

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 6th December, 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

01623 457317

If you require an adjustment to enable you to participate or access the meeting, please contact the Democratic Services team at least 48 hours before the meeting.

Planning Committee

Membership

Chairman: Councillor Sarah Madigan

Vice-Chairman: Councillor Jamie Bell

Councillors:

Jodine Cronshaw

Arnie Hankin

Andy Meakin

Helen-Ann Smith

Samantha Deakin

Rachel Madden

John Smallridge

FILMING/AUDIO RECORDING NOTICE

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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 November 2023. 5 - 10
4. To receive and consider the attached planning applications. 11 - 82
5. **Planning Appeal Decisions.** 83 - 86
6. **Levelling Up and Regeneration Act.** 87 - 96

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PLANNING COMMITTEE

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

on Wednesday, 1st November, 2023 at 10.00 am

Present: Councillor Jason Zadrozny (as substitute for Jamie Bell), in the Chair;

Councillors Jodine Cronshaw, Samantha Deakin, Arnie Hankin, Tom Hollis (as substitute for Rachel Madden), Andy Meakin, John Smallridge and Helen-Ann Smith.

Apologies for Absence: Councillors Jamie Bell, Rachel Madden and Sarah Madigan.

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

P.13 Appointment of Chairman

RESOLVED

that Councillor Jason Zadrozny be appointed as Chairman for the duration of the meeting.

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

1. Councillor Arnie Hankin declared a Non-Registrable Interest in relation to Application V/2022/0066, Peveril Homes Limited, Construction of 81 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure, Land off Main Road, Jacksdale. His interest arose from the fact that he was known to the landowner and had spoken to many interested parties in respect of the application. He advised the Chairman that he would be leaving the room whilst the application was considered.
2. Councillor Tom Hollis declared a Non-Registrable Interest in relation to Application V/2022/0601, Mr. Lee Evans, Proposed development of 9 New Dwellings at Land adjacent to Trevelyan, Blackwell Road, Huthwaite. His interest arose from the fact that he had spoken to many interested parties in respect of the application and had expressed his views on the matter. He advised the Chairman that he would be leaving the room whilst the application was considered.
3. Councillor Jason Zadrozny declared Non-Registrable Interests in relation to the following applications:

- V/2022/0601, Mr. Lee Evans, Proposed development of 9 New Dwellings at Land adjacent to Trevelyan, Blackwell Road, Huthwaite.
- V/2022/0066, Peveril Homes Limited, Construction of 81 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure, Land off Main Road, Jacksdale.

His interests had arose from speaking with agents and applicants in respect of the above applications, but in doing so he had not expressed any opinions on the matters at any point.

P.15 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 12 September 2023, be received and approved as a correct record.

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

1. V/2023/0304, Ashfield District Council, Application for Consent to Display an Advertisement - 11 x Community Notice Boards located at: 1. Priestsic Road junction, Asda Link Road, Sutton, 2. Hack Lane junction, Church Street, Sutton, 3. Lawn Lane, Sutton Lawns, 4. Mill Waters, Sutton, 5. Sherwood Street junction, Lowmoor Rd, Kirkby, 6. Council Offices, Urban Rd, Kirkby, 7. Kingsway Park, Kirkby, 8. Spring Street, Hucknall, 9. Nabbs Lane, Hucknall, 10. Titchfield Park, Hucknall, 11. Hucknall Leisure Centre, Ashfield District Council, Urban Road, Kirkby in Ashfield

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

2. V/2022/0601, Mr Lee Evans, Proposed development of 9 New Dwellings at Land adjacent to Trevelyan, Blackwell Road, Huthwaite

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillors Tom Hollis and Jason Zadrozny had previously declared interests in respect of this application. Their interests were such that Councillor Hollis left the meeting once he had addressed Members in respect of calling in the application, and Councillor Zadrozny stayed in the meeting and took part in the discussion and voting thereon.)

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, five further representations from local residents had been received. These representations raise no new matters.

Correspondence had also been received from the applicant's planning agent, requesting revisions to the wording of three of the proposed conditions. It is therefore recommended that the following revisions are made and an informative added to avoid impact on nesting b:

Condition 9 – Pedestrian Footway

After "entire site frontage" insert "with the exception of the approved site access".

Condition 12 – Wildlife and Excavations

Before "all excavations" insert "during the construction phase of the development".

Condition 15 – Ecology

Delete reference to the January 2022 Ecological Impact Assessment because it is covered in the Ecology Update and Biodiversity Plan (July 2023).

The Planning Officer also advised Committee that he had been handed some letters of objections just prior to commencement of the meeting, but they were too late to be assessed and would not be taken into account as part of the application's consideration.

Sharon Lawley, as an Objector, and Charlotte Stainton, on behalf of the Applicant, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required.

It was moved by Councillor Samantha Deakin and seconded by Councillor Helen-Ann Smith that the officer's recommendation contained within the report be rejected and planning consent be refused.

Reasons for rejecting officers' recommendation:

The proposal would fail to optimise the potential for the site by virtue of the piecemeal approach to development, despite wider land availability, which is contrary to the aims of high quality and inclusive design which would flow from a comprehensively planned development. Thus, failing to demonstrate a functional, safe or accessible built environment which would enhance the character of the area. The application would therefore be contrary to policy ST1(d) of the Ashfield Local Plan Review 2002.

For the motion:

Councillors Jodine Cronshaw, Samantha Deakin, Arnie Hankin, Andy Meakin, John Smallridge and Helen-Ann Smith.

Against the motion:

None.

Abstentions:

None.

The meeting was adjourned at 10.58am and reconvened at 11.10am.

3. V/2021/0793, Mr B Khan, 18 Dwellings, Land Off High Hazels Drive, Huthwaite

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:-

The County Council had requested an increase in the S106 contributions for bus stop infrastructure. This was not considered to be reasonable at this late stage since all assessments and negotiations had been based on their earlier request and the viability assessment had taken into account the earlier request.

It was moved and seconded that conditional consent be granted as per officer's recommendation, subject to the £18,000 allocated for public realm improvements being extended for use in the wider Sutton in Ashfield area as opposed to just Sutton in Ashfield town centre, as stated in the report.

4. V/2023/0515, Ashfield District Council, Application for Consent to Display an Advertisement(s) - Installation of 3no Organisation Signs, 70 - 72 High Pavement, Sutton in Ashfield

It was moved and seconded that conditional consent be granted as per officer's recommendation subject to the addition of the following condition;

Condition

The intensity of illumination of the sign(s) shall not exceed 850 candelas/square metre.

Reason: To ensure that the display does not appear as an unduly prominent feature in the area.

5. V/2022/0066, Peveril Homes Limited, Construction of 81 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure, Land off Main Road, Jacksdale

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillors Arnie Hankin and Jason Zadrozny had previously declared interests in respect of this application. Their interests were such that Councillor Hankin left the meeting once he had addressed Members in respect of the matter, and Councillor Zadrozny stayed in the meeting and took part in the discussion and voting thereon.)

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:-

Firstly, since the publication of the Council's committee report, 11 further representations from local residents had been received. These representations raised two new planning matters not addressed within the report, which were about flooding and financial obligations and another which was not a planning matter relating to the cost of processing an application.

On Friday 20th October, the District experienced unprecedented rainfall causing Bagthorpe Brook to the south of the site to overflow causing flooding on Main Road.

The agent was approached for comment. Their drainage consultant had advised of the following:

"Main Road Jacksdale, forming the boundary across the south of the site has a historic and ongoing flood issue. The infrastructure within the new development has been specifically designed to ensure it not only helps mitigate any potential impact from the scheme but will manage the surface water runoff from the land during future storm events. Furthermore, it was also recognised, based on extensive modelling carried out in accordance with the Environment Agency requests, for numerous flood events and including potential blockages in the area, that access and egress during severe weather conditions could be impacted by flooding, which is why the site access is located to the far East of the land and that in some extreme events, the access would be under water for a period, but only shallow (and less than the ADEPT / Environment Agency guidance depth of 300mm). It should also be noted that the development on the site will always be accessible for pedestrians via the new footpath link to the northwestern corner.

Recent events have shown that this is a crucial aspect, as is the need to ensure the existing southern section of the land is unaltered and able to flood during extreme events, and not to reduce this volume by raising levels, thus assisting the village in its ongoing flood resilience."

Officers had contacted the Local Lead Flood Authority in respect of the proposal following the recent flooding event to ascertain whether they had any further comments to provide. No further commentary had been received to date.

Representations received also raised concerns that the financial obligations secured were insufficient. The contributions secured had been requested by statutory consultees and the applicant had agreed to pay the full amount requested. Officers were satisfied that the contributions requested were Community Infrastructure Levy compliant.

Secondly, two additional conditions were recommended which secured the delivery of the two self-build plots by the 40th house within the site and gave details of the trim trail equipment to be provided on site.

Thirdly there was an error in the wording of Condition 3 and Condition 13 on pages 114 and 117 of the report.

The plans referenced in condition 3 should have referred to revision '03C' and '04C', as per Condition 2, whilst the Preliminary Ecological Appraisal in Condition 13 should have referred to the report dated September 2023. These are the details upon which the recommendation had been made.

One last point raised was from the County Council, who had requested an increase in the S106 contributions for bus stop infrastructure. This was not considered to be reasonable since all assessments and negotiations had been based on their earlier request.

In view of the concerns relating to flooding officers recommended that the application be deferred and brought back to Committee once further comments had been received from the Lead Flood Risk Authority.

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

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

P.17 Planning Appeal Decisions

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

RESOLVED
that the report be received and noted.

The meeting closed at 12.26 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.

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 4th December 2023 at 4pm.

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 - Planning by 5pm 1st December 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. Bennett

Executive Director – Place

Tel: 01623 457365

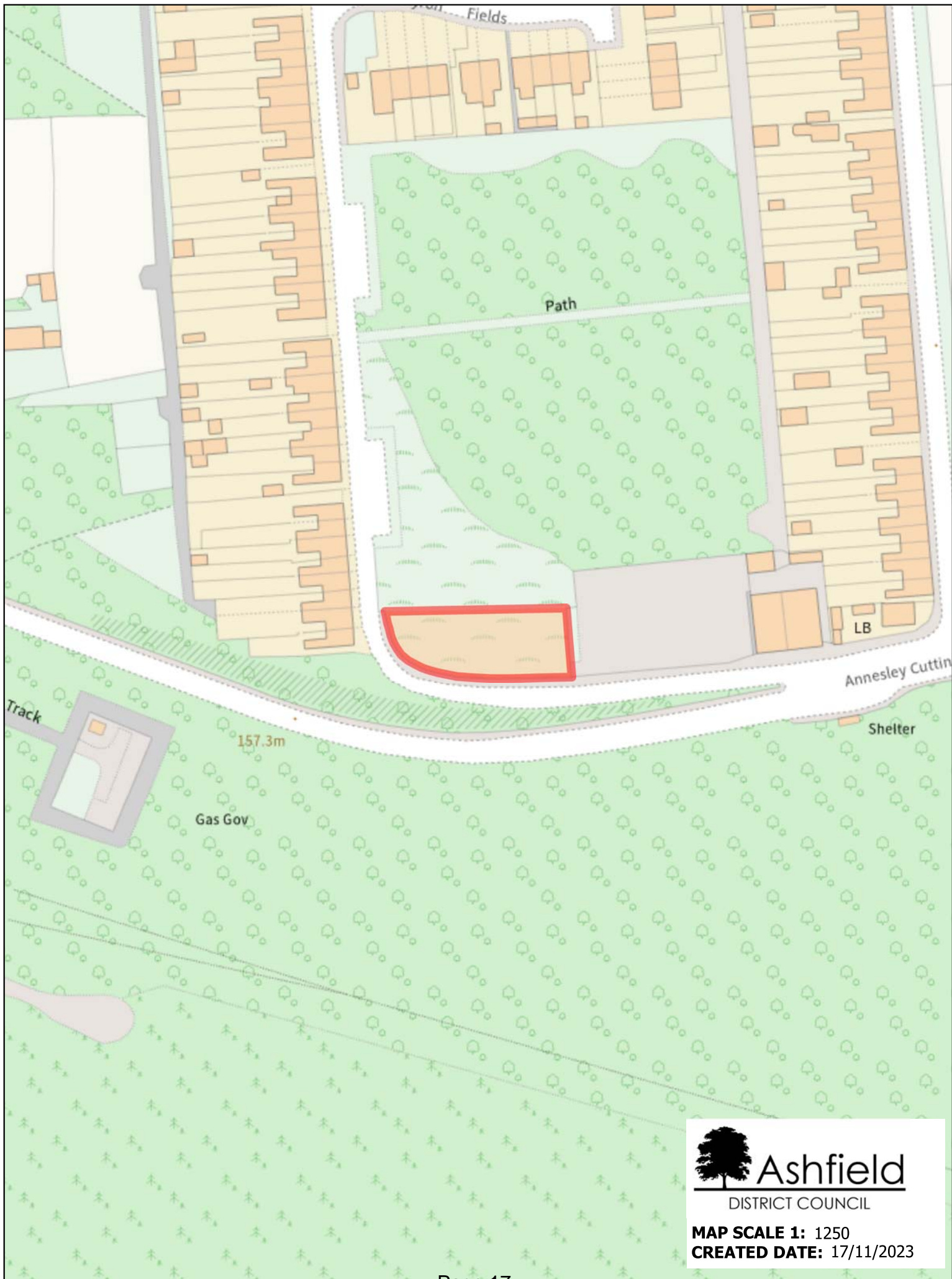
E-mail: John. Bennett @ashfield.gov.uk


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PLANNING COMMITTEE – 6th December 2023

Page	App No	Applicant	Recommendation	Proposal	Location
Annesley & Kirkby Woodhouse					
17-28	V/2023/0219	Mr J Taylor	Approve	Dwelling and Associated Works	Land Rear of Cross Road Annesley
Hucknall North					
29-38	V/2023/0115	Mrs J Warren	Refuse	Single Storey Front and Side Extension	10 Thoresby Dale Hucknall
Stanton Hill & Teversal					
39-72	V/2022/0295	Persimmon Homes	Approve	Development of 124no. Dwellings, Access, Attenuation Basin and Associated Landscaping and Infrastructure	Land North of Fackley Road Teversal
Sutton Central and New Cross					
73-82	V/2023/0568	Ashfield District Council	Approve	Replacement of Flood Lights to Tennis Courts 1 to 4	Tennis Centre Lawn Lane Sutton in Ashfield

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 **Ashfield**
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 17/11/2023

COMMITTEE DATE 06/12/2023 **WARD** Annesley and Kirkby
Woodhouse

APP REF V/2023/0219

APPLICANT Jason Taylor

PROPOSAL Dwelling and Associated Works

LOCATION Land Rear of, Cross Road, Annesley, Notts

WEB-LINK <https://www.google.com/maps/@53.075762,-1.2350444,19.54z?entry=ttu>

BACKGROUND PAPERS A, B, D, F

App Registered 16/05/2023

Expiry Date 10/07/2023

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

This application has been referred to Planning Committee as it is a departure from the local plan.

The Application

The application seeks consent to erect a detached dwelling with detached garage. The application site comprises a plot of land identified as formal open space under policy RC3 of the ALPR (2002) and also forms part of the Annesley Conservation Area. To the north of the site is further formal open space with dwellings beyond, to the west are residential properties, to the south is a wooded area and to the east is a timber yard with residential properties beyond.

Consultations

Individual notification of surrounding residents have been sent out and the application advertised in the newspaper and on site, no comments have been received.

Severn Trent Water

- Disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse

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. No surface water to enter the foul or combined water sewer by any means.

- For 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 S106 of the Water Industry Act 1991.
- Informative suggested.

NCC Highways

(1st comments)

- Land is lying fallow, with a new residential vehicular access proposed beside the timber yard.
- The design of the access should accord with that of a single dwelling in Part 3.1, of the revised Nottinghamshire Highway Design Guide. It will need to be a minimum width of 3.6m, accounting for boundary treatments, surfaced in a bound material with an appropriate means of surface water disposal thus to prevent runoff from discharging onto the public highway and have adequate visibility splays. The latter have yet to be demonstrated and need to be accounting for any proposed boundary treatments i.e., the front hedgerow. Nothing higher than 0.6m is permitted within visibility splays, and they need to be entirely in the ownership of the applicant and or existing highways extents.
- The dwelling is proposed to have 4 bedrooms on the first floor, therefore there is concern that the property as designed lacks sufficient off-street parking from the outset as it requires 3 off street spaces. The garage will only count as a space if it meets the minimum internal dimensions, and the current design of the driveway is such that vehicles would have to tandem park, which actively encourages drivers to park on street instead purely for convenience.
- No consideration has been given to cycle parking which should be a minimum of 4 spaces and or charging of an electric vehicle. Further guidance can be found in Part 4.1 of the revised NHDG.

(2nd comments)

- The applicant is reminded that the design of the proposed new access should accord with that of a single dwelling in Part 3.11, of the revised Nottinghamshire Highway Design Guide. It will need to be a minimum width of 3.6m, accounting for boundary treatments, surfaced in a bound material with

an appropriate means of surface water disposal thus to prevent runoff from discharging onto the public highway and have adequate visibility splays. The latter have yet to be demonstrated and need to be accounting for any proposed boundary treatments i.e., the front hedgerow. Nothing higher than 0.6m is permitted within visibility splays, and they need to be entirely in the ownership of the applicant and or existing highways extents.

- As for parking, the site plan has NTS reference on it, so it is not clear what scale it is to. This needs marking on, and key geometric measurements also shown. The property because it is proposed to have 4 bedrooms needs 3 on plot parking spaces. If one of these is to be within a garage, then it will need to meet the minimum internal dimensions to count.
- Cycle storage is now shown attached to the external garage wall, but it appears to be unsheltered which acts as a deterrent to cyclists. The addition of the EV charging point is welcomed.

