

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Tuesday, 12th September, 2023**

Time: **2.00 pm**

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 Sarah Madigan

Vice-Chairman: Councillor Jamie Bell

Councillors:

Samantha Deakin

Rachel Madden

John Smallridge

Jason Zadrozny

Arnie Hankin

Andy Meakin

Helen-Ann Smith

FILMING/AUDIO RECORDING NOTICE

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

SUMMONS

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



Theresa Hodgkinson
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Committee held on 26 July 2023. 5 - 8
4. To receive and consider the attached planning applications. 9 - 26
5. **Planning Appeal Decisions.** 27 - 30

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PLANNING COMMITTEE

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

on Wednesday, 26th July, 2023 at 10.00 am

Present: Councillor Jamie Bell in the Chair;

Councillors Samantha Deakin, Arnie Hankin, Rachel Madden, Andy Meakin, John Smallridge, Helen-Ann Smith, John Wilmott (as substitute for Sarah Madigan) and Jason Zadrozny.

Apology for Absence: Councillor Sarah Madigan.

Officers Present: Rose Arbon, Lynn Cain, Hannah Cash, Louise Ellis, Mick Morley, Christine Sarris, Darius Walker and Shane Wright.

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

Councillor Rachel Madden declared a Non-Registrable Interest in relation to application V/2020/0627, Nasims Ltd, 38 No. New Dwellings with Associated Infrastructure, Public Open Space and Landscaping, Land off Laburnum Avenue, Kirkby in Ashfield. Her interest arose from the fact that she had previously spoken to an interested party, 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 14 June 2023, be received and approved as a correct record.

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

1. V/2023/0115, J. Warren, Single Storey Front and Side Extension, 10 Thoresby Dale, Hucknall

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

It was moved and seconded that the retrospective application be deferred until the next meeting, to enable further discussions to take place between Planning officers and the Applicant in respect of the following:

- proposed changes to the external aspect of the extension to ensure there would be no detracting from the appearance of the street scene and the host property, should the application be approved;
- the internal layout of the single story front and side extension and its compliance, or otherwise, with Part M of the Building Regulations 2010.

2. V/2020/0627, Nasims Ltd, 38 No. New Dwellings with Associated Infrastructure, Public Open Space and Landscaping, Land off Laburnum Avenue, Kirkby in Ashfield

Late 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:-

Since publication of the Council's committee report a resident had provided two further letters raising concerns about the maintenance in the future of his boundary fence. He suggested that a shared rear access path could be provided to serve plots 22 to 24 alongside the neighbouring property. This was not considered to be necessary because plots 22 and 23 were semi-detached properties and had private access around the properties to the rear. Such a shared path could also lead to issues in designing out crime with the creation of alleyways through the development.

One further point brought to Members' attention was an error in the wording of Condition 16 on page 37. This should restrict the hours of construction work on the site including deliveries in the interests of protecting the amenities of local residents.

It was moved and seconded that conditional consent be granted as per officer's recommendation, subject to:

- a) the successful reconfiguration of the driveway/access to Plot 15 from the site service road rather than from a singular private access off Mill Lane;
- b) delegated authority be granted to the Assistant Director for Planning, in consultation with the Planning Committee Chairman, to consider and agree the final design of the site following the changes made to Plot 15, as required.

P.8 Planning Appeal Decisions

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

RESOLVED
that the report be received and noted.

The meeting closed at 11.04 am

Chairman.

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BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

All Background Papers are only available to view online.

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Site Visits Planning Committee

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

The site visit will take place on Monday 11th September 2023 at 4pm.

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Interim Executive Director – Place or the Assistant Director - Planning by 5pm 7th September 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.

