bee brick shall be included in the design of each property, and this detail shall be provided in the constructed dwellings prior to their occupation.
- 7. No development shall take place past slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of 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. The scheme for soft landscaping shall also take account of the recommendations contained within the submitted Ecology Report and the comments made by Nottinghamshire Wildlife Trust.

8. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (received 25/04/2022).
9. The hereby permitted development shall be carried out in accordance with the submitted Construction Management Plan (received 22/04/2022).
10. The necessary infrastructure shall be installed during construction so that all dwellings are capable of providing Electric Vehicle charge points in the future.
11. Prior to the occupation of the hereby approved dwellings a plan shall be submitted to and approved in writing by the Local Planning Authority in relation to the available space on-street for visitor parking, which should avoid obstructions to driveways and turning facilities, and should also detail all vehicle access dropped crossings and pedestrian visibility splays. Following the submission/approval of this detail further traffic calming measures may be required if identified as being necessary.
12. 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 Humber Civils Flood Risk Assessment (FRA) ref P22004-SsFRA_A dated April 2022, 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 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 SCO30219 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 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.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. To ensure the satisfactory appearance of the completed development, an adequate level of amenity, and to enhance biodiversity.
5. To reduce the impact of the development on habitats and species.
6. In the interest of enhancing local ecology.
7. To ensure the satisfactory overall appearance of the completed development to help it assimilate into its surroundings, and to provide enhancements to biodiversity.
8. To safeguard the visual amenity of the area.
9. In order to minimise disturbance to surrounding properties.
10. To help reduce the carbon footprint of future occupiers.
11. In the interest of general highway safety.

12. To ensure that the development has sufficient surface water management and does not increase the risk of flooding and do not increase flood risk off-site.

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. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
3. There is a 3in water main in the application site. No build over is permitted. The applicant, Developer or site agent will need to submit a Diversion Application (S185) along with the proposed plans for STW to assess as detailed below
To request a water map please follow the link,
<https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:
Please visit www.digdat.co.uk(opens in a new window).
You will need to register on the website and then be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide (opens in a new window).
Please look at the district area supply plan (PDF) (opens in a new window) to check that your site is within the Severn Trent boundary before requesting an underground asset map.
Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.
https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf

Information on diversion application charges can be found at https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf Scroll down the New Connections Charging document - 1 April 2020 to 31 March 2021 go to Page 24 Diversion of a Water Asset.

4. This decision should be read in conjunction with the S106 legal undertaking provided by the applicant associated with this development.

Report To:	Planning Committee
Date:	25 August 2022
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR SARAH MADIGAN, EXECUTIVE LEAD MEMBER FOR CUSTOMER SERVICES AND STRATEGIC PLANNING
Ward/s:	HUCKNALL CENTRAL
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Detailed Information

Planning Application – Appeal Decisions

Hucknall Central

Planning Application Site Proposal

V/2021/0639

2 Albert Street Hucknall Nottingham NG15 7BE

Change of use from 2 x C3 dwellings into 1 x sui-generis 10 bedroom HMO including erection of single storey extension to rear.

Appeal Decision

Appeal Allowed.

Application for costs awarded to applicant

The Inspector considered there were 3 main issues and concluded that

1. the proposal would not conflict with the aims of national policy or local plan policies to create balanced communities, having regard to the level of housing in multiple occupation in the vicinity of the site, and its effect on residential character
2. the living conditions of neighbouring occupiers would not be unduly affected, with particular regard to outlook, privacy, noise and other disturbance; and
3. the proposal would not significantly increase the demand for parking on the surrounding streets, and it would therefore not be harmful to highway safety.

The appeal was therefore allowed.

In awarding costs the Inspector considered that the Council in going against officer advice had not clearly demonstrated on planning grounds why the proposal is unacceptable and clear evidence was not provided to substantiate the reasons for refusal. No evidence was provided to demonstrate an over-concentration of this use in the locality. Assumptions were made by the Committee with no evidence to substantiate. The highway authority raised no objections to the proposal and officers advised of the benefits the scheme provided but the suggested parking problem was not substantiated. A recent decision was also seemingly ignored by the Council in reaching its decision and a refusal of planning permission therefore constituted unreasonable behaviour.

Implications

Corporate Plan:

Reporting these decisions ensures we are open and transparent in our decision making process.

Legal:

Legal issues relating to specific planning appeals are set out in the report. As the report is for noting, there are no legal issues associated with the recommendation in the report.

Finance:

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

Risk: N/A

Risk	Mitigation
N/A	N/A

Human Resources:

No implications

Environmental/Sustainability

None

Equalities:

None

Other Implications:

None

Reason(s) for Urgency

(if applicable) N/A

Reason(s) for Exemption

(if applicable) N/A

Background Papers

(if applicable) None

Report Author and Contact Officer

Mick Morley

Development Team Manager

01623 457538

m.morley@ashfield.gov.uk

Robert Docherty

Director Place and Communities

This page is intentionally left blank