(3rd comments)

- Based on additional information submitted, there are no highways objections to this proposal subject to conditions, and informative.
- It is also noted that there is a well-trodden path across the site, which historic photography reveals has been in situ for over a decade. Consequently, advice has been sought from specialist colleague in Public Rights of Way, as to date there doesn't appear to have been a claim recorded as yet, according to their definitive map. In this instance their advice is as follows: -
- The evidence of use on site suggests that there is a route on the ground that is very well used. In not accommodating public access on this particular route the applicants face the potential risk of a claim for public rights to be acquired through usage. A claim could be triggered if public use is obstructed and it can be subsequently demonstrated by user evidence that the route has been used by members of the public for a minimum uninterrupted period of 20 years, in the belief that the use is public (without force, secrecy or with the landowner's permission). This could result in the route being legally recorded on the Definitive Map subsequent to development work commencing or being completed, which would require the claimed route, or a reasonable alternative (subject to an appropriate diversion order), to be made publicly available. In order to mitigate this risk, the applicants are advised to seek to formally divert or extinguish all routes across the proposed development site, under the provisions of Section 257 of the Town and Country Planning Act 1990. This would enable the applicants to formally dedicate the routes that they wish to accommodate on the site for public access and to formally extinguish any routes that they wish to retain as private accesses. For more information the

applicant should contact the Rights of Way team at VIA East Midlands on 0115 977 2059 or by email at contactus@viaem.co.uk.

ADC Conservation Officer

(1st comments)

- Site itself is currently vacant land adjacent to the builders yard, with development proposed to face onto the cutting, sitting within the Annesley Conservation Area. Surrounding properties are a series of terraced properties surrounding a green area of public open space which is part of the original design of the area housing the mining community and providing them an important area of space. the colliery site itself has been developed losing the historic relationship between the terraces and colliery.
- Site remains part of this original open space, with the trees to the rear of the site creating a visual break to Byron Fields. The only other development along this stretch of Byron Road is the now disused factory building, although as covered in the DAS submitted, this replaced a previous Co-op shop.
- The design is generally reasonable, but the drawings are missing several elements which I would like to see before making further comments:
 - o Chimney on the right hand side of the frontage would be needed even if this is in GRP, but preferably brick
 - o No details regarding materials, and in order to secure some degree of detail with complete detailing being subject of a condition, the plans should be annotated with general materials. DAS mentions concrete but we would expect a high quality finish for the roof
 - o No details of boundary treatment which would be important in this location.

(2nd comments)

- Chimney makes a difference and happy with the materials and boundary proposals.

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 Settlement

EV10 - Conservation Area

RC3 – Formal Open Space

HG5 – New Residential Development

National Planning Policy Framework (NPPF) (2023)

Part 2 – Achieving sustainable development

Part 5 – Delivering a sufficient supply of homes

Part 9 – Promoting sustainable transport

Part 11 – Making effective use of land

Part 12 – Achieving well designed places

Part 16 – Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD)

Residential Design Guide

Residential Extensions Design Guide

Residential Car Parking Standards

Relevant Planning History

V/1982/0480 – Site for Light Industrial Building – Refuse

V/1984/0201 – Site for Residential Development Roadworks, Landscaping & Amenity Areas – Conditional

V/1986/0091 – Change of Use to Retail Sale of Caravans with Car Parking – Refuse

V/1986/0233 – Site for Residential Development - Refuse

V/1986/0699 – 1. Landscaping of 4 ha. of Derelict Land, 2. Provision of Rear Access to Houses on Byron Road, 3. Upgrading of Rear Access to Houses on Mosley Road, 4. Provision of Car Parking Areas to Houses on Mosley Road - Conditional

V/2000/0843 – Change of Use to Car Park and Storage – Refusal

V/2001/0629 – Outline Application for Prefabricated Warehouse – Refusal

V/2004/1199 – Site for Residential Development – Withdrawn

V/2009/0562 – Construction of New B1 Light Industrial Units and Associated Car Parking and Servicing Area – Conditional

V/2018/0363 – Construction of Industrial Unit (B1) and Associated Car Parking and Servicing Areas – Withdrawn

V/2022/0849 – 2 Dwellings with Parking Spaces – Withdrawn

Comment :

Main Considerations

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

- Principle of development
- Heritage and visual amenity
- Residential amenity
- Highway safety

Principle of development

The site is identified as being within a conservation area and formal open space within the ALPR (2002).

Policy RC3 sets out that development which would lead to the loss of formal open space will only be permitted where it complies with the criteria set out. It also goes on to state a planning condition or planning obligation will be negotiated as appropriate to secure off site provision. It is acknowledged that the proposal does not meet the criteria set out within the policy however it is also acknowledged that the proposal will only be on a small portion of the designated formal open space. In addition to this the application form details that the applicant owns the site therefore the site could be fenced off at any point thus not providing an open space to the community. In the planning balance whilst it is acknowledged that an area of designated formal open space will not be provided and no alternative space will be provided there will still be ample formal open space in this area and it is considered that the proposal would not warrant a refusal on this basis alone.

Heritage and Visual Amenity

Policy EV10 sets out criteria where development will be permitted in Conservation Areas. The supporting text for the policy details that the new development should respect the character of the existing architecture in terms of scale, grouping and materials. The overall character of the area will also be an important consideration, applying to features such as walls, paving, verges, trees, street furniture and spaces between dwellings which can be as significant as the buildings themselves. Part a of Policy EV10 states that development will be permitted where it preserves or enhances the character and appearance of the area, or its setting.

Following the submission of further details and addition of a chimney the ADC Conservation Officer commented that they were happy with the proposal. Although the proposal will be a new addition to the area it is considered that the design is sympathetic to its surroundings and the character of the area and would not have a detrimental impact on the character and appearance of the Conservation Area.

The proposed dwelling will be two storey with headers and sills, brick detailing and a chimney. The materials proposed are Forterra Clumber Red Brick Mixture and Russel Grampian Smooth Grey Roof Tiles. Within the vicinity of the site are a mixture of materials therefore it is considered that the proposed materials are

acceptable in this location. The design of the dwelling is considered acceptable and will likely create a positive visual contribution to the entrance to this part of the Conservation Area. Overall it is considered that the proposal would not have a detrimental impact on the visual amenity of the area, character of the street scene and character and appearance of the conservation area.

Further details were requested in relation to boundary treatments at the site and the agent has advised that there will be fencing to the rear boundary of a simple design with mature hedge planting to create a soft boundary. The front boundary will be open with soft planting. Although some detail has been provided which is broadly considered acceptable conditions are recommended to secure further details on the boundary treatment and planting to ensure that it will not impact the visual amenity of the area, street scene or conservation area.

Residential Amenity

The proposed dwelling will provide an acceptable level of internal space and private outdoor amenity space in line with the minimum requirements set out in the Council's adopted SPD 'Residential Design Guide' (2014).

The adopted SPD as discussed above also requires a minimum of 21m separation between main aspect windows and 12m between main aspect windows and secondary windows or blank elevations. The side elevation of the proposed dwelling is located approximately 38m away from properties to the east on Byron Road and approximately 85m+ away from properties on Moseley Road(as the crow fly's). It is acknowledged that the proposal will be located in proximity to the timber yard which is understood to also be within the ownership of the applicant however between the timber yard boundary and the side elevation of the dwelling is approximately 7m. The proposed parking and garage will also be located within this area. Whilst it is acknowledged that a certain level of noise will arise from the timber storage yard it is unlikely to be significant enough to warrant a refusal on this basis alone.

Due to the siting of the proposal it is considered unlikely that the proposal would have a detrimental impact on the residential amenity of neighbouring properties in terms of overlooking, overshadowing, overbearing and loss of privacy and is unlikely to have a detrimental impact on the amenity of future occupiers.

Highways

During the application process comments have been received from Nottinghamshire County Council Highways raising concerns. A number of amendments have been

submitted addressing the concerns raised. In their final comments NCC Highways offered no objection to the proposal subject to conditions and an informative.

In accordance with the Councils adopted SPD 'Residential Car Parking Standards' a 4 bedroomed property should provide 3 off-street parking spaces. The plans demonstrate that 2 off-road parking spaces can be achieved on the drive with another to be provided in the detached garage. In addition to this it is also proposed to install an EV charging point and cycle parking along with a new vehicular access for the site.

Within their latest comments NCC Highways have also commented that they have consulted with the Rights of Way team as there is a well-trodden path across the site which appears to have been in situ for over a decade. The public rights of way officer advised them that to date there doesn't appear to have been a claim recorded but advised that the evidence of use on site suggests that there is a route on the ground that is well used. In not accommodating the public access on this particular route the applicants face the potential risk of a claim for public rights to be acquired through usage. A claim could be triggered if public use is obstructed and it can be demonstrated by user evidence that the route has been used by members of the public for a minimum uninterrupted period of 20 years in the belief that the use is public (without force, secrecy or with the landowners permission). This could result in the route being legally recorded which would require the route to be made publicly available. The applicants are advised to seek to formally divert or extinguish all routes across the proposed development site under section 257 of the Town and Country Planning Act 1990. An informative is recommended to be added to any forthcoming approval.

Conclusion :

Having reviewed the submitted information and comments received against all relevant policies and material considerations it is considered that the proposal is unlikely to have a detrimental impact on the Conservation Area, visual amenity, residential amenity and highway safety. Concerns have been raised by Rights of Way and the applicant is aware of these comments. Due to the above conditional consent is recommended.

Recommendation: - Grant Consent Conditionally

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 be as follows:**
 - Forterra Clumber Red Mixture**
 - Russel Grampian Smooth Grey**
- 3. This permission shall be read in accordance with the following plans:**
 - Site Location Plan, received 17/04/2023**
 - Site Plan, Proposed Elevations, Proposed Floor Plans, Dwg No. CS/05299/2 Rev C, received 19/09/2023**

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

- 4. No part of the dwelling hereby permitted shall be first occupied until such time that the parking, and access arrangements have been implemented as per the approved plans to the satisfaction of the LPA.**
- 5. No part of the dwelling hereby permitted shall be first occupied until such time that a vehicular crossover has been implemented to Highway Authority specification, to the satisfaction of the Local Planning Authority.**
- 6. No development shall take place past slab level until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
- 7. No development shall take place past slab level 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 building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**
- 8. No development shall take place past slab level 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 or other non-permeable structure (and/or railings and/or hedgerows) should be provided with small holes (gaps 130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed site. Such holes in the boundary treatments shall thereafter be retained in perpetuity.**

9. Prior to the occupation of the hereby approved dwelling, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird and bat boxes/bricks and bee brick(s) which are to be installed within the fabric of the new dwelling. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.

REASONS

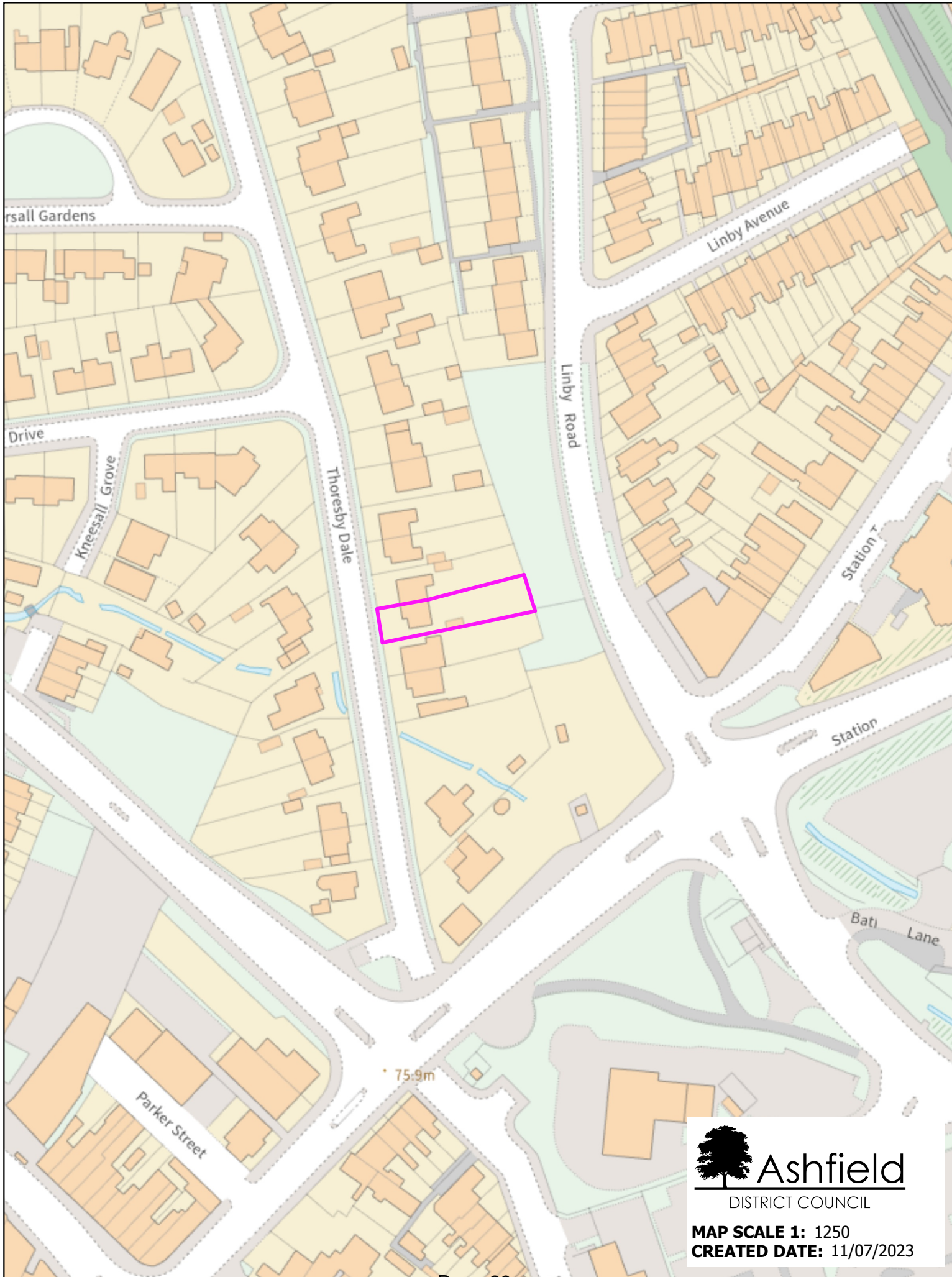
1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. To ensure 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 in the interests of Highway safety.
5. To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.
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 the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
8. In the interests of residential amenity and enhancing local ecology.
9. In the interests of enhancing local ecology.

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. To create the vehicular crossover to access the driveway, works on the public highway will need to be carried out. These works shall be licenced in advance by VIA East Midlands, who can be contacted on 0300 500 8080 or by emailing licences@viaem.co.uk. Please note that the Highway Authority will not support the discharge of any associated planning condition, unless evidence is submitted to demonstrate that the aforementioned process has been followed.
3. The evidence of use on site suggests that there is a route on the ground that is very well used. In not accommodating public access on this

particular route the applicants face the potential risk of a claim for public rights to be acquired through usage. A claim could be triggered if public use is obstructed and it can be subsequently demonstrated by user evidence that the route has been used by members of the public for a minimum uninterrupted period of 20 years, in the belief that the use is public (without force, secrecy or with the landowner's permission). This could result in the route being legally recorded on the Definitive Map subsequent to development work commencing or being completed, which would require the claimed route, or a reasonable alternative (subject to an appropriate diversion order), to be made publicly available. In order to mitigate this risk, the applicants are advised to seek to formally divert or extinguish all routes across the proposed development site, under the provisions of Section 257 of the Town and Country Planning Act 1990. This would enable the applicants to formally dedicate the routes that they wish to accommodate on the site for public access and to formally extinguish any routes that they wish to retain as private accesses. For more information the applicant should contact the Rights of Way team at VIA East Midlands on 0115 977 2059 or by email at contactus@viaem.co.uk.

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.



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 11/07/2023

COMMITTEE DATE 06/12/2023 **WARD** Hucknall North

APP REF V/2023/0115

APPLICANT Mrs Jennifer Warren

PROPOSAL Single Storey front and side extension

LOCATION 10 Thoresby Dale, Hucknall, NG15 7UG

WEB-LINK https://www.google.com/maps/place/10+Thoresby+Dl,+Hucknall,+Nottingham+NG15+7UG/@53.0387261,-1.199994,19z/data=!3m1!4b1!4m6!3m5!1s0x4879c000947c9c0b:0x6cfd0be5951f5c55!8m2!3d53.0387261!4d-1.1993489!16s%2Fg%2F11c1g_twbd?entry=ttu

BACKGROUND PAPERS A, B & F

App Registered: 01/03/2023

Expiry Date: 25/04/2023

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

This application was originally referred to Planning Committee by Cllr Rostance to discuss the circumstances of the applicant and end of life care. It was subsequently deferred at Planning Committee to seek amendments in respect of the design of the extension and clarification as to how it has been constructed to meet requirements for a wheelchair-user.

SUPPLEMENTARY REPORT

The Application

Planning Permission is being sought for a flat-roofed, single storey extension to the front and side of the property. The application is retrospective as the extension has already been built at the property without the benefit of planning consent.

A decision on the application was deferred by Planning Committee in July to allow the applicant to provide amendments following concerns raised by members over the design, layout and siting of the extension, as well as to demonstrate that the extension can be comfortably used by a wheelchair user through compliance with Part M of Building Regulations 2010.

This supplementary report relates only to changes made to the application since the decision to defer this application. Please see the main report attached towards the end for the context of the application and main considerations raised previously.

Amendments to Planning Application

Officers contacted the agent immediately following the committee to reiterate the points raised by members and to request that an amended scheme be submitted that overcome these issues. A response was received from the agent which stated that they were looking at various options. Despite repeated requests it was not until 9th November that an amended scheme was received. These amended plans show the following changes have been made:

- The height of the extension has been reduced by approximately 0.4m with the removal of the parapet
- The existing roof arrangement has been altered, showing the addition of fascia and soft trim.
- A small section of brick slip has been included on the front elevation, below the shower room window.

Design and Layout:

When the application last appeared before members, significant concerns were raised over the siting, scale and design of the extension and the impact this has over the existing street scene and visual amenity of the area. It was discussed during the meeting that alterations could be explored with the extension to reduce some of these concerns, such as the incorporation of a pitched roof and the inclusion of brick slips on the exterior walls to replace the white rendered walls.

The amended plans that have been received show that only a very limited attempt has been made to overcome the issues previously raised. The changes to the roof and the addition of a small section of brick slip are considered to not make any noticeable change to the existing appearance of the extension or overcome the concerns already identified.

In addition, the revised plans show that no attempt has been made to change the overall siting, scale or layout of the extension, which would continue to appear as a contrived and inappropriate addition to the front of the dwelling.

Although clarification was sought from the agent as to how the proposal would meet Part M of Building Regulations since it is claimed to be essential to provide facilities for a wheel chair user with limited mobility, no additional information has been submitted as part of the amended plans to substantiate how the proposal will meet the

needs of a wheelchair user. While it is acknowledged Part M is not a statutory requirement for extensions to be built to, it does provide clear guidance on what is required in the design of a development to ensure dwellings can be comfortably used by wheelchair users. As no information has been forthcoming on this aspect and given the internal layout remains unchanged between the two sets of plans, it is concluded this has not been satisfactorily addressed.