J. Hundal

Interim Executive Director – Place

Tel: 01623 457365

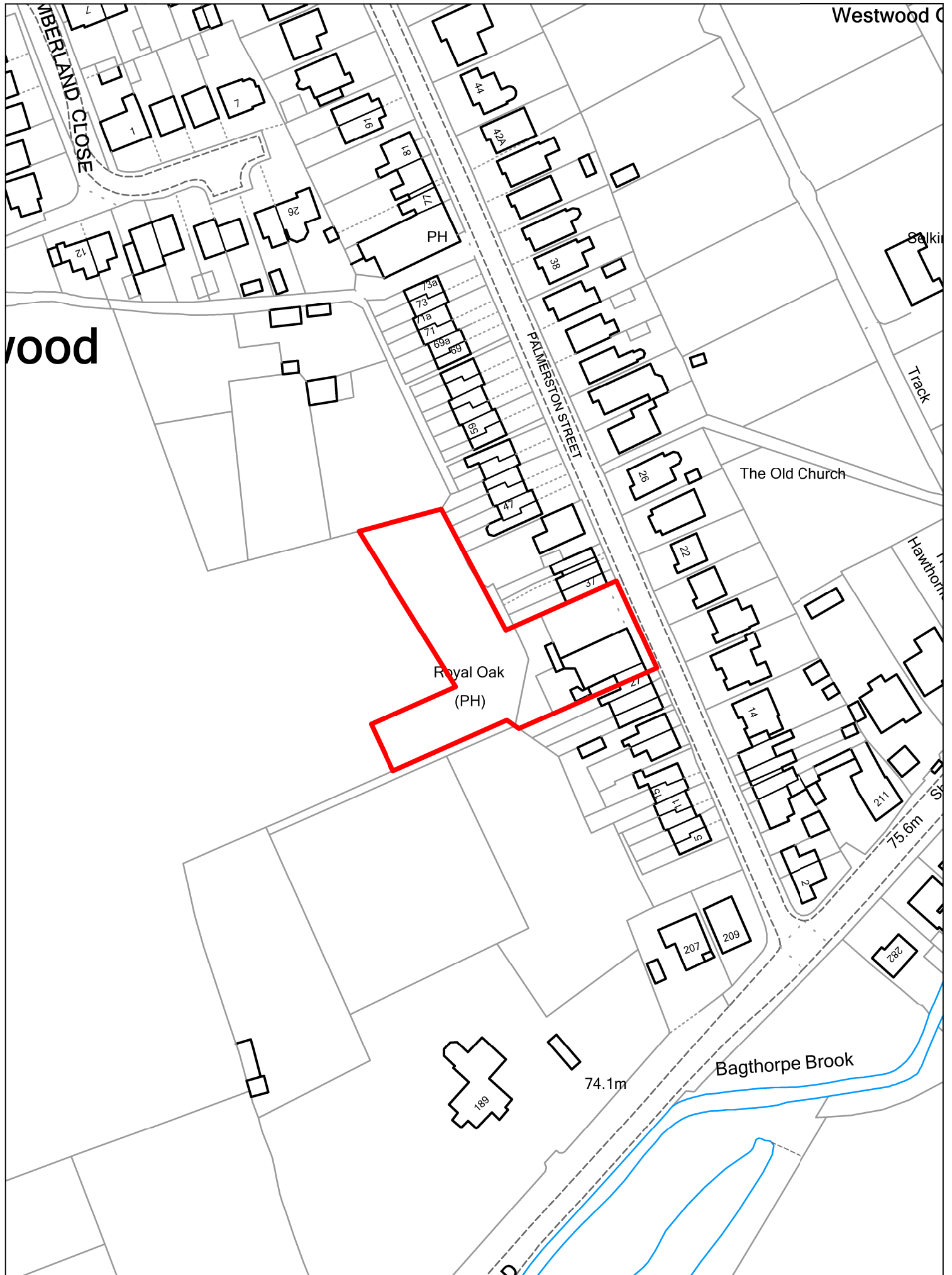
E-mail: Jas.Hundal@ashfield.gov.uk

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PLANNING COMMITTEE – 12th September 2023

