

**ASHFIELD DISTRICT COUNCIL**



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

## **Agenda**

### **Planning Committee**

Date: **Wednesday, 24th January, 2024**

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Time: **10.00 am**

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

For any further information please contact:

**Lynn Cain**

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

01623 457317

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# 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

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

## SUMMONS

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



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

## **AGENDA**

## **Page**

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Committee held on 6 December 2023. 5 - 8
4. To receive and consider the attached planning applications. 9 - 52
5. Planning Appeal Decisions. 53 - 56
6. National Planning Policy Framework (NPPF) December 2023 - Summary of Key Changes. 57 - 60

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## PLANNING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,  
on Wednesday, 6th December, 2023 at 10.00 am

**Present:** Councillor Sarah Madigan in the Chair;

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

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

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

Councillor Helen-Ann Smith declared a Non-Registrable Interest in relation to Application V/2022/0295, Persimmon Homes, Development of 124no. Dwellings, Access, Attenuation Basin and Associated Landscaping and Infrastructure, Land North of Fackley Road, Teversal. Her interest arose from the fact that she had previously spoken to the Applicant and local residents in respect of this matter but in doing so she had not expressed any opinions on the matters at any point.

**P.19 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 1 November 2023, be received and approved as a correct record subject to a text amendment in respect of interests declared on Application V/2022/0066, Land off Main Road, Jacksdale, as follows:

*(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~~ but didn't vote.)*

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

**1. V/2023/0219, Mr J Taylor, Dwelling and Associated Works, Land to Rear of Cross Road Annesley**

It was moved by Councillor Rachel Madden 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:

1. The proposed development would result in a significant visual intrusion and loss of part of designated formal open space as identified in the Ashfield Local Plan Review (2002). The proposed development is unrelated to the retention, enhancement or use of the open space and no replacement provision is proposed it would therefore conflict with policies ST1 and RC3 of the Ashfield Local Plan Review (2002).
2. The proposed development is located within a conservation area. It is considered that the erection of a single 4 bed detached dwelling by reason of its siting, scale and design would be out of character with the general appearance of the area which includes mainly terraced properties located alongside open space and this development would not preserve or enhance the quality and character of the conservation area and would conflict with Policies ST1 and EV10 and HG5(g) of the Ashfield Local Plan Review(2002) and chapter16 Conserving and Enhancing the Historic Environment of the National Planning Policy Framework 2023.
3. The application site is located in close proximity to a 90 degree bend in the highway where Cross Road leads onto Byron Road and forward visibility would be reduced around this bend due to the development of the site and is located in close proximity to the junction of Cross Road with Annesley Cutting where vehicles have difficulty in turning because of the alignment of the roads. It is therefore considered that an increase in traffic is likely to exacerbate existing traffic problems to the detriment of highway safety. It is thus contrary to policies ST1(c) and HG5(e) of the Ashfield Local Plan Review (2002) and paragraph 111 of the National Planning Policy Framework 2023.

For the motion:

Councillors Jamie Bell, Jodine Cronshaw, Samantha Deakin, Arnie Hankin, Rachel Madden, Sarah Madigan, Andy Meakin, John Smallridge and Helen-Ann Smith.

Against the motion:

None.

Abstentions:

None.

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

This application was formally withdrawn by the Applicant and was not considered by the Committee.

### **3. V/2022/0295, Persimmon Homes, Development of 124no. Dwellings, Access, Attenuation Basin and Associated Landscaping and Infrastructure, Land North of Fackley Road, Teversal**

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

#### 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:-

*To correct an error in the report which stated that the bus stops were located on 'Carnarvon Street' but should have read 'Fackley Road'.*

Craig Devonshire, as an Objector on behalf of the Skegby, Stanton Hill and Teversal Neighbourhood Forum, and George Breed, as 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 Helen-Ann Smith and seconded by Councillor Rachel Madden that the officer's recommendation contained within the report be rejected and planning consent be refused.