Conclusion:

Officers have sought to work proactively to help overcome the issues raised when this application was taken to the previous planning committee, however significant time has passed and with little attempt made by the applicant to respond to the issues identified by both members and officers. It is recognised that there may be a need to extend the property, but this should not come at the expense of the character and appearance of the area and a decision should now be made to determine the proposal on the basis of current information.

Overall, it is clear from the amended information that only limited alterations have been made to an already poorly designed scheme and as such there is no change to the conclusions reached in the earlier agenda report. Consequently, it is recommended that the application, as amended, is refused planning permission.

Recommendation: Refuse planning permission, for the following reason:

Reason for Refusal:

The proposed siting and design of the extension is at odds with the existing dwelling and represents an obvious, incongruent addition to the property. It is therefore considered there would be a significant detrimental visual impact on both the existing property, and the wider street scene. The application is therefore contrary to policies ST1(a), ST2(b) and HG7(a) of the ALPR (2002), Part 12 of the NPPF (2021) and the Residential Extensions Design Guide Supplementary Planning Document (SPD) (2014).

COMMITTEE DATE 26/07/2023 **WARD** Hucknall West

APP REF V/2023/0115

APPLICANT Mrs Jennifer Warren

PROPOSAL Single Storey front and side extension

LOCATION 10 Thoresby Dale, Hucknall, NG15 7UG

WEB-LINK https://www.google.com/maps/place/10+Thoresby+Dl,+Hucknall,+Nottingham+NG15+7UG/@53.0387261,-1.199994,19z/data=!3m1!4b1!4m6!3m5!1s0x4879c000947c9c0b:0x6cfd0be5951f5c55!8m2!3d53.0387261!4d-1.1993489!16s%2Fg%2F11c1g_twbd?entry=ttu

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

App Registered: 01/03/2023

Expiry Date: 25/04/2023

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

This application has been referred to Planning Committee by Cllr Rostance to discuss the circumstances of the applicant and end of life care.

The Application

Planning Permission is being sought for a flat-roofed, single storey extension to the front and side of the property. The application is retrospective as the extension has already been built at the property without the benefit of planning consent.

The extension is used as a ground floor shower room. It has been stated by the planning agent that an occupier of the property has health issues and is anticipated to have limited mobility in the future, requiring a downstairs bathroom.

Please see the 'Site History and Context' section below for a detailed explanation as to the planning history of the site.

Consultations

A site notice has been posted together with individual notifications to nearby properties.

The following responses have been received:

Ashfield District Council Contaminated Land

- The site is within the ground gas buffer zone of historic Environment Agency landfills to the south (infilled mill pond) and an infilled railway cutting to the east. A condition is recommended in respect of gas protection measures.

Local Lead Flood Team

- No objection, however recommends the use of a flood resilient door to compliment the other flood resilient measures proposed.

Environment Agency

- The development falls within flood zones 2 and 3. Refer to standing advice.

Severn Trent Water

- No bespoke comments provided on this application. Soakaways should be considered as primary method of surface water disposal. If not possible other sustainable methods should be considered.
- Use or reuse of sewer connections to the public system will require an application to the company.
- Suggested informative for public sewer records.

No representations have been received from nearby residents in respect of this application.

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.

HG7 – Residential Extensions

National Planning Policy Framework (NPPF) (2021):

Part 12 – Achieving well designed places.

Part 14 – Meeting the challenge of climate change, flooding and coastal change.

Supplementary Planning Documents

Residential Extensions Design Guide 2014

Relevant Planning History

V/2022/0121 – Single Storey Side and Front Extension, Rendering to Elevations – Refused

Site History and Context:

The site includes a semi-detached, two storey property accessed from Thoresby Dale, Hucknall. The surrounding context is predominantly residential in nature.

This proposal was first submitted to the Council in March 2022 under application reference V/2022/0121. The only difference between the 2022 application and the current application is that the former also sought permission for render to the whole property. The scale, siting and design of the extension is the same between the two applications.

During the assessment of the 2022 application, officers had contacted the applicant and their planning agent on multiple occasions to inform them that the proposal was not considered acceptable due to significant concerns over the placing of a large, flat roofed, rendered extension to the side and front of the dwelling. Officers also made alternative suggestions for development that would meet the needs of the applicant without detracting from the appearance of the street scene and host property. This included amongst other suggestions to propose an extension to the side and/or rear of the dwelling, where the visual impact would be reduced. There are considered to be many alternatives to the current proposal which could have been supported which would not be visually detrimental.

The agent's response was that an extension elsewhere on the property would be more difficult to build due to the existing room layout and window outlook and would not be changing the proposal or withdrawing the application. They noted they would be willing to remove the rendering of the dwelling from the application and officers requested

amended plans. After a significant amount of time, no new information was submitted, and the application was decided under delegated powers.

In respect of the 2022 application, the reason for refusal was as follows:

1. The proposed siting and design of the extension and the use of render would appear at odds with the existing dwelling that would be an obvious, incongruent addition to the property. It is therefore considered there would be a detrimental visual impact on both the existing property, and the wider street scene. The application is therefore contrary to policies ST1(a), ST2(b) and HG7(a) of the ALPR (2002), Part 12 of the NPPF (2021) and the Residential Extensions Design Guide Supplementary Planning Document (SPD) (2014).

Despite the clear advice of the local planning authority that the development would be unlikely to be granted consent, no alternative application came forward and no appeal against the refusal was submitted. The extension was then built without permission. According to the application form submitted with the current application, this was undertaken in November 2022. The current application was submitted in March 2023, now seeking retrospective permission for the extension.

Visual Amenity

The importance of good design is stressed in the NPPF, with the creation of high-quality designs and spaces being a fundamental element of the planning process. Paragraph 130 notes that development should function well and add to the overall quality of the area, not just for the short term, but the lifetime of the development, are visually attractive as a result of good architecture and layout and are sympathetic to the surrounding area. Additionally, paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Likewise, policy HG7(a) of the ALPR 2002 states that development should only be granted permission where it does not adversely affect the visual amenity of the locality.

The front of the dwelling is usually the most sensitive in design terms to any alteration, with the proximity of the dwelling to the highway and appearance of the elevations visible from the road being essential elements in defining the character of the street scene. The extension has the appearance of a rectangularly shaped, white rendered addition with a flat roof, which does not relate at all with the roof pitch, window arrangement and red brick walls of the host dwelling. Similarly, there are no comparable examples of anything remotely similar within the surrounding street scene, which is characterised by semi-detached, two storey dwellings constructed overwhelmingly from red bricks. Where extensions have been visibly added to the front elevations, this often takes the form of small, subservient additions built from matching materials.

The importance of local area design codes and guides is considered to be of crucial importance in achieving well-designed areas in accordance with paragraph 128 and 129 of the NPPF. In considering the Council's own adopted Residential Extensions Design Guide, officers hold the development represents a contrived and inappropriately designed addition that significantly detracts from the appearance of the nearby street scene. It is recognised that there may be a requirement to improve the life of the disabled occupier at the property. However, members are reminded that developments should function for the foreseeable future, and this should not come at the expense of the character and appearance of the area.

Flood risk

The property falls within flood zones 2 and 3, therefore the requirements of standing advice are that the property is protected by using flood resilient measures. If approved, it is recommended that an informative be added to the decision to ensure the owners are fully aware of the implications and the measures necessary to address the issues.

Residential Amenity:

As part of the application, an assessment has been made in respect of any impacts upon the amenity of nearby residents, namely in respect of overshadowing, overbearing and privacy issues.

In considering these issues and the development outlined in the application, officers are satisfied that no detrimental overshadowing or overbearing, nor loss of privacy would arise, given the siting and scale of the development relative to nearby properties.

Conclusion:

Officers have provided extensive advice to the applicant before they moved into the property and before any works were carried out which would have resulted in a scheme that could have been supported and provide the accommodation required. Officers are sympathetic to the applicant's circumstances and have always been willing to support developments, where appropriate, that seek to improve the quality of life of potential occupiers. However, decisions must be made on the basis of material planning considerations and the proposal outlined here represents a clear incongruous addition that would result in an overall detrimental impact upon the character and appearance of the area. Whilst every application should be decided on its own merits, the same proposal has already been refused planning permission at the address. No attempt has been made in this retrospective submission to overcome any of the issues that officers previously raised and the works have been carried out

with full knowledge that it would be in flagrant breach of the planning regulations and the decision previously taken.

Therefore, based on the above, it is recommended that this application is refused planning permission.

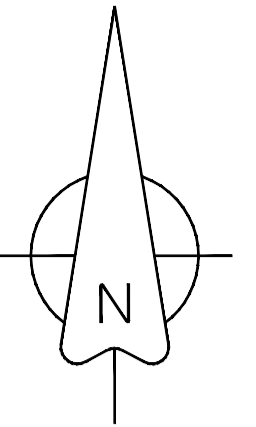
Recommendation: Refuse planning permission, for the following reason:

Reason for Refusal:

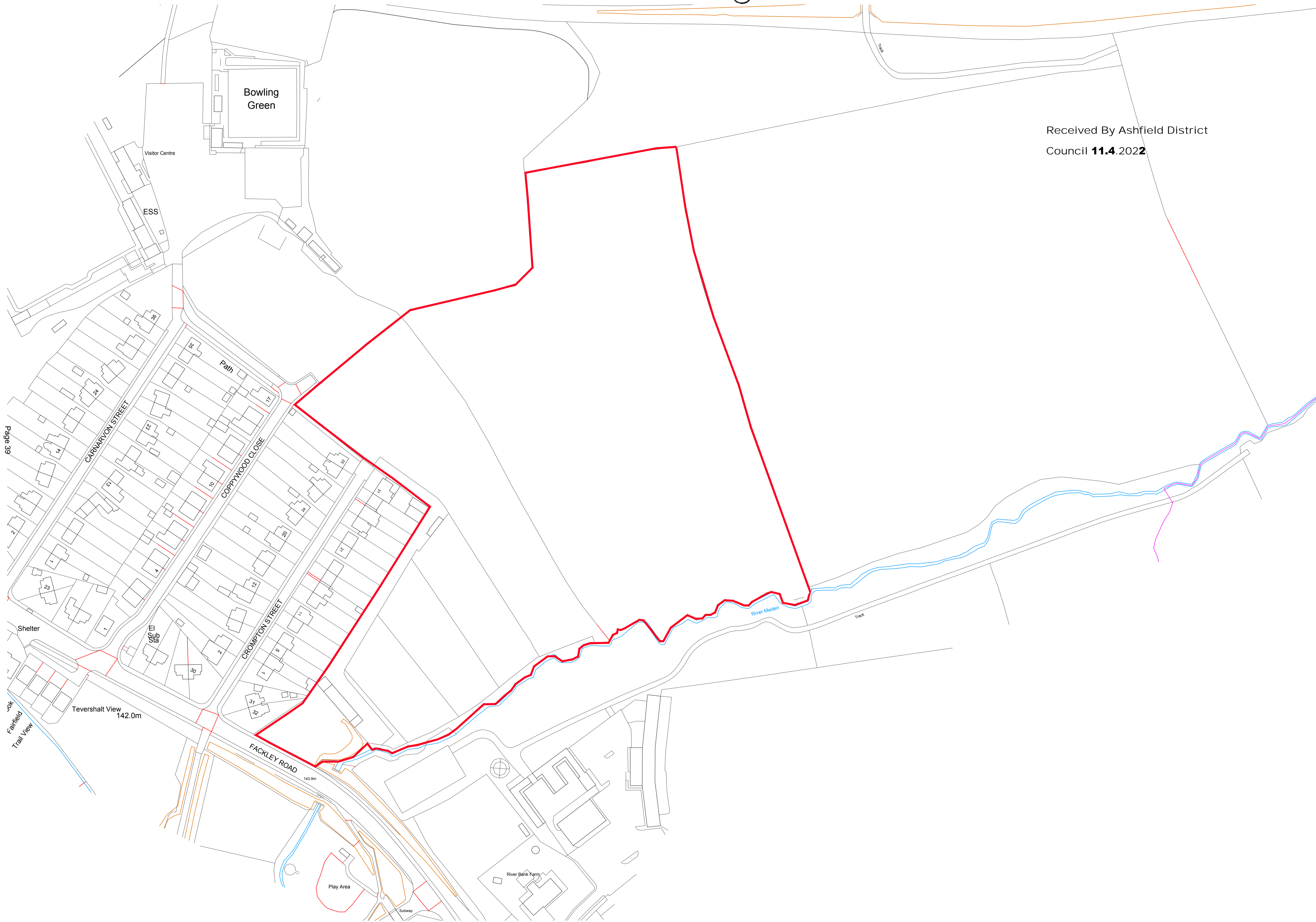
The proposed siting and design of the extension is at odds with the existing dwelling and represents an obvious, incongruent addition to the property. It is therefore considered there would be a significant detrimental visual impact on both the existing property, and the wider street scene. The application is therefore contrary to policies ST1(a), ST2(b) and HG7(a) of the ALPR (2002), Part 12 of the NPPF (2021) and the Residential Extensions Design Guide Supplementary Planning Document (SPD) (2014).

LOCATION PLAN - Land Off Fackley Road, TEVERSAL.

V/2022/0295

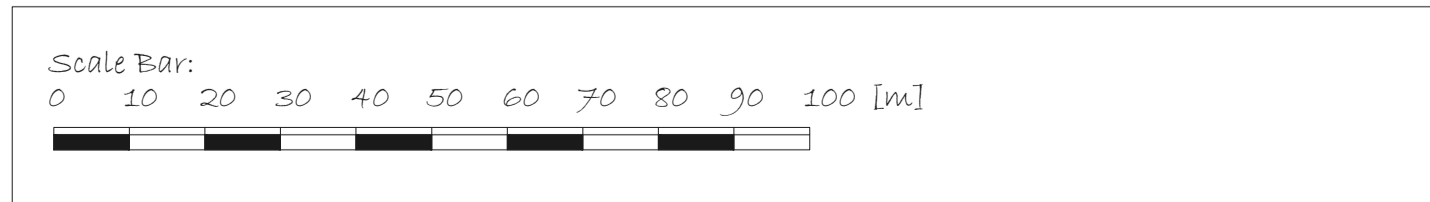


Received By Ashfield District
Council **11.4.2022**



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Shelter
Fairfield
Trail View



Development:
Land Off Fackley Road
Location:
TEVERSAL

Drawing Title:
Location Plan
Drawing Number:
TGDP/FRT/LP1

Scale @ A1 / A3:
1:1000 / 1:2000
Revision:
.

Drawn By:
TGDP
Date Started:
24/03/22



COMMITTEE DATE 06/12/2023 **WARD** Stanton Hill and Teversal

APP REF V/2022/0295

APPLICANT Persimmon Homes

PROPOSAL Development of 124no. Dwellings, Access, Attenuation Basin and Associated Landscaping and Infrastructure

LOCATION Land North of Fackley Road, Teversal, Sutton in Ashfield, Notts, NG17 3HN

WEB-LINK

BACKGROUND PAPERS

App Registered 21/04/2022

Expiry Date 21/07/2022

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

This application has been referred to Planning Committee by Councillor Smith on the grounds of Highway Safety and Impact on Ecology.

The Application

This is an application, as amended, for development of 124no. dwellings, two points of access, an attenuation basin and associated landscaping and infrastructure.

There are two vehicle access points into the site, the main one from Fackley Road which takes up virtually the entire site frontage onto Fackley Road and the secondary access is from the end of Crompton Street. The scheme would also provide several cycle and pedestrian connections to the surrounding area. The spine road running from Fackley Road to the top of the site has a tree lined verge and this crosses the linear green that runs north to south through the centre of the site, dividing the site into two.

There will be a green gateway into the site and this leads on to an ecological corridor about 10 metres deep that runs along the north bank of the River Meden. This will include trees to strengthen the existing tree lined bank.

The proposed dwellings would be a mix of terraced, semi-detached and detached homes of between two and five bedrooms. 10% of the total would be affordable with

a mix of tenures. The houses would generally be two storeys in height with some extending to two and a half storeys. The principal external materials will be red brick and pale render to reflect existing houses close to the site.

There is a clear road hierarchy set out on the plans beginning with the main spine road through the centre which serves a higher density of housing than the narrower, secondary roads off the spine road where the houses have a lower density with more detached houses here.

The access off Crompton Street is part of the secondary road network and is not intended to have the same level of use as the main access from Fackley Road. The restricted dimensions and on street parking of Crompton Street would deter drivers from using it apart from local access. It is also intended to be used by emergency vehicles.

Private drives would serve remaining houses. There will be 2 metre wide footways throughout the site apart from the private drives, green links and the rural edges will be defined by new hedgerows. In the southwest corner of the site next to the northern bank of the River Meden, an attenuation pond will be located that would extend and complement the ecological corridor. This will extend into the site along the linear green which links into an existing line of trees beyond the northern site boundary providing a longer ecological corridor.

Site Description.

The site comprises two fields currently used for agricultural purposes and lies south of Teversal village, north of Stanton Hill and is on the northeast side of Fackley Road. The site is 5.41 hectares in area and the two fields are delineated by hedgerows and mature trees. The River Meden runs along the southern boundary of the site with further agricultural land to the east. To the north lies a football ground and cricket pitch, woodland and the Teversal and Silverhill trails and residential development on Crompton Street and Coppywood Close to the west. There is a public right of way that runs along the west boundary between Coppywood Close and Crompton Street.

The site slopes gently from the northwest down to the southeast, a total fall of about 13 metres.

Relevant Planning History.

There have been no previous applications for this site.

Consultations

Site Notices have been posted together with individual notification of the application of surrounding residents. 76 individual letters of objection have been received and a summary of the comments is set out below.

Loss of Farmland, Fields and Open Space.

- The proposal is too large and should be only half the size.
- The applicant claims that land in the surrounding area to the application site will remain untouched.
- There would be only a small area of separation between Sutton in Ashfield, Teversal and Stanton Hill if this application proceeds.
- Loss of Green Belt and Fields; building on brown field sites would be better.
- The site is allocated as 'Countryside' in the Ashfield Local Plan 2002.
- The site is in a green corridor and is contrary to Objective 7 of the Teversal and Stanton Hill Neighbourhood Plan.
- Implementation of this application would set an unwelcome precedent if allowed.
- The application is contrary to section 13 of the National Planning Policy Framework (NPPF) in that Green Belt should be protected, stopping towns merging together.
- The applicant has not provided and details of 'special circumstances' that would justify the development being built in the Green Belt.
- There would be a loss of valuable farmland.
- Two previous planning applications at 1, Fackley Road have been refused. This was a much smaller site and this new application should also be refused.