Page	App No	Applicant	Recommendation	Proposal	Location
Westwood and Jacksdale					
15-26	V/2023/0090	D Byrne	Approve	Change of Use of Agricultural Land to Car Park, Extension to Existing Beer Garden and Erection of Play Equipment	The Royal Oak 29 Palmerston Street Westwood

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COMMITTEE DATE 14/06/2023 **WARD** Westwood and Jacksdale

APP REF V/2023/0090

APPLICANT D Byrne

PROPOSAL Change of Use of Agricultural Land to Car Park, Extension to Existing Beer Garden and Erection of Play Equipment

LOCATION The Royal Oak, 29 Palmerston Street, Westwood, Notts, NG16 5HY

WEB-LINK <https://www.google.com/maps/@53.0586614,-1.3243393,18.54z?entry=ttu>

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

App Registered: 07/03/2023

Expiry Date: 01/05/2023

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

This application has been referred to Planning Committee by Councillor Hankin. The development scheme is also a departure to the local development plan.

The Application

This is an application which seeks full planning permission for the change of use of land located to the rear of The Royal Oak Public House in Westwood from agriculture to a car park to service the public house for customers. An extension to the existing beer garden is also proposed, alongside the siting and erection of children's play equipment.

The proposal is to change the use of the eastern part of the fenced off field for a depth of approximately 20m to be converted into a car park for customers of the public house. Amendments have been made to the proposed car parking area to improve the layout from that originally submitted with the first few metres of the car park being hard surfaced immediately off Palmerston Street. The car park would break through the existing fenced off area to open out to the agricultural field. An access would be provided to the larger field, owned by the applicant at the southern end of the car park to access the field for maintenance purposes.

The car parking would wrap behind the existing housing on Palmerston Street with a central access and two rows of parking. It would create approximately 26 additional

spaces. Landscaping is proposed along the sites northern, eastern and western boundaries, whilst a fence is proposed along the southern boundary to delineate the proposed car park from the beer garden.

An extension to the existing beer garden is proposed along the fields southern edge for a depth of approximately 10m, with a children's play area sited a further 13m to the west of the extended beer garden. The proposed fence will continue around the extended beer garden and play equipment to again delineate from the field beyond.

Consultations

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

ADC Environmental Health (Contamination):

Have no comments to make with regard to contaminated land.

ADC Environmental Health (Pollution):

There could be impacts from car headlights, noise from customers, and general movements in and out of cars. These impacts are generally short lived. It is inevitable that there would be some short term noise impacts from the use of the field as a car park, however it would not be reasonable to request a noise impact assessment.

Natural England:

No comments to make.

Selston Parish Council:

No response at the time of writing the report.

NCC Highways:

Pre-application advice was provided where additional information was requested regarding understanding the extant of the parking issues, and how expansion plans would impact on the business and safe operation of the highway network. It was stated that this best be provided in the form of a Transport Statement. Little information was initially provided, and more was requested. This was provided along with additional photographic evidence.

It is clear that the existing car park is no longer fit for purpose. There is frequent double parking in the pub car park, and parking on the footway in Palmerston Street. The proposal for bound surfacing to the rear of the highway boundary is welcomed. It is concluded that the proposals would result in fewer vehicles being positioned on the highway and would result in improvements to highway safety on Palmerston Street. There are therefore no highway objections to the proposal. The pedestrian access from the car park should be wide enough for a pram/buggy to fit through.

Local Community:

105 Representations have been received in support of the proposal following two rounds of consultation at the time of writing. These can be summarised as follows:-

- This can only be good for Palmerston Street to help keep the traffic flowing. The pub is busy with good food. Unloading customers on the street can be risky.
- Additional parking would improve road safety.
- Additional disabled parking is welcomed.
- This will improve the business and help the economy. It is the only pub left in the village.
- Noise from the proposal will not impact too much on nearby residents.
- The business provides a social space for local residents.
- Although the proposal would result in the loss of the green space, it would be better to improve the parking situation for existing residents as the road is very busy when the pub is operating, particularly at weekends.