#### Reasons for rejecting officers' recommendation:

The proposed development would result in significant harm to the character and appearance of the surrounding area through the visual impact of the built form on green fields and encroachment of development into open countryside and reducing the green corridor between Stanton Hill and Teversal. It would, therefore, be in conflict with Ashfield Local Plan Review (2002) policies ST1, ST4 and EV2 which seek to protect the character of the countryside. The development would also conflict with policy NP4 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan.

Consideration of the application is premature to the adoption of the emerging local plan and there is a lack of evidence to justify that the proposal will not result in flooding in the area or that the Sustainable Urban Drainage scheme will function adequately. The highway layout utilising Crompton Street will also result in adverse highway safety impacts and possible anti-social behaviour to the detriment of the neighbouring properties. The proposal would therefore conflict with Ashfield Local Plan Review (2002) policies ST1 and HG5 which seek that access to development is safe and convenient and integrated with existing provision and that it will not adversely affect the quality, amenity or safety of the environment.

For the motion:

Councillors Jamie Bell, Jodine Cronshaw, Samantha Deakin, Arnie Hankin, Rachel Madden, Sarah Madigan, Andy Meakin, John Smallridge and Helen-Ann Smith.

Against the motion:

None.

Abstentions:

None.

#### **4. V/2023/0568, Ashfield District Council, Replacement of Flood Lights to Tennis Courts 1 to 4, Tennis Centre, Lawn Lane, Sutton in Ashfield**

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

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

#### **P.21 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.

#### **P.22 Levelling Up and Regeneration Act**

Members received a summary of the planning changes to be implemented as a result of new requirements arising from the Levelling Up and Regeneration Act.

RESOLVED

that the report be received and noted.

The meeting closed at 11.26 am

Chairman.



## **BACKGROUND PAPERS AND AVAILABILITY OF PLANS**

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

**All Background Papers are only available to view online.**

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## **Site Visits Planning Committee**

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

The site visit will take place on Monday 22nd January 2024 at 10am.

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 19<sup>th</sup> January 2024.