Highways and Local Roads and Paths.

- It is very difficult to enter and exit Crompton Street and implementation of this scheme, along with other, neighbouring development at Beck Lane and St Andrews Heights will make the access even more difficult.
- Cars already park on both sides of Crompton Street which restricts access.
- The area cannot cope with any additional traffic. There are accidents at Meden Bank due to the blind junction. There would be an increased risk of traffic accidents.
- There will be a detrimental impact to the cycle path.
- There is the possibility of narrow streets being used as 'rat runs'.
- Existing roads are unsuitable for extra traffic and a new access; they are far too tight.
- The layout of the proposal allows for further development of the site to the north.
- Most households would have two cars.
- There would be an increase in car journeys in the area, resulting in increased car journeys.
- Where will construction traffic access the site?

Impact on Ecology and the Natural Environment.

- There would be a detrimental impact on local wildlife, particularly ground nesting birds, snakes, newts, bats, deer, foxes and rabbits.
- The scheme would impact on the biodiversity of the area, particularly the areas close to the Teversal and Skegby trails and the redevelopment of the old colliery site and railways.
- There would be a reduction in a wildlife corridor that the site is within.
- There is a strong, green boundary to the south of Teversal village which would be eroded by this scheme.

Impact on Local Infrastructure.

- Local schools, health and leisure facilities and provision of shops are already over subscribed. Will these be improved as part of the application?
- Local bus service and public transport provision is very poor and should be improved.
- There would be a likely increase in crime resulting in increased pressure on local police.

Character of the Area.

- The proposal does not respect the local village character or context of Teversal and Stanton Hill.
- The application site is close to a Conservation Area at Teversal village.
- The site is currently very quiet and peaceful and the application will change this.
- The site is historically important, dating back to 1662.
- Three storey buildings are not in keeping with the character of the area.
- The homes will be of a poor quality.

Drainage and Flood Risk.

- This application will result in additional surface water to an area which already floods.
- There is concern that it will not be possible to supply water to the site.

Pollution.

- There would be noise and air pollution during construction works.
- The additional vehicles generated by the new homes would increase pollution from exhaust fumes.
- Light pollution would result.

A petition containing 139 signatures has also been lodged with the Council which sets out the following objections:

- The proposal will have a detrimental impact on the amenities of existing neighbouring houses.
- There would be increased traffic pressures.
- Increased pressure on infrastructure that is already over-capacity.
- There would be a negative impact on nature.
- There would be an adverse impact on the character and appearance of Teversal and Stanton Hill.
- There would be a negative impact on the health of existing residents.

Teversal, Skegby and Stanton Hill Neighbourhood Forum (TSSNF) have submitted two separate representations. The first sets out objections to the application for the following reasons:

- The development is within the countryside and isolated from essential facilities with an inadequate bus service. Consequently, the proposal is unsustainable, contrary to paras. 8 and 185 of the NPPF which deal with sustainability and appropriate locations for new development, respectively.
- Local health services and schools are already overstretched and at intake capacity which means that the additional residents resulting from this development will create an unsustainable development.
- The site is within a green wedge identified as being important in preserving the separation between Stanton Hill and Teversal. The development would intrude into the green, open space, thereby profoundly affecting the character of the area. NPPF para. 174 says that planning decisions should contribute to and enhance the natural and local environment.
- The development is not appropriate at this location, will increase pollution, have a damaging effect on the natural environment and will damage valued landscapes and biodiversity, contrary to NPPF para. 127.
- The design and layout contravenes the principles set out in the TSSNF Design Guide.
- The site is an area of gradual transition from urban to countryside and this development will intrude into that area.
- Existing green spaces are an important characteristic of the area and must be preserved.
- The development will urbanise the approach to the Teversal trails and Teversal Visitor Centre and will have a negative impact on these and the level of enjoyment by local people.
- The development will increase traffic on already overcrowded roads.
- Local infrastructure is incapable of managing the increase in demand resulting from this scheme. It is considered that applicable Community Infrastructure Levy (CIL) payments will not be sufficient to provide the necessary improvements to infrastructure.
- The development will spoil the enjoyment of thousands of visitors who come to enjoy the countryside around Teversal.

- Tourism is developing in Teversal and this scheme will urbanise existing countryside and reduce visitor numbers.
- Teversal trails and open countryside are highly valued by local residents and visitors and must be preserved.
- The site is isolated from services, so journeys to and from the development will be by car, increasing carbon emissions.

The second representation follows the severe weather event of 20 October 2023 when Storm Babette caused flooding on the road where the new access is proposed into the application site from Fackley Road. The comments are:

- Flooding of Fackley Road at this point has been recorded for many years and is caused by surface water run-off.
- A Strategic Flood Risk Assessment (FRA) was carried out by Ashfield Council in 2007 and this report says that the junction of Fackley Road and Copsywood Close has inadequate capacity in the main sewer during times of heavy rain.
- Future residents could become trapped by flood water because of the increase in impermeable surfaces at the access.
- Fackley Road is several metres below the level of the application site.
- The flooding issue should be resolved before the application is determined.

Statement of Community Involvement.

A Statement of Community Involvement has been submitted in support of the application. The applicant has engaged with the Local Planning Authority, the Neighbourhood Forum, relevant consultees and the local community.

At a meeting with the Neighbourhood Forum, the following issues were raised:

- Landscape impact.
- Concern that local services, including schools and healthcare will not be able to cope with the new development.
- Insufficient bus services in the area.
- Loss of privacy and overlooking of existing residents.
- Use of section 106 contributions.

Leaflets were delivered to 217 households and a dedicated website provided for comments to be lodged. The website was visited more than 1,000 times and the comments are summarised below:

- Schools, doctors surgeries, sports clubs and public transport all need improving as well as access to open space and footpaths.
- The development is unnecessary.
- Impact on local services.
- Impact on traffic.
- Overlooking.
- Green Belt being built on.

- Site historically known for its coal mining history and local houses will lose their history and the village will lose its appeal.
- Noise and pollution.
- Teversal is a quiet area.
- Potential impacts of the development on adjacent sports clubs.
- Impact on Teversal trails.

As a result of the pre-application consultations, the application has been shaped in the following ways:

- Connections to the countryside – a green link from Copsywood Close has been created to the north and a link to Teversal trails is proposed.
- Flooding – an attenuation basin will be provided to prevent flooding on the site.
- Private amenity space – gardens will all be at least 10 metres deep.
- Local identity – the proposed new houses have been selected to fit in with the wider area and provide a range of houses for all sections of the community, from first time buyers to the elderly. Materials will reflect those already in place on nearby houses.
- Traffic and access – suitable accesses from Fackley Road and Crompton Street will be provided with Fackley Road being the main access. A Transport Assessment will be submitted in support of the application which will demonstrate that there would be no negative impacts on traffic in the local highway network.
- Local services – financial contributions will be provided to support local schools, healthcare and transport and controlled by way of a legal agreement under section 106 of the Planning Act.

Nottinghamshire County Council (NCC) Planning Policy.

NCC require the following financial contributions to ensure that services and infrastructure can be provided to meet the needs of additional residents living on the new development.

With respect to education, there is a surplus of school places that can accommodate the extra 26 primary, 20 secondary and 4 post 16 school places generated by the scheme. There would be no deficit in these instances. However, there would be a need to fund pupil with special needs, so a sum of £83,728 would be necessary.

There would be additional demand generated for the local bus service so a sum of £160,000 is required to provide improvements. Peak hour and weekend travel is currently not provided and, currently, there are only three buses a day at two hour intervals. This level of provision is a much more sustainable alternative to complete reliance on the private car during these periods.

Improvements are needed to upgrade the two nearest bus stops on Caernarvon Street by way of raised kerbs and real time display boards. A sum of £17,100 is required for stops numbered AS0502 and AS0514 on Caernarvon Street.

The application site will be served by waste disposal and recycling facilities at Kirkby and Mansfield and both are operating at or close to near capacity. There is no opportunity to expand these two facilities but there is a proposal to build a new facility close to the Mansfield and Ashfield Regeneration Route (MARR) so a financial contribution of £6,959 is required to help fund this new facility to meet the additional demand generated by this application.

NCC Constabulary.

Guidance on designing out the opportunity for crime and the creation of safe and inclusive communities is contained within sections 8 and 12 of the NPPF. The layout and design has given consideration the creation of a safe and sustainable community and there are no objections.

NCC Area Health Authority.

Due to increased pressure on doctor's surgeries, a financial contribution of £67,192 is required to improve one or more of the following three surgeries which are all operating at capacity:

- Skegby Family Medical Centre.
- Brierley Park Medical Centre.
- Willowbrook Medical Practice.

NCC Highways Authority (HA).

The HA have confirmed that the amended internal layout is acceptable and also that the main access from Fackley Road including off-site highways works provides a safe entry and exit for vehicles, cyclists and pedestrians.

The access would be 6.2 metres wide in accordance with appropriate design guidance and there would be 10 metre junction radii at the entrance. Fackley Road will be widened to allow for a pedestrian refuge, tactile paving with dropped kerb and ghost island to be introduced.

With respect to Crompton Street, the original proposal was to use it for emergency access only with bollards at the end which would be lowered for emergency vehicles only. However, due to the restricted dimensions and on street parking along the street, the bollards have been removed from the scheme and it is considered that the restrictions are such that the only people using this will be those living in new houses at the end of Crompton Street and traffic here will self-regulate.

The HA require conditions to be attached which would control the following:

- Provision of the access from Fackley Road.
- Technical details of the internal layout including gradients and sections.
- The submission of a detailed Residential Travel Plan.

NCC Rights of Way (RoW).

Sutton in Ashfield footpath 97 runs adjacent to the site so there are no objections. However, the applicant should be made aware of the following:

- There should be no disturbance to the footpath without the prior consent of the RoW team.
- The safety of the footpath should be observed at all times. A Temporary Closure may be granted by contacting the RoW team.
- If the route is to be fenced, this should be at a low level.
- If a structure is built next to the path, the width of the path should not be reduced.
- Structures cannot be built on the path without the consent of the RoW team.
- Should scaffold be required on the path, consent is required from the RoW team.

NCC Local Lead Flood Team (LLFT).

Most of the site is located within Flood Zone 1 but small areas close to the southern boundary are located within Flood Zones 2 and 3 associated with the River Meden. However, there are no objections subject to a condition controlling the submission of a detailed drainage scheme including SuDS being attached to a planning consent.

Further to the second representation submitted by TSSNF, the LLFT were consulted about the recent flooding in the vicinity of the site. The applicant was also made aware of the extra representation and explained that the water levels caused by the recent floods will not affect the application site.

The proposal achieves the greenfield run-off rates plus the additional 40% attributable to the development. Surface water mitigation will be engineered to alleviate impact on the surrounding drainage networks by way of an attenuation tank which would be at a lower level than Fackley Road and this would control surface water run off. Such control is not in place at present so flood risk is very likely to be reduced.

Coal Authority.

The Coal Authority have confirmed that the site lies within a Development High Risk Area. However, the applicant has carried out drilling at five boreholes in the site and no shallow coal workings have been revealed so there would be no stability issues. Consequently, the Coal Authority do not object to the application and have no additional comments.

Ashfield District Council (ADC) Environmental Health – Contamination.

In the event of land contamination being discovered during construction works, a condition is required that will assess the contamination and provide remediation measures where necessary.

ADC Planning Policy and Projects.

The development plan comprises the saved policies within the Ashfield Local Plan Review (ALPR) 2002 and the policies of the Teversal, Stanton Hill and Skegby Neighbourhood Plan (TSSNP).

The Council does not have a 5 year housing supply of deliverable housing sites. Consequently, the application has to be seen in the context of the National Planning Policy Framework (NPPF) which says that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies as a whole.

The application site is located outside the settlement boundary and lies within the Remainder of the District and in Countryside. It is not an allocated site in the current local plan and ALPR policies ST4 and EV2 respectively will apply.

Policy EV2 seeks to safeguard the countryside and it is considered that the application does not fall within any forms of appropriate development set out in EV2. In addition, NPPF para. 174 recognises the intrinsic character and beauty of the countryside.

The site is also within a Mature Landscape Area under ALPR policy 4 which seeks to ensure that development does not adversely affect the character and quality of such areas.

Policy NP4 of the TSSNP identifies the area between Teversal and Stanton Hill as a green corridor and a compelling case would have to be made to allow development to occur here.

A key aspect of the NPPF is to promote healthy and safe communities with an emphasis on social, recreational and cultural services. This includes the cricket ground which lies adjacent to the application site to the north and there is a possibility of the amenities of future residents being affected by the potential risk from cricket balls.

With respect to the quality of the agricultural land on the site, the regional Agricultural Land Classification says that the application site is all in Grade 4 and (poor) so it is not falling within the best agricultural land.

There are no designated or non-designated heritage assets within the site. The Teversal Conservation Area lies 180 metres away to the northeast of the application site.

Regarding Affordable Housing, 10% will need to be provided for this area.

The Council is now out to consultation on the 19 Pre-Submission Draft Local Plan under Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012, as amended. The site is an allocation for housing in this plan. At this stage of the draft Local Plan, the policies carry limited weight.

ADC Regeneration.

Financial contributions of £124,000 and £248,000 to improve the public realm at Stanton Hill High Street and to provide Public Open Space improvements at Stanton Hill and Teversal, respectively are required.

ADC Ecology.

Concerns have been expressed about a lack of information submitted in the Ecology Report submitted in support of the application which are similar to those expressed below by Nottinghamshire Wildlife Trust.

Nottinghamshire Wildlife Trust (NWT).

In response to the Ecology Report submitted in support of the application, as amended, NWT have raised a number of concerns, which are:

- The site is moderately suitable for bat foraging and commuting but no bat surveys have been submitted.
- It is claimed that the hedgerows are species poor but details of species have not been submitted in support of this.
- With respect to the edge of the River Meden, it is requested that the ecological buffer be widened.
- In assessing biodiversity net gain, NWT have identified errors in the report concerning hedgerow scrub planting close to the attenuation pond and also along the southern boundary.

In response to the updated ecology report it is considered that their previous holding objection can be withdrawn however measures are still required (ECoW, reasonable avoidance measures, pre-commencement checks/surveys, conservation covenant, Biodiversity Management Plan, CEMP etc) to further reduce impacts.

Environment Agency.

No comments or objections.

Natural England.

No comments or objections.

Comments on the above.

- It is considered that local residents have been properly consulted. Site notices were posted and adjoining occupiers were sent letters inviting comments. In addition, the applicant has carried out a Community Consultation exercise, the details set out above.
- With respect to flooding on the site, the bulk of the site is within Flood Zone 1 and development would be restricted to this area and the small areas in Flood Zones 2 and 3 next to the River Meden would not be built upon. An attenuation pond is also provided.
- Regarding the loss of wildlife on the site, the proposal would introduce trees and hedgerows into the scheme and enhance the western bank of the River Meden and deepen the existing hedgerow along the eastern boundary. A linear green is proposed through the centre of the site, linking the riverbank with the trees and hedgerows to the west. By increasing the variety of plant species, additional wildlife and birds can be encouraged. As part of the proposal, a balancing pond next to the river would also be included and there is great potential to integrate this, providing additional ecological benefits. Biodiversity Net Gain credits have also been requested.
- The applicant will be liable to pay financial contributions to meet any shortfall in provision of local health, education, transport and other infrastructure resulting from additional residents associated with the development.
- It is acknowledged that there will be increases in traffic during building works and when the development is occupied but highways assessments have concluded that, with off-site highway improvements, the existing road network can accommodate the increases.
- A number of responses have said that the site is within the Green Belt. This is not the case as the site is within an area of Countryside in the ALPR.
- Existing residential development directly adjoins the site to the west and hours of construction will be restricted so that building works only take place during week days and Saturday mornings.

Policy Framework.

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) 2019.

- Part 2 - Achieving Sustainable Development.
- Part 5 - Delivering a Sufficient Supply of Homes.
- Part 8 - Promoting Healthy and Safe Communities.

- Part 9 - Promoting Sustainable Transport.
- Part 11 – Making Effective Use of Land.
- Part 12 – Achieving Well-Designed Places.
- Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.
- Part 15 – Conserving and Enhancing the Natural Environment.
- Part 16 – Conserving and Enhancing the Historic Environment.

Ashfield Local Plan Review (ALPR) 2002.

- Policy ST1 – Development.
- Policy ST4 - Outside Main Urban Areas and Named Settlements.
- Policy EV2 - Countryside.
- Policy EV4 - Mature Landscape Areas.
- Policy EV6 - Sites of Importance for Nature Conservation.
- Policy EV8 – Trees and Woodland.
- Policy EV9 – Agricultural Land.
- Policy EV10 – Conservation Areas.
- Policy EV16 – Water Quality and Flood Protection.
- Policy HG3 - Housing Density.
- Policy HG4 – Affordable Housing.
- Policy HG5 – New Residential Development.
- Policy HG6 – Open Space in Residential Developments.
- Policy TR2 – Cycling Provision.
- Policy TR3 – Pedestrians and People with Limited Mobility.
- Policy TR6 – Developer Contributions to Transport Improvements.
- Policy TR8 - Recreational Routes.

Teversal, Stanton Hill and Skegby Neighbourhood Plan (TSSNP) 2016.

- NP1 – Sustainable Development.
- NP2 – Design Principles for Residential Development.
- NP3 – Housing Type.
- NP4 – Protecting the Landscape Character.
- NP5 – Protecting and Enhancing heritage Assets.
- NP6 - Improving Access to the Countryside.
- NP8 - Improving Digital Connectivity.

Design Guidance.

- Ashfield Residential Design Guide 2014.
- Ashfield Residential Car Parking Standards 2014.
- The National Design Guide 2020.
- National Model Design Code 2021.
- Building for a Healthy Life 2020.

Gear Change: A Bold Vision for Cycling and Walking 2020.
Cycle Infrastructure Design (LTN 1/20) 2020.
Manual for Streets 2 2010.
Nottinghamshire Highway Design Guide 2021.
Residential Car Parking Standards 2014.

Main Material Considerations.

The main material considerations are:

- Loss of countryside and open land.
- Design and Layout.
- Impact on biodiversity and wildlife.
- Highways and access.
- Flood risk and drainage.
- Impact on local services and infrastructure.
- Affordable Housing.