4 Representations has been received to object to the proposal at the time of writing. This can be summarised as follows:-

- Object to the proposed location of the car park. The proposal will impact on the houses adjacent to the pub as cars will be parked at the bottom of gardens. Hedges will be planted but these will take a long time to establish privacy and protection. The parking could be turned round 90 degrees to not impact residents, or moved to be behind the pub.
- There is concern about any outdoor events taking place in the land owned by the applicant. The car park will increase noise and make extra traffic. There is no concern with making the car park itself, as this will relieve the parking problem on Palmerston Street. If the application is passed, it should be used just as a car park and not to stage noisy outdoor events to create noise nuisance.

Policy

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

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST4 – The Remainder of the District.

EV1 – Green Belt.

EV2 – Countryside.

JUS-t Neighbourhood Plan (2017):

NP1 – Sustainable Development

NP2 – Design Principles

NP9 – Supporting Local Businesses

National Planning Policy Framework (NPPF) (2021):

Part 6 – Building a Strong, Competitive Economy

Part 11 – Making Effective Use of Land.

Part 12 – Achieving Well Designed Places.

Part 13 – Protecting Green Belt land.

Part 15 – Conserving and Enhancing the Natural Environment.

Relevant Planning History

V/2021/0248

Details: Erection of Pergola in Rear Beer Garden

Decision: Conditional Consent

V/2018/0443

Details: Single Storey Extension to Rear and Side

Decision: Conditional Consent

Comment:

The site is located outside of the District's main urban areas and named settlements, in an area designated within the Nottinghamshire Green Belt, as identified by policies ST4 and EV1 of the ALPR 2002.

The site has historically been used as part of the wider agricultural field, which is situated between Jacksdale and the rear of houses in Palmerston Street and Rutland Road to the north and the farms to the south off Main Road. In recent times possibly due to land ownership changes, the eastern section has been fenced off, used as pasture and is a large open green field area. Horses graze the land to the north between the application site and Cumberland Close. There is some equestrian type use of land to the south of the hedgerow, which runs east to west from the south side of the Public House. The removal of the previous fence line which ran from the western corner of number 27 Palmerston Street towards the corner of the rear of number 37 Palmerston Street has also taken place, with the beer garden currently spilling marginally into the field beyond.

There is a physical boundary between the end of the loose surfaced car park of the pub at its northern side and the field beyond. Pedestrian access to the rear garden is generally through the public house. The existing car park can currently accommodate approximately 10 cars parked at a 90 degree angle to the pub and at the side of the property to the north at 37 Palmerston Street.

Principle of Development:

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

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

Part 13 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances (paragraph 147). Paragraph 150 of the NPPF, amongst other matters, states that the material changes in the use of land is not inappropriate, provided it preserves its openness and does not conflict with the purpose of including land within it.

Paragraph 148 of the NPPF states that “substantial weight” should be given to any harm to the Green Belt, and that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. A judgement is required to be made based on the benefits of the proposal, as opposed to the detrimental impact on the Green Belt, and whether there are such ‘very special circumstances’ as to allow the release of this land.

The development comprises of an extension to the existing public house car park and is to provide approximately 26 spaces. The car park is proposed to be constructed from grasscrete. Landscaping is proposed to be planted along the car parks northern, eastern and western boundaries, whilst a post and rail fence is proposed along the southern boundary of the car park, adjacent to the rear beer garden.

The provision of outdoor seating along the southern boundary is proposed to be expanded with an extension to the beer garden proposed. The beer garden will extend approximately a further 10m beyond its current location. New wooden benches will be located in this space. Beyond the beer garden, new children’s play equipment is proposed. Details submitted indicate that the children’s play equipment will likely be of a wooden construction, measuring approximately 7.5m in length, 5.5m in width and would have a total height of approximately 4m.

The applicant has taken the opportunity to submit a number of comments supporting the proposed development in this Green Belt location. This however needs to be considered within the planning balance.