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


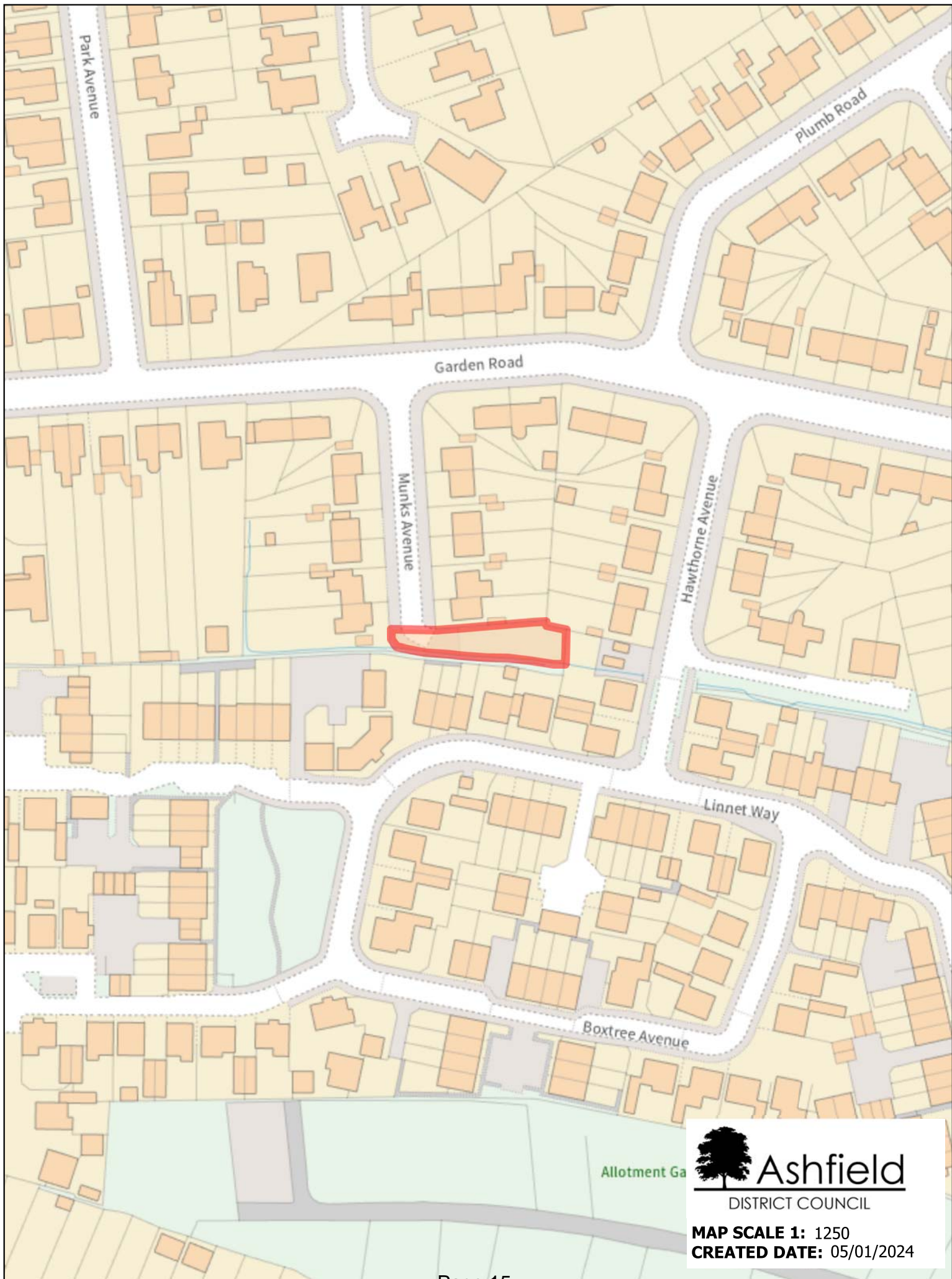
E-mail: John. Bennett @ashfield.gov.uk

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## PLANNING COMMITTEE – 24<sup>th</sup> January 2024

Page	App No	Applicant	Recommendation	Proposal	Location
<b>Hucknall Central</b>					
15-28	V/2022/0888	Mr B McCulloch	Approve	Outline Application With Some Matters Reserved for a Dwelling	Land off Munks Avenue
<b>Hucknall West</b>					
29-38	V/2023/0578	Mr T Ubhi	Refuse	Change of Use from C3 Dwelling to C2 Residential Institution	35 Lovesey Avenue
<b>Underwood</b>					
39-52	V/2023/0355	Mr R Purewall	Refuse	Four Semi-Detached Houses	102 Cordy Lane Brinsley

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 05/01/2024**

**COMMITTEE DATE**    24/01/2024                      **WARD**            Hucknall Central

**APP REF**                      V/2022/0888

**APPLICANT**                      Billy McCulloch

**PROPOSAL**                      Outline Application with Some Matters Reserved for a Dwelling

**LOCATION**                      Land off, Munks Avenue, Hucknall, Notts

**WEB-LINK**                      <https://www.google.com/maps/@53.0362774,-1.2152442,19.25z?entry=ttu>

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

App Registered 31/10/2023                      Expiry Date 25/12/2023

*Consideration has been given to The Equality Act 2010 in processing this application.*

*This application has been referred to Planning Committee by former Cllr Mitchell and Cllr Rostance to discuss resident concerns, overdevelopment of the site and impact on visual amenity*

### **The Application**

This is an outline application for a dwelling with landscaping being the only reserved matter. The dwelling is proposed to be a 3 bedroomed, detached dwelling located on a former garage site at the end of Munks Avenue.

The application site is located within the main urban area of Hucknall. The site itself is a plot of land located at the end of a cul-de-sac and is believed to have formerly been used as a garage site. The site appears to be hard surfaced but has become overgrown. Along the southern boundary of the site there is a watercourse.