SUMMARY.

Principle of the Development and Loss of Countryside.

A summary of the policy context has been set out earlier in this report and key to this are ALPR policies ST4 and EV2. Policy ST4 says that permission will only be granted for new development where the site is allocated for development. The site is not allocated for development and EV2 seeks to protect the countryside from development.

Countryside.

Policy EV2 seeks to protect countryside from development and housing is inappropriate development in such areas. EV2 confirms that development must be located and designed so as not to adversely affect the character of the countryside and, in particular, its openness.

Housing Supply.

It is the case that the Council does not have a deliverable 5 year housing land supply.

NPPF para. 60 sets out the Government objective to boost the supply of homes. NPPF para. 74 requires local planning authorities to identify a minimum of 5 years worth of housing allowing for a buffer varying between 5% and 20%, dependent on the local planning authority's circumstances.

Based on the Housing Land Monitoring Report of April 2023 and applying the 20% buffer, Ashfield has a 2.93 year housing land supply. Therefore, there is a serious

and immediate need to provide more housing in the District. The site is also a housing allocation in the emerging Local Plan.

In accordance with NPPF para. 11 (footnote 8), the tilted balance should be engaged. This means that there is a strong presumption in favour of granting the proposal but it is still the case that the weight attached to policies should be given by the decision-maker. The NPPF says that permission should be granted unless adverse impacts of doing so would significantly outweigh the benefits when assessed against NPPF policies.

Design, Appearance, Scale and Layout.

National and local planning policy and guidance require the scale, design, layout and the external appearance of the buildings to be of high quality.

Two points of access into the site are proposed, the main one being from Fackley Road with a secondary access from the end of Crompton Street. The site frontage onto Fackley Road is very limited and can accommodate only the access, a single dwelling, the Green Gateway and visibility splays. In design terms, it is desirable to have a strong built form along the frontage but this is not possible in this instance. However, it is considered that the green frontage will reflect the interior of the development which contains a linear green, green links, an enhanced river bank and space between dwellings.

The scale of housing development on the site comprises two to five bedroomed, two or two and a half storey houses, having a variety of dwelling types, exteriors and footprints. Those houses located at corners will have dual aspects so that active frontages with windows face the roads. There is a variety of house types so any potential for monotony in the street scene will be avoided.

The adjoining houses on Crompton Street and Coppywood Close are a mix of two storey semi-detached houses and short terraces of uniform scale and materials, comprising mainly grey or white render with some brick with tiled roofs. The massing and scale of many of the proposed dwellings closely reflects the existing houses particularly in that section of the application site which lies along the south-east edge of Crompton Street but the remainder of the development opens out towards the edges of the proposal and the entry into open countryside.

The proposed external treatment will be a mix of red, red/brown and orange/red bricks with white or grey render. The roof tiles will be a mix of grey, brown and brown/red. Full details of the external details have yet to be submitted so this will be the subject of a condition requiring such details to be submitted prior to commencement of development.

The application site lies in the countryside. Existing housing adjoins the western boundary of the site but, apart from this the site borders a mix of open fields,

woodland and riverbank elsewhere. A common feature of the edges of the site are the hedgerows and a central hedge runs north to south through the centre of the site, marking the boundary between the two existing fields.

The applicant retains all hedgerows including the central one and these will all be enhanced to create a stronger, more varied, green edge and linear green in the centre of the development. These, along with additional tree planting within the site, strengthening the riverbank corridor and the pond in the southeast will all create an appropriate setting at the edge of countryside and woodland.

Off-street car parking is provided for each dwelling, two spaces for 2 and 3 bedroomed houses and 3 spaces for those with 4 or 5 bedrooms. Some of the houses will be provided with either a single or double garage which would have a pitched roof.

The majority of the houses have the off-street parking located as double spaces in front but a small number of houses do have tandem parking. The Highways Authority generally does not support tandem parking because of the resulting awkward manoeuvring that can occur but, in this case, there are so few instances that there would be no impact on highways safety.

Where the proposal is cramped, it is often the case that double parking can result in lines of cars dominating the streetscape. However, in this case, that has been avoided because areas of planting have been introduced along the frontages which break up the areas of hard surfacing.

In two instances, the road layout extends right to the edge of the site, allowing for the possibility of extending the development further into the countryside. However, the remainder of the boundaries comprise a mix of retained existing hedgerows and additional hedge planting, linking the development with the countryside.

Green space has been provided within the site in the form of gardens, the central linear green, the enhanced hedgerows and riverbank and further areas of open space within the development.

At present, the site is open grassland and the only features are the hedgerows which define the two fields. Numerous trees will be planted in the scheme that will, in time, allow a more diverse planted environment to emerge, including the attenuation pond, diverse plants, hedgerows and riverbank.

The application site is located at the edge of countryside and the design and layout has taken advantage of the rural location and ensured that many of the houses take advantage of outlooks towards the countryside or open space areas such as the attenuation pond next to the riverbank. In addition, some houses provide extra security because they also overlook green links and footways within and at the edge of the site.

Sustainability.

At the heart of the NPPF is a presumption in favour of sustainable development. The new houses will be built to current sustainable standards including solar gain, the use of photovoltaic panels, high level thermal efficiency, minimising energy and water use and a sustainable drainage system throughout the site.

The site lies close to the settlements of Teversal and Stanton Hill where there are services and facilities and transport links, albeit somewhat limited given the size of the villages but Sutton in Ashfield is reasonably close by with a greater variety of services and facilities.

Residential Amenity.

As part of the consultation exercise with the Neighbourhood Forum, concerns were raised about the potential impact of the proposal on the privacy of existing houses and the possibility of overlooking. This issue is confined to that part of the proposal which adjoins houses on the east and north sides of Crompton Street.

The minimum distance between habitable rooms in the rear of dwellings facing each other to ensure the retention of privacy is 21 metres. The minimum distance between rear elevations and blank walls is 12 metres.

The existing houses on the east side of Crompton Street have rear gardens of about 20 metres depth and the rear gardens of the proposal are 10 metres deep which results in a distance of 30 metres between houses which meets the policy criteria.

Flank walls of the two existing houses at the top of Crompton Street face towards the development site. On the western side, there is an area of open space and parking in front of proposed houses so there is a 22 metre gap here. On the east side, the flank wall of proposed plot 22 faces the house and there will be no issue of overlooking here. Plot 22 is set back about 3 metres behind the front of the existing house but, given the distance between, there would be no overlooking or overdominance.

Proposed plot 1 lies on the western side of the main access from Fackley Road but to the east is an existing house set at 45 degrees to Fackley Road. The siting of plot 1 reflects the siting of existing houses turning the corner at the end of Crompton Street. In addition, there would be no windows in plot 1 that would result in overlooking.

The applicant has demonstrated that there would be no unacceptable impact in terms of loss of privacy that would affect existing residents.

With respect to the privacy of future residents, the layout demonstrates that the 21 and 12 metre distances would be respected and there would be no overlooking or loss of privacy. The application site has a shallow fall of 13 metres but there are no sudden changes in level. This means that there would be no pronounced changes in level where a building would over dominate a neighbour.

Every house has a private rear garden of at least 10 metres depth which would provide an acceptable level of amenity space for each house. These would all be enclosed by a mix of fencing, walls and planting to ensure privacy is retained. All waste and re-cycling facilities will be contained within private gardens in the interests of security and the avoidance of street clutter.

A smaller garden would also be provided at the front of each house and these would be of varying sizes. Some of these are very small but the layout includes numerous new trees throughout the layout and most of the houses either side of the linear green will overlook this attractive part of the proposal and this openness will mitigate against the constraints of a small front garden.

The defensible space created by gardens will establish a clear definition between private and public space.

A cricket ground adjoins part of the northern and northwest boundary of the site. Two houses lie between 7 and 10 metres off the site boundary and a further four houses lie about 17 metres from the boundary. The edge of the cricket pitch is between 8 and 15 metres away from the boundary and a hedge separates the two sites which will be strengthened and enhanced. There is a small possibility that cricket balls, when very well hit, will encroach into future properties but, given the small number of houses affected and the distances involved, the benefits of such close proximity to this active and passive recreational facility outweigh any possible disamenity caused by stray cricket balls.

The houses along Crompton Street and Copsywood Close are very close to the development site and there is potential for noise and dust affecting the amenities of existing residents. Consequently, conditions will be attached requiring a Construction Management Plan and controlling the hours of operation so that there will not be an unacceptable impact on the quality of life of residents.

The proposal meets the requirements set out in national and local planning policy and guidance in terms of amenity standards for residents.

Highways and Access.

The Highways Authority (HA) has been consulted throughout the application process and their detailed recommendations are set out earlier in this report.

To summarise the highways proposals, there will be two access points into the site. The main one would be from Fackley Road and the second would be an extension of the end of Crompton Street which is currently a cul-de-sac.

The new main access from Fackley Road would involve off-site road improvements at the point of access to allow for visibility splays, a pedestrian crossing and ghost islands to be put in place. Provision of these will be controlled by an appropriate condition.

Crompton Road is a narrow residential road which is subject to on-street car parking on both sides. Due to these restrictions, the HA originally took the view that this should only be used by emergency vehicles only and all other traffic should use the main Fackley Road access. Consequently, it was proposed that retractable bollards would be put in place. However, on re-consideration, due to the significant restrictions on traffic flow along Crompton Street, the HA took the view that the restrictions would be self-regulating and deter motorists from using this as an access into the development. It will be much quicker to use the Fackley Road access to reach all parts of this scheme and the bollards have been removed from the development and the access here is open.

The two accesses create a loop road although it is accepted that the bulk of traffic using the roads will choose the main access from Fackley Road. The traffic would be evenly distributed around the site on residential feeder roads and shorter private drives. Vehicle speeds will be controlled by the avoidance of long, straight sections, shared surfaces and road/drive dimensions. Measures set out in the Travel Plan will mitigate against the reliance on the private car. These include home electric vehicle charging points, encouraging 'car clubs', information about alternative travel modes and routes and the provision of free bus passes for a limited period.

The NPPF encourages the reduction on the reliance on travel by the private car as this is part of the key objective of providing sustainable development. The Travel Plan lists the bus connections to key destinations such as shops, schools and services.

There are buses to Stanton Hill and Sutton in Ashfield and there are a number of services and facilities between 10 and 15 minutes walk away such as an infants school and children's centre, Skegby Junior School, Skegby Medical Centre and a Co-op foodstore.

Details of private, off street car parking have already been set out earlier in this report but there is also provision for visitors and this is distributed evenly around the site. These spaces would not be a hazard to other road users.

There are footpaths and desire lines along the edge of the application site, at the end of Crompton Street, for example, that link with the woodland and Teversal Trail to the north. Green links along the north and northwest boundaries will create more

defined links for both pedestrians and cyclists. Those who cycle can and will benefit from four separate cycle trails that link together and to the wider countryside.

The highways and travel proposals for this application satisfy all national and local planning policy guidance.

Landscaping and Open Space.

The landscaped character of the site comprises two fields bounded by hedgerows with further farmland to the east and south. To the northwest, Teversal cricket and football club adjoins the site. The River Meden lies close to the southern edge of the site and here there are lines of trees either side of the watercourse. To the north, adjoining the site lies woodland within which the Teversal Trail runs.

The application, as amended, retains all the hedgerows both around the edges and within the site and, as part of landscaping and design proposals, these will be strengthened and enhanced to create strong boundaries that provide a transition into the countryside and also provide the basis and spine for the centrally located linear green.

The banks of the River Meden strongly define the southern boundary by way of the mature trees. This edge to the site will be made deeper and function as an Ecology Corridor as well as providing an attractive landscaped belt and the attenuation pond in the southeast will also contribute to this.

Internal planting will comprise private gardens, the linear green and other areas of open space, mainly around the edges of the site. Trees would be introduced into the whole site and reflect the green centre and edges. The planting in the public areas will soften and complement the built form which would be safe, secure and attractive, encouraging physical activity and social interaction. The public landscaped areas will be maintained and managed separately from the private garden spaces and this will be controlled by way of a clause(s) in the section 106 Legal Agreement.

It is acknowledged that the green and open character of the fields which currently form the site will be lost but a greater variety of planting will be introduced, compensating for the loss of the fields.

Historic Environment.

There are no designated heritage assets in the form of Conservation Areas, Listed Buildings or Scheduled Monuments within the site. The nearest such asset is Teversal Conservation Area which lies 180 metres to the north of the nearest pint of the application site. A broad wooded belt lies between the two and these trees completely screen the Conservation Area from the application site. Consequently, the application will have no impact on the Conservation Area.

Archaeology.

The applicant has submitted a desk based archaeological study in support of the application and this concludes that the potential for buried archaeological remains is very low. There is no evidence of prehistoric, Roman or medieval remains and the ground survey found no firm evidence of any remains.

A condition will be attached to cover the possibility of archaeological remains being found during construction works and ensure that appropriate mitigation measures can be put in place if and where necessary.

Land Stability and Ground Contamination.

There are no identified issues with ground contamination or land stability but it is necessary to include a condition which would require remediation measures to be put in place in the event of ground contamination being discovered during construction.

Ecology, Biodiversity and the Natural Environment.

Paragraph 180 of the NPPF recommends that development should aim to provide measurable net gain for biodiversity in and around the development. The Environment Act 2021 outlined a legal requirement of 10% measured against a DEFRA metric although this act has yet to be implemented.

The applicant has submitted an Ecological Assessment (EA) in support of this application which provides a survey of fauna and flora on and around the site.

A number of issues and concerns were identified in the EA, as originally submitted which led NWT to lodge an objection to this planning application. These have been touched upon earlier in the report but, in more detail, are:

- There is a moderate suitability for commuting and foraging bats but no surveys have been carried out. One survey per month (April to October) as well as two automated surveys per month should be undertaken.
- There is no indication of species recorded in hedgerows and no evidence to verify the conclusion that the hedgerows are species poor.
- With respect to the River Condition Assessment, the proposals need to be amended to increase the vegetation buffer along the river corridor.
- There are discrepancies between the proposals for the ecological corridor next to the river and the landscape plans.
- Can the ecological corridor be widened and native blackthorn and hawthorn introduced which will act as a deterrent to public access along the river.
- With respect to Biodiversity Net Gain (BNG), there are errors concerning hedge planting and the claimed planting along the southern boundary.

An amended EA has been submitted which includes further surveys (including bat activity surveys, Great Crested Newt habitat suitability assessment (HIS) and Modular River Physical survey (MoRPH)) and site assessments and a significant amount of biodiversity benefits on site have been proposed with a Biodiversity Management Plan/LEMP

A condition will require the provision of bird and bat boxes, bee and swift bricks and hedgehog corridors in boundaries. There is a good opportunity here to encourage wildlife inhabiting the riverbank, hedgerows and woodland adjoining the site to use the gardens, enhanced hedgerows and open space within the site.

There is a similar opportunity to develop the balancing pond and widened riverbank to encourage wildlife by way of planting a wide variety of native species.

These improvements however do not provide a 10% Biodiversity Net Gain on the site and there is suggested to be a short fall of approximately 3 units according to the nationally recognised Biodiversity Matrix. It is therefore proposed to provide this shortfall off site and a contribution of £126,000 would ensure the shortfall in biodiversity units can be provided and maintained for 30 years. This is based on a nationally recognised figure of £42,000 per unit.

Flood Risk and Drainage.

A Flood Risk Assessment was submitted in support of the application which confirms that almost the whole of the site is within Flood Zone 1. The likelihood of flooding in this area is 1: 1000 years so no mitigation measures are required.

A small part of the site next to the River Meden and close to the site entrance from Fackley Road is within Flood Zones 2 and 3 but this area would not be subject to the construction of buildings as part of the ecological corridor along the river and the Green Gateway would be here.

A balancing pond would be put in place in the southeastern corner alongside the river corridor. The SuDS surface water drainage scheme would discharge into the balancing pond and a condition will be required to provide details of the drainage scheme.

The nationwide flooding caused by Storm Babette in late October highlighted the flooding that affects Fackley Road during very wet weather but the possibility of this continuing or even made worse will be mitigated by the inclusion of an attenuation facilities set at a lower level than Fackley Road that will control surface water run off and very likely improve drainage in the immediate locality.

Affordable Housing.

ALPR policy HG4 says that Affordable Housing will be provided on schemes of more than 25 dwellings or of one or more hectares in area. NPPF policy supports this. 10% of the total number of units on the site will be affordable in the form of low cost housing as defined in the Glossary at Annexe 2 of the NPPF. The 10% shall be split between 75% as social rented and 25% being in shared ownership.

Developer Contributions.

The following developer contributions are required:

- 10% of the housing to be affordable of which 75% should be social rent and 25% shared ownership.
- Extra provision for Special Needs Education - £83,728.
- Improvements to local bus services - £160,000.
- Improvements to bus stop(s) on Caernarvon Road - £17,100.
- Improvements to waste disposal facilities and recycling - £6,959.
- Improvements to local health provision - £67,192.
- Improvements to Public Open Space - £248,000.
- Improvements to the Public Realm - £124,000.
- Improvements to Biodiversity off site - £126,000.
- Improvements to Broadband in vicinity £150,000
- The updated CIL legislation allows for a section 106 monitoring fee to be charged to cover the Council's monitoring costs - £4,000.

Conclusion :

The NPPF states that proposals should be considered in the context of sustainable development which is defined by economic, social and environmental matters and the roles they perform.

The application site lies in Countryside next to existing housing on Crompton Street and Copsywood Close. The larger urban area of Stanton Hill lies to the south. Consequently, there are shops, schools and leisure facilities nearby along with employment opportunities.

With respect to the three over-arching NPPF objectives for sustainable development, the proposal will bring the following benefits.

Economic.

The scheme would provide accommodation for 124 families and many of these would have jobs serving the local community and bring revenue to the locality. Jobs would be created to serve the increase in population, and these would be diverse in terms of hours worked and skills levels.

In addition to this, there would be indirect benefits by way of jobs during construction of the houses and the supply of materials by local businesses. There would be direct economic benefits to the immediate locality and the wider area.

Social.

In social terms, the scheme would deliver 196 high quality homes which would provide long term, sustainable accommodation. The Council cannot currently demonstrate a five year housing land supply and the provision of these new houses including at least 12 affordable homes, will make a significant contribution to much needed housing in the District.

Environmental.

The application includes landscaping and a large attenuation pond which will be able to incorporate a greater variety of species than exist on the site at present. The existing trees and riverbank will be enhanced by the planting proposals. Currently, most of the site is grassland and the introduction of gardens, the linear green and further planting will encourage a greater variety of birds and animals.