Details supplied by the applicant indicates that whilst the public house has always proven popular with local residents, the premises has seen a large increase in patrons following significant investment into the business by the owner. Such works include the extension and refurbishment of the restaurant area to enable the sale of food and the construction of an enclosed pergola to the rear of the premises to benefit patrons using the beer garden. The works carried out has helped to sustain and improve the economic viability of the business, allowing the public house to continue operating and retaining a well valued community asset within the village. Information submitted also indicates that the premises is often visited by families and local community groups as a place to socialise and is also regularly used throughout the year to host multiple events and functions – both public and private – for the local community.

The business currently employs 10 members of staff – all from the local area – with scope to employ more staff in the future should footfall increase as a result of the proposed works.

The applicant has advised that the public house has been nominated for a series of awards over the last couple of years, which has helped to increase footfall to the business. The car park, as previously mentioned, is very small in size, accommodating approximately 10 cars. Given the rural village location of the site, any visitors to the premises from outside Westwood are highly likely to arrive via car, and in turn, require parking.

The Royal Oak is located at the southern end of Palmerston Street, where the road is narrow and is lined by terraced properties to the west; few of which benefit from any off-street parking provision. The highway outside the public house is subject to traffic regulation orders (TRO's) in the form of double yellow lines on both sides of the highway. There are limited areas along the highway where the TRO's do not exist; therefore, any patrons visiting the premises are forced to park on the highway in competition with local residents, resulting in frustration amongst both residents and visitors and illegal parking within the vicinity of the site.

It is acknowledged that the parking of vehicles on the site and the small expansion of the beer garden and subsequent sitting of tables, chairs and play equipment where currently no development exists would cause harm to the character and appearance of the area, reducing its openness to a certain degree, and thereby failing to assist in adequately safeguarding the countryside from the encroachment of this urban development in an open field previously used for agricultural purposes.

The Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, their essence being openness and permanence. The proposed changes would effectively become permanent once changed to a car park. The visual appearance of the car park, beer garden and play equipment would become urbanised and introduce features not normally part of a countryside location or feel. The visual openness of the Green Belt would be

materially considered to have changed and whilst there would no proposed buildings in this part of the application site, the car park, beer garden extension and introduction of play equipment into the field would not preserve the openness of the Green Belt. On this basis, it is reasonable to conclude that there would be at least a modest level of harm to the openness of the Green Belt.

In its favour, the site is reasonably well enclosed on its eastern and northern side, and there is a rise to the topography of the land with the crest of a hill to the western end of this spur of land, meaning that there would be limited medium to long distance views of the car park and beer garden. The land owned by the applicant outside the area of the car park and beer garden would remain in agricultural use unless a further request is made to change its use.

Policy NP9 of the JUS-t Neighbourhood Plan 2017 seeks to support local businesses, where possible and appropriate, by their setting, by encouraging the expansion of existing businesses. No response has been received from the local Parish Council at the time of writing.

Whilst the harm to the Green Belt in both spatial and visual terms is recognised, on this occasion the social and economic benefits of the scheme weigh heavily in favour of the proposal and therefore are considered to amount to 'very special circumstances', which outweigh the harmful impact arising from the development on the Green Belt.

Design and Appearance:

Practical improvements have been made to the car parking layout in terms of allowing spaces for some additional landscape planting belts and opportunities to provide trees in a location where there are currently none, apart from the hedgerows which surround the equestrian uses to the north and south of the proposed site. This would help in reducing some of the visual impact of the car park on the land. There are few public views of the proposed car park, beer garden and play equipment. There would possibly be some views from the public footpath running along Church Hill to the north and northwest of the site, looking back towards the car park and the houses in Palmerston Street. The car park, beer garden and play equipment would be more prominent but seen in the context of the backdrop of the public house and the two storey houses.