A condition will be attached ensuring that bird and bat boxes, swift bricks and hedgehog highways will be included within the layout to encourage wildlife as much as possible.

The development would be an attractive residential area, less cramped than adjoining houses to the west and the green open areas within the site will function as a transition area linking existing development with the countryside. The incorporation of a variety of sustainable features which would reduce the reliance on fossil fuels will minimise the carbon footprint of the proposal.

The layout, scale and appearance of the development is acceptable. The impact on the surrounding highways network is also acceptable. Off-site improvements at the main access into the site from Fackley Road will allow for safe passage of pedestrians with the inclusion of traffic islands. The secondary access from the end of Crompton Street will not be subject to significant extra traffic because the restrictive dimensions of the street and the residents' parking either side will deter future residents from using this to gain access to the new houses. It will be quicker, easier and safer for residents to use the new access.

The internal highways layout is acceptable and includes green links that connect the site to the adjoining countryside.

The amenity of existing and future residents, risk of flooding, biodiversity and all the material considerations are acceptable subject to conditions where necessary.

The application site lies between the two urban areas of Teversal and Stanton Hill but lies within an area allocated as Countryside in the ALPR 2002. ADC policy EV2

is clear in that housing development of this scale is contrary to the terms of this policy. However, Ashfield Council cannot demonstrate a five year housing land supply and there is a pressing need for more housing in the district and, in line with guidance contained in the NPPF, this tilts the balance of acceptability towards a presumption in favour of the proposal.

NPPF policy clearly states that there should be a presumption in favour of development where the benefits of the proposal are greater, on balance, than the harm to the site that would result because of the application.

The application site currently comprises two fields of agricultural land, bordered by hedgerows, which is classified as grade 4 so not of high quality. The proposal will introduce a greater variety and intensity of planting, improving bio-diversity in the area. The layout, scale and appearance is acceptable as is the impact on the surrounding highways and the two points of access.

The amenity of existing and future residents, landscaping, flood risk, bio-diversity and all other material considerations have been assessed and are acceptable subject to planning conditions, where necessary.

It is accepted that the proposal will encroach into the countryside but this is not to such an extent that it will result in the merging of settlements. Teversal and Stanton Hill will retain their separate identities.

Members will be aware that planning policy and guidance indicates that each planning application should be determined upon it's own merits but it is the case that previous planning applications for large scale residential development have been granted in areas allocated as Countryside in the ALPR 2002 at the edge of urban areas. These precedents should be afforded some limited weight.

The benefits of providing a significant amount of new housing in the context of the District being unable to demonstrate a five year housing land supply coupled with a high quality housing scheme with an emphasis on green space within the site means that the balance is in favour of the proposed development. This is in line with the policies set out in the NPPF and the development plan. Consequently, the application is recommended for approval subject to the conditions and terms of the section 106 requirements set out below.

Recommendation: - Conditional Consent subject to a section 106 Agreement.

Heads of Terms of section 106 Agreement.

1. A minimum of 10% of the houses shall be affordable.
2. A sum of £248,000 to be provided for off-site Public Open Space improvements.
3. A sum of £124,000 to be provided for public realm improvements.
4. A sum of £83,728 to be provided for additional Special Needs Education.

5. A sum of £160,000 to be provided for improvements to local bus services.
6. A sum of £17,100 to be provided to improve bus stops on Caernarvon Road.
7. A sum of £6,959 to be provided to upgrade waste disposal and recycling facilities.
8. A sum of £67,192 to be provided to improve medical centre and health care facilities.
9. A sum of £126,000 to be provided to improve biodiversity within other sites in Ashfield.
10. A Management Plan setting out the responsibilities for maintaining and managing the landscaped areas of public open space which shall include a planting schedule and timetable for works.
11. A sum of £150,000 towards broadband to facilitate wider connectivity in the local area.
12. A sum of £4,000 to be provided to cover the Council's cost of monitoring the s106 agreement.
13. A Management Plan setting out details of the responsibility for maintaining and managing the landscaped areas of public open space which shall include a planting schedule and timetable of works.

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 TGOP/FRT/LP1.
 - Site Layout P23-J008-DE-06-B-01
 - Soft Landscaping Plan Southern Area BG21-326.6-BRGR-ZZ-ZZ-DR-L.00003 Rev.P04. 1.9.2023.
 - Soft Landscaping Plan Northern Area BG21-326.6-BRGR-ZZ-ZZ-DR-L.00004 Rev.P04 1.9.2023.
 - Soft Landscaping Schedule and Specification BG21-326.6-BRGR-ZZ-ZZ-DR-L.00001 Rev.P04.
 - Soft Landscaping Schedule and Specification BG21-326.6-BRGR-ZZ-ZZ-DR-L.00002 Rev.P04.Holl
 - Crompton Street Tie-in TV-CST1-001 28.9.23.
 - Proposed Access Junction B0302211-TTE-OO-XX-DR.0-0001 Rev.P06
 - Surrounding Area Plan TR-SAP-01 22.8.2023.
 - Materials Plan P23-1008-DE-06-A-07 18.7.2023.
 - Character Pan P23-1008-DE-06-A-05 18.8.2023.
 - Place Making P23-1008-DE-06- A-02 18.8.2023.
 - Movement P23-1008-DE-06-03 7.7.2023.
 - Swept Path Analysis Public Transport Vehicle FRTEV/VT/01.
 - Swept Path Analysis Refuse Vehicle FRTEV/VT/01.
 - Horizontal General Arrangement FRTEV/HGA/01.
 - Dimensions Plan TGDP/FRT/KDP-1 Rev.C 23.3.2022.
 - On Street Parking Plan TGDP/FRT/OSP-1 Rev.C 4.4.2022.

- Access Junction B030221-TTE-00-XX-DR-0-0001 P.06
- Hollicombe Detached elevations HoC-MA-Det-R21G-904 Rev.A03.
- Hollicombe Detached floor plans HoC-MA-Det-R21G-901Rev.03.
- Kielder Detached floor plans Ki-MA-Det-R21G-901.
- Kielder Detached elevations Ki-MA-Det-R21G-903 Rev.A.
- Lambridge Detached floor plans LB-MA-R21G-901 Rev.A.
- Lambridge Detached elevations LB-MA-R21G-903.
- Marston Detached floor plans Ma-MA-R21G -901 Rev.A.
- Marston Detached elevations Ma-MA-R21G-903 Rev.A.
- Barnwood DT floor plans Bw-MA-DT-Det-R21G-901 Rev.c.
- Barnwood DT elevations Bw-MA-DT-Det-R21G-903 Rev.A.
- Kennet Semi Detached floor plans Ke-MA-End-R21G 901 Rev.A.
- Kennet Semi Detached elevations Ke-MA-End-R21G 903.
- Burnham Detached floor plans Bu-MA-Det-R21G 901 Rev.A.
- Burnham Detached elevations Bu-MA-Det-R21G 903 Rev.A.
- Braunton End floor plans Br-MA-End-R21G 901 Rev.C.
- Braunton End elevations Br-MA-End-R21G 903.
- Dallington Mid floor plans Dg-MA-Mid-R21G 901 Rev.A.
- Dallington Mid elevations Dg-MA-Mid-R21G 903 Rev.A.
- Dallington End floor plans Dg-MA-End-R21G 901 Rev.A.
- Dallington End elevations Dg-MA-End-R21G 903 RevA.
- Barnwood Detached floor plans Bw-MA-Det-R21G-901 RevD.
- Barnwood Detached elevations Bw-MA-Det-R21G-903 Rev.B.
- Sherwood Detached floor plans Sh-MA-Det-R21G-901Rev.B.
- Sherwood Detached elevations Sh-MA-Det-R21G-903 Rev.B.
- Deepdale Semi Detached floor plans Dp-MA-End-R21G-901 Rev.A.
- Deepdale Semi Detached elevations Dp-MA-End-R21G-903 Rev.A.
- Danbury Mid floor plans Da-MA-Mid-R21G-901.
- Danbury Mid elevations Da-MA-Mid-R21G-903 Rev.A.
- Danbury Semi Detached floor plans Da-MA-End-R21G-901
- Danbury Semi Detached elevations Da-MA-End-R21G-903 Rev.A.
- Alnmouth Mid floor plans Al-MA-Mid-R21G-901.
- Alnmouth Mid elevations Al-MA-Mid-R21G-903.
- Alnmouth Semi Detached floor plans Al-MA-End-R21G-901.
- Alnmouth Semi Detached elevations Al-MA-End-R21G-903.
- Whinfell Village Wh-Sem-R21-410.
- Saunton Village Sa-End-R21-410.
- Knebworth DT Kn-Det-R21-410.
- Kingly Village Kg-Det-R21-410.
- Galloway Village Ga-Sem-R21-410.
- Epping Village Ep-Sem-R21-410.
- Charnwood Ch-Det-R21-410.
- Brampton Village Bt-Det-R21-410.
- Double Garage floor plan and elevations Ga.2.1. 901.
- Single Garage floor plan and elevations Ga.1.1. 902.
- Single Garage floor plan and elevations Plot 1 Ga.1.1. 902.

3. The construction of the dwellings shall not proceed beyond slab level until details and samples of the materials and finishes to be used for 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 shall have been submitted to and agreed in writing by the Local Planning Authority of facilities around and within the drainage attenuation basin that contribute to the natural environment and biodiversity net gain. Such facilities shall be provided prior to the occupation of the first house and retained thereafter.
5. The construction of the dwellings shall not proceed beyond slab level until a detailed hard and soft landscape scheme shall have been submitted to and agreed in writing by the Local Planning Authority. 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(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from 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 or species, unless the Local Planning Authority gives written consent for any variation.
6. The construction of the dwellings shall not proceed beyond slab level until full details of any proposed treatment of the site's boundaries and a phasing scheme for the implementation of the agreed boundary treatment have been submitted to and agreed in writing by the Local Planning Authority. Such boundary treatment shall be implemented in accordance with the agreed phasing scheme and retained thereafter.
7. Due to the possibility of potential ground contamination;
 - a) 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.
 - b) 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.
8. Prior to the commencement, details shall have been submitted to and agreed in writing by the Local Planning Authority of a Sustainable Drainage System.

Such drainage system shall be in accordance with CIRIA C753 and include the following information:

- An assessment of the nature of SuDS to be used.
 - Details of a proven outfall from the site in accordance with the following drainage hierarchy, in order of preference; infiltration, discharge to watercourse, discharge to surface water sewer or discharge to a combined sewer.
 - Justification for use or not of infiltration , including results of soakaway testing in accordance with BRE 365.
 - Evidence that the maximum discharge is set to the Qbar Greenfield run-off rate for the positively drained area of development.
 - Demonstrate the site drainage system will cater for all rainfall events up to and including the 1 in a 100 year event including a 40% allowance for climate change.
 - Provide details of exceedance flows; surface water should be contained within the site boundary without flooding any properties in a 1 in 100 year +CC storm.
 - Details of approval from any water authority that may be required to accept surface water discharge.
 - Show that SuDs systems will be incorporated into the surface water management scheme for the site, preference should be given to above ground water SuDS which provide multi-functional benefits.
 - Details of who will manage and maintain all drainage features for the lifetime of the development to be submitted prior to construction.
9. Prior to the commencement of development, a construction management plan shall be submitted to and agreed in writing by the Local Planning Authority and this shall include;
- How construction traffic will access the site.
 - Proposed hours and days of working.
 - The parking of vehicles of site personnel, operatives and visitors.
 - Location of site storage areas and compounds.
 - Wheel washing facilities.
 - A strategy for the minimisation of noise, vibration and dust.
 - Site contact detail in case of complaints.

Such agreed construction management plan shall be adhered to throughout the construction period.

10. Construction work shall be limited to the 07.30 to 18.00 hours Monday to Friday, 08.00 to 13.00 hours Saturday and no working on Sundays or Bank Holidays.
11. The construction of the dwellings shall not proceed beyond slab level until details of bird, bat and bee boxes and hedgehog corridors, including gaps in boundary treatment, incorporated into the construction of dwellings and gardens shall have been submitted to and agreed in writing by the Local Planning Authority. Such boxes and corridors shall be implemented prior to the occupation of each dwelling and thereafter retained.

12. Prior to occupation of any dwelling, details of footway, refuge crossing facilities and access arrangements including associated signing and lining on Fackley Road shall be submitted to and agreed in writing by the Local Planning Authority as indicated on drawing ref. B030221 TTE 00 XX DRO 0001 P06 and details of footway tie-ins for Crompton Street as indicated on drawing ref. TV-CSTI-001. Such facilities shall be implemented prior to the occupation of any dwelling unless otherwise agreed by the Local Planning Authority and retained thereafter.
13. Prior to the commencement of development, details of any development with regard to the internal street layout, including longitudinal (maximum 1 in 15) and cross sectional gradients, footpath/road key dimensions, parking and turning facilities (private and public), surfacing, street lighting, highway structures, junction/pedestrian/forward visibility splays, cycleway/pedestrian facilities, VPA/tracking, electric vehicle charging points, drainage/outfall proposals, visitor parking on the street i.e. 5 metre lengths available not obstructing the highway, construction specification and provision of and/or division of utility services shall have been submitted to and agreed in writing by the Local Planning Authority. Such details shall be implemented prior to occupation of any dwelling and retained thereafter.
14. The construction of the dwellings shall not proceed beyond slab level until a Full Residential Travel Plan shall have been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring the progress of the proposals. Such agreed measures within the Travel Plan shall be implemented within a timetable to be agreed by the Local Planning Authority.
15. Prior to the commencement of development, details of an Ecological Management Strategy shall have been submitted to and agreed in writing by the Local Planning Authority. The Strategy shall include: details of objectives to achieve ecological enhancement of the site; any required updated protected species surveys; details of measures for encouraging biodiversity within the site; review of site potential and constraints; details of works to achieve objectives; details of the body or organisation responsible for implementation; the timetable for implementation; the timetable for implementation; details of aftercare and long term maintenance; details of monitoring and remedial measures; details of a legal and funding mechanism by which the implementation of the Strategy will be secured. The Strategy shall be carried out as approved.

REASONS

1. To comply with the requirements of section 91 of the Town and Country Planning Act 1990, as amended.

2. To define the terms of this permission and for the avoidance of doubt.
3. To ensure the satisfactory appearance of the development.
4. To preserve and enhance the natural environment and biodiversity of the area.
5. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
6. To safeguard the amenities of residents.
7. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of future occupiers in accordance with NPPF paragraph 178.
8. To ensure that satisfactory and sustainable drainage is provided.
9. To safeguard the amenities of residents.
10. To ensure the impact of construction works on residents' amenities is controlled to a minimum..
11. In the interests of promoting and encouraging biodiversity within the site.
12. In the interests of highway safety and to ensure vulnerable users have access to safer, improved sustainable facilities that encourage active travel.
13. To ensure the development is constructed to a satisfactory standard for use by the public and in the interests of highway safety.
14. To encourage active, sustainable travel.
15. In the interests of promoting and encouraging biodiversity within the site.

INFORMATIVES

1. The developer is strongly advised to ensure compliance with all planning conditions attached to the decision. Failure to do so could result in LEGAL action being taken by Ashfield District Council at any 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. 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 NCC's current highway design guidance and specification for road works.
3. Section 278 Agreement (Highways Act 1980).
To carry out 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 0115 804 0022.

4. 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.

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 a 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 in writing by NCC before any work commences on site. Contact hdc.north@nottscc.co.uk 0115 804 0022.

5. 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.
6. 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 to ensure all necessary licenses and permissions are in place.

7. Prevention of Mud. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud and detritus on the public highway and, as such, you should take every effort to prevent it occurring.
8. Severn Trent Water advise that, although their statutory sewer records do not show any public sewers within the application site, there may be sewers that have recently been 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 assist you in obtaining a solution which protects both the public sewer and the development.
9. Sustainable Drainage Systems are a requirement for all major development schemes as set out in paragraphs 163 and 165 of the NPPF.
10. The Local Lead Flood Team does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at this site, alternative sustainable drainage should be used with a preference for above ground solutions.
11. Surface water run-off should be controlled as near its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

03.10.2023

Notes

This is an A3 Drawing at a scale of 1 : 1250

Rev	Date	Description

SITE LOCATION
Sutton Lawn
Peel Street
Sutton in Ashfield.
NG17 4LH.

PROJECT
Sutton Lawn

CLIENT
Ashfield District Council

DRAWING TITLE
Location Plan



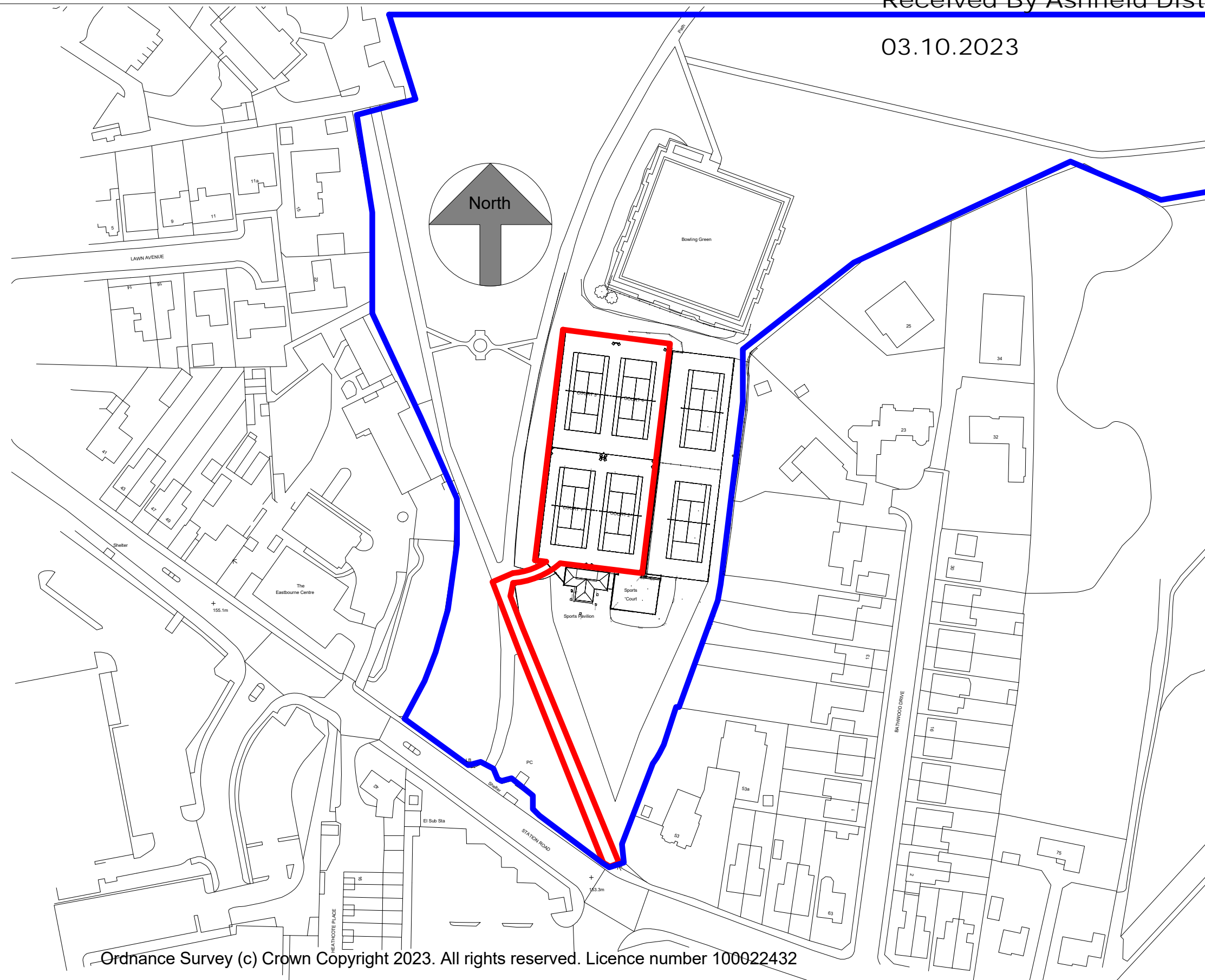
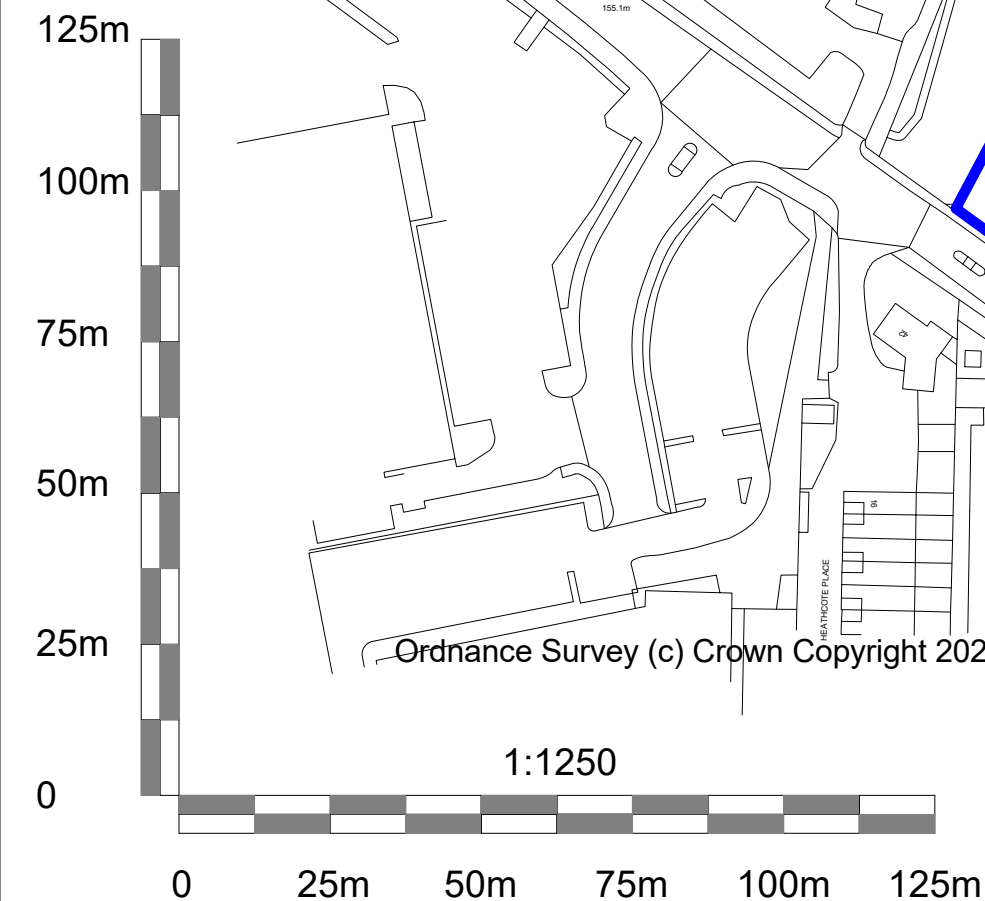
39 Hemwood Road, Windsor, Berkshire, SL4 4YX
 Telephone: (01753) 850123 Mob: 07770 366259
 Email: office@sfpad.co.uk

CONSULTANCY SERVICES

DRAWN BY L.West	CHECKED BY S.F.P.D.
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SCALE 1 : 1250	DATE 22.09.2023	REVISION NO.
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DRAWING NUMBER
2023 CAS 012 010



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<u>COMMITTEE DATE</u>	06/12/2023	<u>WARD</u>	Sutton Central & New Cross
<u>APP REF</u>	V/2023/0568		
<u>APPLICANT</u>	C Chiofalo		
<u>PROPOSAL</u>	Replacement flood lights to tennis courts 1 to 4.		
<u>LOCATION</u>	Sports Centre, Lawn Lane, NG17 5GP		
<u>WEB-LINK</u>	https://www.google.com/maps/place/Sutton+Lawn+Tennis%2FBadminton+Court/@53.122995,-1.2533982,266m/data=!3m1!1e3!4m6!3m5!1s0x487995548e7af587:0x8b2c324e681051e7!8m2!3d53.122931!4d-1.2522262!16s%2Fg%2F11jcszy4hd?entry=ttu		

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

App Registered: 04/10/2023

Expiry Date: 28/11/2023

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

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

The Application

This is a full planning application to replace the existing flood lights on tennis courts 1 – 4.

Consultations

A site notice has been posted, together with individual notifications to surrounding residents and statutory consultees.

The following representations have been received:

NCC Highways

The highway authority has considered the submitted information and has decided that the application does not have a detrimental effect on highway safety and capacity. Therefore, there are no highway objections.

Sport England

Sport England has sought the views of the Lawn Tennis Association (LTA). The comments of the LTA have been summarised as:

- This is a project the LTA are supporting through their Parks refurbishment project, which includes court renovation and upgrading of floodlights.

Outdoor sports lighting provides an important way of extending the use and the overall value of outdoor sports facilities. In numerical terms, outdoor sports lighting can extend the playing hours by some 1000 -1500 additional hours per annum, and this can allow people to train or play evening matches 7 days a week, all year round.

Improving floodlighting to enable more intensive use of the tennis courts is consistent with paragraph 92 c of the NPPF which aims to enable and support healthy lifestyles. The replacement floodlighting will provide more energy efficient lighting which meets modern requirements.

Sport England does not wish to raise an objection to this application.

ADC Contaminated Land

Due to these courts being adjacent to historic infilling of land and as the extent of the infilling is unknown, as to is the material used to infill, a condition is recommended.

Community Representations

1 letter/email has been received from 1 individual, objecting to the proposed development. The content of this representation is summarised below:

- The proposal should only be allowed to happen if light pollution is reduced. Floodlights should be designed and positioned to reduce light pollution.
- There should be a specified curfew, after which the floodlights cannot be used.
- The public tennis courts (5 & 6) should be refurbished and reopened as they have fallen into disrepair.

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)

The following ALPR 'saved' policies are considered to be relevant:

- Policy ST1: Development
- Policy ST2: Main Urban Areas
- Policy RC3: Formal Open Space

Material Considerations

National Planning Policy Framework (NPPF) (2023)

- Chapter 2: Achieving a Sustainable Development

- Chapter 8: Promoting Healthy and Safe Communities
- Chapter 9: Promoting Sustainable Transport
- Chapter 12: Achieving Well-Designed Places
- Chapter 15: Conserving and Enhancing the Natural Environment
- Chapter 16: Conserving and Enhancing the Historic Environment

Together with supporting Planning Practice Guidance.

Other Documents

- Nottinghamshire County Council Highway Design Guide
- ADC Developer Guide to Biodiversity and Nature Conservation
- Bat Conservation Trust: Guidance Note 08/23 – Bats and Artificial Lighting at Night

Relevant Planning History

V/1990/0941 – Tennis court floodlighting. FULCC. 03/01/1991.

V/2000/0684 – Erection of single lamp floodlight to 8-metre-high mast. FULCC. 02/11/2000.

The following applications, within the vicinity, are also considered to be of general relevance:

V/2013/0524 – Installation of 4 no. 10m high floodlights to existing skate park. FULCC. 28/11/2013.

Comment

The main issues in the determination of this application are as follows:

1. Principle of Development
2. Visual Amenity and Impact on the Historic Environment
3. Residential Amenity
4. Highways Matters
5. Ecology and Conservation
6. Impact on Formal Open Space

Principle of Development

Policy ST1 of the Ashfield Local Plan Review 2002 states that development will be permitted where, amongst other things, it does not conflict with other policies in the Local Plan.

The spatial strategy defines a clear settlement hierarchy within Ashfield. The first level comprises the main urban areas, the second comprises the villages, or “named settlements”, and the third consists of other small settlements within the Countryside.

As regards its location, the site falls within the first tier, or within the “Main Urban Areas”. Policy ST2 recognises that development will be concentrated within the main urban area of Sutton-in-Ashfield.

The existing floodlights, on tennis courts 1 – 4 (inclusive), were granted planning permission pursuant to application reference V/1990/0941.

Visual Amenity & Impact on the Historic Environment

Policy ST1(b) (ALPR) (2002) sets out that development will be permitted where it will not adversely affect the character, quality, amenity or safety of the environment. Paragraph 2.20 of the policy subtext makes it clear that the Authority will not accept any development which adversely affects the local environment (emphasis added). Reference to the “environment” applies to both the natural and built environment.

This application seeks to replace the floodlights which serve tennis courts 1 – 4 (inclusive). These tennis courts fall within the public park known as “Sutton Lawn”, which is locally listed (ref no. 874).

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Heritage Gateway (“HER”) entry (HER No. MNT26719) refers to the site being the original 18th century garden of the Unwin family, whose mansion once stood on Station Road. A number of elements from the original landscape remain; the Mill ruins, and the adjacent lake form the focal features of the park. Nevertheless, this application does not propose any development which might compromise the historic interest of the park. On the contrary, the replacement floodlights represent an improvement; providing more energy efficient lighting which meets modern requirements.

As regards character and appearance, the existing floodlights comprise 10m high galvanized columns with sixteen metal halide projector type fittings, with a mounting height of 10.3m. The proposed development comprises new LED lighting fittings atop 8m high columns (coloured dark green), with a mounting height of 8.3m. The overall number of fittings (16) is to remain unchanged, however, there is to be an increase in the number of columns, from 9 to 13. As evidenced, the proposal results in an overall reduction in the height of the columns, despite there being an increase in their number. Furthermore, the dark green finish of the floodlights ensures that they assimilate into their verdant backdrop.

Paragraph 5.6 of the applicant’s “Design and Access Statement” submits that there will be little change to the appearance of the site. Officers have not been presented with any substantive evidence to the contrary, noting also, the presence of perimeter fencing and mature vegetation which affords considerable screening.

Residential Amenity

Paragraph 185 of the NPPF sets out that new development should be appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on

health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The nearest neighbours to the application site are the properties on Bathwood Drive to the east, properties on Station Road to the south and properties on Lawn Avenue to the west/northwest.

Paragraph 3.2 of the “Design and Access Statement” advises that, prior to submission, local residents were consulted on the proposal and were invited to comment. Residents were once again consulted following submission. A single representation has been received, which objects on grounds of light pollution.

In support of this application, a “Lighting Design” statement has been submitted, with a compliance report appended. The Council’s Environmental Health Team (“EH”) have been consulted on this application and have raised no objections. As regards the submitted report, EH find it demonstrates that the lighting impacts are predicted to satisfy appropriate lighting criteria recommended by the Institute of Lighting Professionals for a location of E3 medium district brightness. The criteria identified and its compliance, are considered reasonable for this situation.

Furthermore, paragraph 5.6 of the “Design and Access Statement”, states that the lux level spillage plots included within the proposal indicates that no adjacent domestic properties will be adversely affected by the new floodlighting.

The applicant has confirmed that the floodlights are to be used up until 22:00hrs throughout the week (including weekends). These hours of use are not considered disproportionate to the legitimate aim of facilitating the evening use of the tennis courts. Indeed, Sports England state that, in numerical terms, outdoor sports lighting can extend playing hours by some 1000-1500 additional hours per annum. A suitably worded condition can be imposed to ensure that the floodlights do not operate past this time.

As regards their physical presence, any prominence will be offset by their reduction in height, together with the degree of screening (by both vegetation and perimeter fencing).

Given the existing site layout, the nature of the proposed development and the mitigation measures, officers are satisfied that there would be no adverse impact on residential amenity.

Highways Matters

Policy ST1(c) of the Ashfield Local Plan Review 2002 sets out that development will be permitted where it will not adversely affect highway safety, or the capacity of the transport system.

Paragraph 110 of the NPPF sets out that safe and suitable access to the site should be achieved for all users. Paragraph 111 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 proposed development will neither impede nor intensify the existing access and parking arrangements. Users of the tennis courts will continue to access the site via Lawn Lane.

Ecology and Conservation

Paragraph 180 of the NPPF sets out that, in determining planning applications, local planning authorities should apply the following principle: that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 4.18 of Guidance Note 08/23: Bats and Artificial Lighting at Night (by the Bat Conservation Trust) sets out that sources of lighting which can have the potential to disturb bats can include sporadically operated lighting such as floodlights. However, paragraph 5.1 of the applicant's "Design and Access Statement" states that the colour temperature of the proposed fittings is 3000 Kelvin, which has been specifically developed by the manufacturer for floodlighting areas where bats may be present. This accords with the latest guidance from the Bat Conservation Trust.

Furthermore, the floodlights are to be used up until 22:00hrs. However, the frequency and duration of their use will differ seasonally. For instance, during the summer months, prolonged use would be superfluous. As aforementioned, a condition is to be imposed, ensuring that the floodlights do not operate past 22:00hrs. In comments, the Council's Ecology Officer has confirmed that a limitation would be a good approach and that, in all likelihood, the lights will only need to be used in the colder months when the days are shorter and that, in such cases, the bats will be dormant for most of this time.

Impact on Formal Open Space

At a national level, paragraph 92 of the NPPF sets out that decisions should enable and support healthy lifestyles, whilst paragraph 98 recognises that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities.

The application site is part and parcel of "The Lawn", designated Formal Open Space. As defined by paragraph 8.21 of the Ashfield Local Plan Review 2002, Formal Open Space is maintained for organised sport and recreation, play space for youths and children, and as formally landscaped open space. The construction of Policy RC3 (ALPR 2002) is clear; there is a general presumption against the loss of formal open space. However, this presumption is rebuttable by the exceptions criteria set out between (a) – (e).

Nevertheless, the proposed development does not result in the "loss" of formal open space and does not, therefore, require further examination of Policy RC3. Rather, the proposal seeks to replace existing floodlights, in order to facilitate a recreational use; a use which, in any event, is compatible with Policy RC3.

Other Matters

Land Contamination

As confirmed by the Council's Contaminated Land Officer ("CLO"), the application site is adjacent to historic infilling of land. As the extent of the infilling is unknown, as to is the material used to infill, the CLO has requested that a condition be imposed.

Conclusion

The proposed scheme results in improvements over the existing flood lighting and brings them up to modern standards, there is therefore no greater impact on any planning issues raised and therefore on balance planning permission should be granted subject to the identified limitations.

Recommendation: Approve, subject to the conditions detailed below.

Conditions

1. The development hereby approved shall be begun before the expiration of the 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - 2023-CAS-012-010 (Site Location Plan)
 - 2023-CAS-012-011 (Block Plan)
 - 2023-CAS-012-012 (Existing Layout)
 - 2023-CAS-012-013 (Proposed Layout)
 - 2023-CAS-012-014 (Existing Elevations)
 - 2023-CAS-012-015 (Proposed Elevations)
 - 2023-CAS-012-020 (Existing 3D View #1)
 - 2023-CAS-012-021 (Existing 3D View #2)
 - 2023-CAS-012-022 (Proposed 3D View #1)
 - 2023-CAS-012-023 (Proposed 3D View #2)

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 proposed floodlights shall match those outlined in the submitted details.
4. (a) 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.
 - b) 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.
5. The floodlights hereby permitted shall be switched off between the hours of 22.00 to 08.00 everyday.
 6. The development hereby permitted shall be carried out in accordance with the details and specifications set out in the "Lighting Design P.A. 05 R1" (dated 30th June 2023), including Appendices 1-3.

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 the future occupants in accordance with NPPF paragraphs 183 and 184.
5. To safeguard the amenities of residents living in the vicinity of the application site.
6. To safeguard the amenities of residents living in the vicinity of the application site.

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Report To:	Planning Committee
Date:	6 December 2023
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING
Ward/s:	GREENWOOD & SUMMIT, HUTHWAITE & BRIERLEY, UNDERWOOD
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

Greenwood & Summit

Planning Application	Enforcement
Site	96 Southwell Lane, Kirkby in Ashfield, NG17 8EZ
Proposal	The siting of an unauthorised building (“the caravan”)
Appeal Decision	Appeal Allowed and Enforcement Notice is Quashed

The Council had served an enforcement notice in respect of operational development. The Inspector concluded that although it is a relatively large caravan, it does not have a significant level of permanence and is only attached to the ground through its own weight. It was determined that

the development is not a building and does not constitute operational development requiring planning permission. Therefore the appeal was allowed and the enforcement notice is quashed.

Planning Application V/2022/0664
Site 96 Southwell Lane, Kirkby in Ashfield, NG17 8EZ
Proposal Static caravan to be kept in the side garden of property. Caravan to be used as future accommodation
Appeal Decision Appeal Dismissed

This appeal and the enforcement appeal above were linked when considered by the Inspector. The Inspector stated that although it has been determined that the operational development which is the subject of the enforcement notice does not constitute development requiring planning permission it is not within their remit to consider the legalities of the planning appeal and whether the proposal requires planning permission.