Some additional planting can also help screen the car park from the adjacent rear gardens of the houses in Palmerston Street, along with any new fencing to be erected along the rear boundary. Fencing between the car park, beer garden and play equipment and the rest of the open field beyond is proposed in the form of a wooden post and rail type fence, rather than a solid timber fence, helping to reduce the urbanising impact of the proposed development.

The proposed surfacing materials for the car park is grasscrete; plastic type grids with grass growing between them, with the spaces to be denoted with white gravel.

The first section of car parking adjacent to the highway would be constructed with a bound material to prevent materials being taken onto the public highway. There would also be a section of Cellweb matting adjacent to the public house.

New wooden benches will be located on the extended outdoor seating area which is typical paraphernalia found within a beer garden setting. The proposed children's play equipment is also to be of a wooden construction, which is considered to be sympathetic to the semi-rural nature of the site. The play equipment is considered modest in size, measuring approximately 7.5m in length, 5.5m in width and would have a total height of 4m.

In terms of the treatment of the car park and the layout, in addition to the proposed size of the beer garden and children's play equipment, it is considered that the scheme has been made as sensitive as possible to the site characteristics, and on this basis, it is considered that the proposals would be capable of complying with policy EV2 of the ALPR 2002 and paragraph 130 of the NPPF.

Residential Amenity:

The resultant changes brought about by the development and changes to the character and function of the site, including boundary amendments, would result in visual changes to the area, which are considered to be localised in impact.

Additional landscaping is proposed along the car parks northern, eastern and western boundaries, reducing some visual harm to the appearance of the car park within the Green Belt. The specific details of this could be conditioned. This would reduce the impact to a certain degree for residents to the east of the site in Palmerston Street, who would be subject to coming and goings of vehicles during the day and into the late evenings, but may also impact on their residential amenity in terms of increased noise and disturbance from car doors banging, engines revving and general chitter chatter and noise. A judgement is also required as to whether this level of disruption would be acceptable so close to their rear boundaries and disrupt the enjoyment of their rear private garden areas when sitting out.

The Council's Environmental Health Officer considers that there would likely be some increase in disturbance to local residents from the increase in the use of the car park. These are likely to be short term disturbance during the coming and goings of the customers getting in and out of their cars, and from engine noises.

Some additional noise may also be generated by an increase in tables and chairs within the extended beer garden area, in addition to the provision of new play equipment. The existing beer garden and limited play equipment is sited directly adjacent to the garden space of the adjacent neighbouring property at 27 Palmerston Street. The extension to the beer garden is proposed to extend beyond the neighbours garden space, adjacent to a paddock where there is no existing development. The new play equipment would also be sited adjacent to the paddock, approximately 25m from the nearest residential garden, reducing the likelihood of

any significant noise disturbance or overlooking arising from the use of the equipment.

Therefore whilst it is acknowledged that there may be some limited disturbance to nearby residents arising from the proposals, it is considered that this would be limited to the opening hours of the public house, controlled through the premises licence. It is further considered that this normal level of disturbance would not be such that the application for the creation of the car park and extension to the beer garden should be refused. The requirement of a noise survey to be undertaken was considered to be unreasonable taking into account the details of the proposal.

Moreover, the addition of fencing and some planting within the car park should result in some reduction of disturbance from noise and car lights to neighbours between 37 and 51 Palmerston Street once established. It is therefore concluded that the proposal would provide an acceptable level of residential amenity for existing occupiers.

Highways:

The proposal has been assessed by the Highway Authority. The existing problems in relation to the size of car parking available for the business, and the impacts, particularly on parking in Palmerston Street has been acknowledged. The proposals would result in some benefits taking vehicles off the highway. Although there are TRO's in place, which can be enforced by Police in cases of obstruction, the overall impacts would be beneficial to highway safety. On this basis, there are no highway objections to the proposal. The proposal thereby complies with paragraphs 110 and 111 of the NPPF.