On this basis the Inspector considered that the application for a use of land would be harmful to the character and appearance of the area and considered that due to the degree of harm found, additional landscaping or other measures would not serve as adequate mitigation and refused planning permission. It should be noted here that although the inspector refuse the planning permission it does not mean a new enforcement notice in respect of a use would succeed since the use is ancillary to the dwelling and there has been no material change in the use of the site officers will continue to monitor this site.

Huthwaite & Brierley

Planning Application Enforcement
Site Land adjacent to Woodend Public House, Chesterfield Road, Huthwaite, NG17 2QL
Proposal Without planning permission, the material change of use of the land from agricultural use to residential use.
Appeal Decision Appeal Dismissed and the notice upheld (but, pursuant to Appeal B)

The Inspector concluded that although the development is potentially acceptable in its own right, it appeared to be unfinished and might require further development of utility blocks or dayrooms on some pitches to facilitate the living arrangements of the occupiers. This would not be compatible with also allowing the planning appeal therefore the appeal was dismissed and upheld the enforcement notice.

Planning Application V/2022/0391
Site Land adjacent to Woodend Public House, Chesterfield Road, Huthwaite, NG17 2QL
Proposal Change of use from paddock to residential for static caravans and associated parking of touring caravans and domestic vehicles for use by one family group, plus utility block.
Appeal Decision Appeal Allowed

This appeal and the enforcement appeal above were linked when considered by the Inspector. The Inspector concluded that the proposal was consistent with the development plan for the area, at least in so far as the development plan remains consistent with national policy. It was found not to conflict with policy HG9 of the Ashfield Local Plan Review (2002) and noted that whilst there is some limited harm to the openness of the countryside the appeal site is not away from a settlement and is in a location supported by the Planning Policy for Traveller Sites. It therefore does not dominate the nearest settled community. The Inspector found that it is well and spaciouly planned

and capable of being landscaped in a way that is positive to the environment and to the health of the occupants of the site including play areas for children.

The Inspector therefore granted planning permission subject to conditions but upheld the enforcement notice. If the conditions are therefore not complied with, the enforcement notice will take effect. However if the conditions are complied with then the planning permission overrides the enforcement notice.

Underwood

Planning Application V/2022/0864
Site Land to the rear of 26 Main Road and fronting Smeath Road, Underwood, Nottinghamshire, NG16 5GF
Proposal Detached bungalow
Appeal Decision Appeal Dismissed

The Inspector concluded that the proposal when viewed from the road would appear cramped within its plot, at odds with the pattern of development and would cause demonstratable harm to the character and appearance of the area.

Planning Application V/2022/0147
Site Land adjacent Church Lane, Underwood, NG16 5HD
Proposal Application for outline planning permission with all matters reserved for a maximum of 4 dwellings
Appeal Decision Appeal Dismissed

The Inspector concluded that the scheme had significant benefits however there was insufficient information submitted to fully assess the effects of the proposed development upon protected species, notably grass snakes and dismissed the appeal.

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
N/A	N/A

Human Resources:

No implications

Environmental/Sustainability

None

Equalities:

None

Other Implications:

None

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

None

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Report To:	Planning Committee
Date:	6TH DECEMBER 2023
Heading:	LEVELLING UP AND REGENERATION ACT
Portfolio Holder:	NOT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To summarise the Levelling Up and Regeneration Act. Whilst the Act covers a range of topics, this report focuses on the changes which relate to planning.

Recommendation(s)

To note the content of the report.

Reasons for Recommendation(s)

For information in relation to potential changes to the planning system

Alternative Options Considered

None

Detailed Information

The government announced on 26 October that the Levelling Up and Regeneration Bill has now received royal assent and is now the Levelling Up and Regeneration Act (LURA).

The government have stated that the purpose of the laws brought in are to “ to speed up the planning system, hold developers to account, cut bureaucracy, and encourage more councils to put in place plans to enable the building of new homes.”

Significant implications for local planning authorities are set out in the presentation to the Planning Committee and Appendix 1 (as identified by ‘Planning Resource’ 27 October 2023) attached to this report.

This includes, amongst other items;

- a 30-month preparation timescale for new-style local plans,
- increases in planning application fees,
- a new infrastructure levy to replace section 106 planning obligations and the Community Infrastructure Levy (CIL),
- the requirement for area/district wide design codes and,
- the introduction of National Development Management Policies (NDMPs) to cover general planning policies that apply in most areas (e.g. Green Belt).

The Act makes provision for potentially significant changes to the planning system, although it should be noted that at this point bringing these into effect will require a raft of further consultations, detailed technical work and secondary legislation. It is therefore likely that changes to planning procedures will not begin to take place until 2024.

Implications

Corporate Plan:

Legal:

Legal issues relating to specific parts of the Act 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:

There are no direct financial implications arising as a result of this report.

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:

Risk	Mitigation
No risk arises from the report.	

Human Resources:

There are no direct HR implications contained within this report.

Environmental/Sustainability

There are no environmental/sustainability implications from the report.

Equalities:

There are no diversity or equality implications from the report.

Other Implications:

None

Reason(s) for Urgency

Not applicable.

Reason(s) for Exemption

Not applicable.

Background Papers

- Levelling Up & Regeneration Act, available on Parliament's website

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Appendix 1

Levelling Up and Regeneration Act 2023: Implications for local planning authorities
(Planning Resource 27 October 2023)

1. Local planning authorities will be required to have a design code in place covering their entire areas. The legislation will require “all local planning authorities to have a design code in place covering their entire area”.

The explanatory notes state: “The area-wide codes will act as a framework, for which subsequent detailed design codes can come forward, prepared for specific areas or sites and led either by the local planning authority, neighbourhood planning groups or by developers as part of planning applications. This will help ensure good design is considered at all spatial scales, down to development sites and individual plots.”

2. A new levy will replace section 106 planning obligations and the Community Infrastructure Levy. On “infrastructure”, the Bill will replace the current section 106 and the Community Infrastructure Levy (CIL) regimes with a new Infrastructure Levy.

The rates and thresholds of this new levy will, as with the existing CIL regime, be set in charging schedules “and set and raised by local planning authorities (rather than nationally), meaning that rates are tailored to local circumstances and deliver at least as much onsite affordable housing”.

The notes add: “All schedules will be subject to public examination.”

3. A new requirement will be placed on local authorities to prepare infrastructure delivery strategies. The Act also places “a new duty on local authorities to prepare infrastructure delivery strategies to outline how they intend to spend the levy”. This is to “make sure that infrastructure requirements and levy spending priorities are considered carefully”, the notes say.

4. More weight will be given to local plans, neighbourhood plans and spatial development strategies proposed by mayors or combined authorities. Local plans, neighbourhood plans and spatial development strategies proposed by mayors or combined authorities “will be given more weight when decisions are made on applications so that there must be strong reasons to override the plan, providing communities more certainty”.

Meanwhile, local plans, minerals and waste plans, supplementary plans and neighbourhood plans will all be required to “take account” of new local nature recovery strategies.

5. The scope of local plans will be limited to ‘locally specific’ matters, with ‘issues that apply in most areas’ to be covered by a new suite of national policies. The Act “requires each local planning authority to prepare one local plan, with the content limited to locally specific matters such as allocating land for development, detailing required infrastructure and setting out principles of good design”.

It adds: “General policies on issues that apply in most areas (such as general heritage protection) will be set out nationally and contained in a suite of National Development Management Policies

(NDMPs), which will have the same weight as plans so that they are fully taken into account in decisions. Local plans will not be able to repeat these.

NDMPs will be subject to consultation in “all but exceptional circumstances”, but will not be subject to parliamentary approval.

6. Ministers will have to have regard to climate change when preparing NDMPs. The Act will require the drafting of policies that are to be designated as NDMPs to “have regard to the need to mitigate, and adapt to, climate change, taking into account the range of climate scenarios and risk relevant to the policies being developed.”

7. The ‘duty to co-operate’ will be dropped, and time limits prescribed for different stages of plan preparation. The notes also say “several other changes to improve the process for preparing local plans: new powers will enable the introduction of ‘Gateway’ checks so that issues are identified earlier during plan preparation, and allow time periods to be prescribed for different parts of the plan preparation process, enabling delivery of a time-bound end-to-end process; digital powers in the Bill will allow use of more standardised and reusable data, and there will be a new requirement for local planning authorities to produce a consolidated policies map of the full development plan for their area, improving the clarity and transparency of plans; and the ‘duty to co-operate’ contained in existing legislation is being repealed”.

8. There will be a new power for planning authorities to quickly create ‘supplementary plans’ for some or all of their areas. Local planning authorities “will have a new power to prepare ‘supplementary plans’, where policies for specific sites or groups of sites need to be prepared quickly (e.g. in response to a new regeneration opportunity), or to set out design codes for a specific site, area or across their whole area”.

9. Groups of authorities will also be able to produce voluntary spatial development strategies on specific cross-boundary issues. “Groups of authorities” will also be allowed “to collaborate to produce a voluntary spatial development strategy, where they wish to provide strategic planning policies for issues that cut across their areas (echoing the powers conferred on some mayoral combined authorities already)”, the notes say.

10. The EU processes of environmental impact assessment and strategic environmental assessment will be replaced by ‘environmental outcomes reports’. “A new system of Environmental Outcomes Reports will replace the EU processes of Environmental Impact Assessment and Strategic Environmental Assessment whilst retaining the UK's obligations under the UN Aarhus and Espoo Conventions.”

This introduces an “outcomes-based approach that will allow the government to set clear and tangible environmental outcomes which a plan or project is assessed against”. This will “allow decision-makers and local communities to clearly see where a plan or project is meeting these outcomes and what steps are being taken to avoid and mitigate any harm to the environment. These outcomes will be set following consultation and parliamentary scrutiny but will, for the first time, allow the government to reflect its environmental priorities directly in the decision-making process.”

11. A ‘simpler to prepare’ alternative to neighbourhood plans will be introduced. The Bill introduces “a new neighbourhood planning tool called a ‘neighbourhood priorities statement’, providing communities with a simpler and more accessible way to set out their key priorities and preferences for their local areas. Local authorities will need to take these into account, where relevant, when preparing their local plans for the areas concerned, enabling more communities to better engage in the local plan-making process.”

12. A ‘street votes’ system will permit residents to propose development on their street and hold a vote on whether planning permission should be given. The Act includes provision for “street vote development orders”, replacing the placeholder clause in earlier versions of the bill, and clarifies how these orders will work in practice, by conferring “regulation-making powers relating to the preparation and making of an order, including provision for independent examination and a referendum”.

13. Decision-makers will face a new duty to act in line with the development plan and national policies. The Act imposes “a new duty on decision-makers to make planning decisions in accordance with the development plan and national development management policies unless material considerations strongly indicate otherwise”. The document says that this is to “increase certainty in planning decisions”.

14. A new route will be created to allow the Crown to apply directly to the secretary of state for determination of nationally important development. The Act will “speed up the process of dealing with applications for nationally important Crown developments in the planning system”, including through “a new process for nationally important and urgent developments, and a new route which allow the Crown to apply directly to the secretary of state for determination of nationally important development”.

15. ‘Loopholes’ preventing planning enforcement will be closed. The Act “amends and strengthens the powers and sanctions available to local planning authorities to deal with individuals who fail to abide by the rules and process of the planning system”.

This includes “facilitating enforcement action by closing existing loopholes which can be exploited to prolong unauthorised development, allowing more time for the investigation of breaches, introducing enforcement warning notices, making the enforcement timescales that currently apply more consistent, and increasing fines”.

16. Registered parks and gardens will get the same level of planning protection as listed buildings. The Act will “make changes so that designated heritage assets, such as registered parks and gardens, World Heritage Sites, protected wreck sites, and registered battlefields, enjoy the same statutory protection in the planning system as listed buildings and conservation areas”.

17. The compulsory purchase order system will be changed. The Act “streamlines and modernises Compulsory Purchase Orders (CPO) and grants the power to local authorities to use CPO for regeneration purposes”. These changes “would empower local decision-making and improve transparency regarding local authorities’ power to acquire brownfield land compulsorily for regeneration in their area”, the notes say.

The Act will allow ministers to disapply the “hope value” of land obtained via a compulsory purchase order - and see landowners compensated for just the existing use of their land - for schemes that include affordable housing, health or education provision.

18. Urban development corporations’ planning powers will be revised, and a new type of corporation introduced. Currently, there are four types of development corporation: “The New Town Development Corporation, the Urban Development Corporation, the Mayoral Development Corporation and the locally-led New Town Development Corporation”. The document says: “Each model reflects the time and circumstances when they were introduced, and thus have varying powers and remits.”

The Act “makes provision for a new type of locally-led Urban Development Corporation, with the objective of regenerating its area and accountable to local authorities in the area rather than the secretary of state”. It also “updates the planning powers available to centrally and locally-led development corporations, so that they can become local planning authorities for the purposes of local plan-making, overseeing neighbourhood planning and development management. This is to bring them in line with the Mayoral Development Corporation model.” The Act also “amends the process for establishing locally-led New Town Development Corporations, [removes] the cap on the number of board members and [removes] the aggregate limits to borrowing”.

19. Planning authorities will get the power to instigate auctions to take leases on vacant high street properties. A new measure is included, to give “local authorities powers to instigate auctions to rent vacant commercial properties in town centres and on high streets, for leases from one to five years to attract new tenants”. The notes say these new powers “can be exercised at the discretion of local authorities, based on their local context and need, but only on properties which have been vacant for over 12 months”.

20. A council tax premium on second homes can be introduced. The Act introduces a “discretionary council tax premium on second homes and changes the qualifying period for use of the long term-empty homes premium”. The document says that “local authorities may levy a premium of up to an additional 100 per cent on council tax bills for second homes and for empty homes after one year (as opposed to two years which is the current requirement)”. The government will consult on exemptions to this.

21. A new route will be created for upper-tier councils to combine without the consent of lower-tier authorities in their areas. At present, “the available model for establishing a combined authority is primarily designed for urban areas”. To address this, “the Bill creates a new model for a ‘combined county authority’, which is made up of upper-tier local authorities only”.

The Act “also includes measures to enable local authorities to move into directly elected leadership governance models more quickly to support devolution deals”.

22. New measures intended to make land ownership more transparent will be introduced. The Act “includes measures that will facilitate a better understanding of who ultimately owns or controls land in England and Wales”, supporting a 2017 housing white paper commitment by “collecting and publishing data on contractual arrangements used by developers to control land, such as rights of pre-emption, options and conditional contracts”.

23. The secretary of state will gain new powers to control changes to street names. The Act grants a power to the secretary of state “to set out the process to secure consent on any proposed changes to a street’s name”. The notes say: “This will ensure all local authorities follow the same process for changing street names and that they cannot do without the consent of those who live on the street.”

24. Planning application fees will be raised by more than one-third. The government intends to increase planning fees for major and minor applications by 35 per cent and 25 per cent respectively. The fee increase will take effect on Wednesday 6 December.

25. The emphasis of the National Planning Policy Framework will shift to guiding plan-making. Policies in the current National Planning Policy Framework (NPPF) that are intended to guide decision-making will be stripped out to form the basis of the promised National Development Management Policies that will take precedence over local plans as the primary policy guide for decision-making.

26. Tools to force developers to complete schemes will be made easier for authorities to use. The Act will make it easier for planning authorities to issue completion notices to developers to require them to complete their projects. And it will introduce commencement notices which will be required when a scheme with planning permission starts on site, which it says will address “perceptions of ‘land banking’ and slow build-out by larger developers”.

27. Benefit to the public purse will become a factor in authorities’ land allocation decisions. Planning authorities will be able to partially base their land allocation decisions on the option price of sites offered to them by developers, under legislation promised by the Act to enable the piloting of “Community Land Auctions”.

“Landowners will be able to submit their land into an allocation process as part of an emerging local plan, offering the local planning authority an option on the land at a price set by the landowner”.

“The local authority will allocate land based on both planning considerations and the option price,” it continues. “It will then auction the development rights onto a successful bidder once land is allocated in the adopted plan. The difference between the option price offered by landowners, and the price offered to develop allocated land, will be retained by local authorities for the benefit of local communities”.

28. Powers to require developers to engage with communities pre-application will be made permanent. For decision-making, the Act will also enable pre-application engagement with communities to be required before a planning application is submitted, removing the sunset clause, making the powers that currently expire in 2025 permanent.

The companion document also promises new guidance on community engagement in planning, “including the opportunities which digital technology offers”. But it adds that any new digital engagement tools “will sit alongside existing methods of engagement (such as site notices and neighbour letters)”.

29. Councils will have the power to decline to determine applications from applicants who have been slow to implement previous permissions across their entire authority areas. Authorities will be able “to refuse to determine an application for planning permission in certain cases where there was a previous application relating to land within the authority’s area and the development was not begun or has been carried out unreasonably slowly”.

30. Provisions to allow councils to benefit financially from land allocations will be introduced. There is provision for the piloting of “community land auctions”, which will allow landowners to “grant options over land...with a view to the land being allocated for development in the local plan”.

The participating local planning authority will then have the power to “exercise or sell” the option, allowing it to capture “some of the increased value that would result from allocation for development”.

The difference between the option price and the post-allocation price could subsequently be used by authorities to “support development of the area”.

Authorities will be permitted to take into account the “financial benefits arising from options” when making decisions about the local plan.

31. Statutory consultees can charge for advice related to Nationally Significant Infrastructure Project applications. The secretary of state will be given the power to make regulations permitting “certain public authorities to charge fees for the provision of advice, information or other assistance in connection with applications for development consent orders”.

This will also apply to changes to Development Consent Orders for NSIPs and “other prescribed matters to do with nationally significant infrastructure projects”.

32. New duty on councils to grant sufficient permission for self- and custom-build housing and include pre-existing unmet demand for this housing when calculating their current level of demand. Local planning authorities must give sufficient permissions for self-build and custom housebuilding on serviced plots to meet the demand for such development in their area over a given period.

The government’s intention is that planning permissions will only qualify towards meeting demand for self-build and custom housebuilding as set out in the 2015 Act if they are actually designed for this purpose.

33. The legislation makes provision for registration of short-term rental properties. The secretary of state will “make provision by regulations requiring or permitting the registration of specified ‘short-term rental properties’”.

34. The secretary of state can allow planning inspectors the power to conduct proceedings “wholly or partly remotely”. This could apply to “any inquiry, hearing, examination, meeting or other proceedings...which relate to planning, development or the compulsory purchase of land”.

35. The secretary of state can ask authorities to reimburse the government for local plan advice costs. The secretary of state can “require a local planning authority to reimburse the secretary of state for expenditure incurred in connection with appointing a person to provide observations or advice on a proposed local plan or to pay any fees and expenses of that person”.

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