Planning Balance and Conclusion:

The proposal would result in significant benefits to the business and residents within the Palmerston Street area through the provision of additional parking space to the rear of the Public House. Whilst there is no guarantee that future customers would use the proposed car park, it is considered that customers are likely to be more inclined to use a parking space within the proposed car park to the rear of the premises, rather than try and find parking spaces within the street. Nevertheless, the proposed car park is likely to provide benefit and relief for residents of Palmerston Street, particularly those on the western side of the street.

In terms of impact on the Green Belt it is noted that inappropriate development is by definition harmful to the Green Belt. Substantial weight should be given to any harm to the Green Belt and 'very special circumstances' need to apply to allow this harm to be outweighed in accordance with the requirements of paragraph 147 and 148 of the NPPF.

The proposal would continue to provide benefits to the local economy through employment at the pub, and as a continued presence in the community as an asset

providing social support and integrating with the local community which are afforded considerable weight in the planning balance.

Overall, whilst it is acknowledged that the proposed development conflicts with policies contained within the ALPR and NPPF in respect of the Green Belt, it is considered that in this instance 'very special circumstances' exist both economically and socially, which outweigh the harmful impact identified arising from the development in the Green Belt. On this occasion, the proposed development is considered acceptable in planning terms and therefore it is recommended that this application be granted, subject to the conditions outlined below.

Recommendation: Full Application – Conditional Consent

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 Scale 1:1250, Received 06/03/23; Proposed Site Layout Plan, Drawing No. LW/0323/02 Rev C Received 18/07/23; Proposed Play Equipment, Received 18/07/23. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. Prior to the commencement of the hereby permitted development, the area shown for car parking on the approved plan shall be surfaced with grasscrete and retained as such in perpetuity. The area shall not thereafter be used for any purpose other than the parking of vehicles.**
- 4. Prior to the implementation of the hereby permitted development, a scheme of hard and soft landscaping 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.**

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 overall appearance of the completed development, to help assimilate the new development into its surroundings and in the interests of residential amenity.**
- 4. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.**

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).**



Report To:	Planning Committee
Date:	12 September 2023
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING
Ward/s:	HUCKNALL SOUTH, HUCKNALL WEST, SKEGBY
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 South

Planning Application	V/2022/0730
Site	19 Beardall Street, Hucknall, NG15 7RJ
Proposal	Alterations to existing bungalow and erection of dwelling without complying with a condition attached to planning permission Ref V/2020/0241
Appeal Decision	Appeal Dismissed

Condition 6 of the V/2020/0241 was in dispute, which amongst other things, required an existing garage building to be removed to facilitate an area of private amenity space. The Inspector considered

that the retention of the garage would result in unacceptable implications on the amenity of future residents of the dwelling by virtue of providing substandard amenity space. The retention of the garage would also result in the loss of adequate off-street parking.

Hucknall West

Planning Application V/2022/0324
Site 31 Stainsborough Road, Hucknall, NG15 6TT
Proposal Certificate of lawful use or development for the siting of a mobile home for use ancillary to the main dwelling.
Appeal Decision Appeal Dismissed

The Inspector concluded that the structure being proposed amounted to development which required planning permission and therefore dismissed the certificate of lawfulness.

Skegby

Planning Application V/2022/0910
Site The Maple Tree, 157b Beck Lane, Sutton in Ashfield, NG17 3AH
Proposal Garden room.
Appeal Decision Appeal Dismissed

The Inspector considered that the garden room would not impact upon the openness and character of the locality, as suggested by the Council, however the Inspector did find that the proposal amounted to a disproportionate addition to the host dwelling and that the garden room would have an unacceptable impact on the neighbouring property as a result of overbearing and overshadowing impacts.

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	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk: N/A

Risk	Mitigation
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N/A	N/A
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Human Resources:

No implications

Environmental/Sustainability

None

Equalities:

None

Other Implications:

None

Reason(s) for Urgency

(if applicable) N/A

Reason(s) for Exemption

(if applicable) N/A

Background Papers

(if applicable) None

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