### **Consultations**

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

### **Residents**

(1<sup>st</sup> Consultation)

12 letters of objection have been received raising the following:

Highways



- Land not big enough for mandatory 8m of hard-bound drive
- Will cause additional cars on overcrowded street
- Additional car movements, fumes and parking
- Existing parking issues, cars park dangerously, block drives
- Area in front of site has always been only area to turn vehicles
- Loss of turning area will cause vehicles to reverse onto Garden Road
- Not enough on street parking
- Not enough room for construction vehicles
- Construction vehicles may damage residents cars

#### Residential Amenity

- Impact on residents mental health, cause tension and upset amongst residents
- Impact on privacy
- Less sunlight, overshadowing
- Impact from noise
- Doesn't meet SPD Residential Design Guide in respect of layout, size of site, room sizes, facilities, separation distances and impact on neighbours
- Windows facing neighbouring properties
- Will add to existing issue with anti social behaviour and noise
- Should be restricted to a bungalow
- 3 storeys will overpower cul-de-sac

#### Other

- No provision for water, sewage, drainage, gas or electric
- Impact on variety of wildlife, destroy valuable ecosystem, lose habitats
- Developer should be required to do a full survey on wildlife
- Safeguards are required to ensure the integrity of environment and biodiversity during construction
- Already cut down mature trees and trimmed hedge
- Area is already overcrowded
- Land is not supposed to be used for building
- Watercourse already floods, proposal will increase flood risk
- Being sought after for money purposes, will only benefit developer
- Size of area not big enough for proposed development
- Development will not make a big enough difference on housing target requirements
- Expect it to be dealt with by committee, not delegated
- Submitted over Christmas and only normal consultation period given
- Not a named site, contrary to policy
- Doesn't differ from withdrawn application, previous application was impactful
- Right to privacy and peaceful enjoyment is covered by Human Rights Act
- Permitted development rights should be withdrawn
- Developer should be required to provide funds to improve remaining strip and stream

- Questions surrounding sale of land
- Residents felt need to sell home
- Concerns over boundary disruption
- Concerned where materials will be stored

(2<sup>nd</sup> Consultation)

6 Letters of objection have been received raising the following:

- Can't understand why the layout plan has gained more land without justification
- Cause numerous disruptions to neighbouring properties
- Cul-de-sac is not designed for large amount of cars
- Access is tight
- Small turning point
- Heavy goods vehicles can't access site and will block road
- Machinery going up and down road will pose risk to residents
- Destruction to wildlife
- Loss of privacy, overlooking
- Too many cars on the street without the proposal
- Area has only been assessed whilst residents are at work, so there are less cars
- Have to reverse down road if turning area blocked onto a busy road with a blind bend
- Land is inappropriate to be built on
- Assume only reason it's being considered is for financial reasons
- Environmental, social and local damage
- Adjacent stream floods more frequently over last couple of years
- Proposal will add to flooding

### **Councillor Comments**

1 comment has been received from Councillors Parvin and Waters objecting and raising the following points:

- Whole area will be affected. As we saw in recent flooding events Hucknall was affected badly. Building on this land will put at least 50 properties at risk from further flooding which is unacceptable. Flood risk comes from stream that runs nearby and already floods during heavy rain. Site is between two areas that saw major flooding weeks ago during storm Babet. More building will exacerbate risk.
- In the planning assessment of Flood risk publicised on the Councils website, it clearly shows that the site is within a flood risk area, that the site is within 20m of a watercourse and the application is somewhat dependant on this already flooding watercourse for drainage.
- Within the planning assessment of flood risk the applicant indicates that the proposal will not increase flooding. We see no survey that supports this statement.

- Planning assessment of flood risk states that surface water will be dealt with by a sustainable drainage system however, we see no details of such within the application apart from using a watercourse that already floods.
- Notice that the disposal of foul sewage has not been dealt with and is listed as unknown. This needs to be clearly dealt with.
- Nature has taken its course on the site . residents have concerns that wildlife has taken hold of site. the area is now a habitat. As none of the wildlife has been surveyed nobody knows what the true extent of destruction that building would bring. Mature trees on the site which need to be protected. Having wildlife in residential area can only be beneficial and provide amenity value.
- Quoted chapter 15 of NPPF in relation to net gain for biodiversity and establishing ecological networks and have states they believe the small developing area of wildlife should benefit from the paragraph in the NPPF.
- Concerns of congestion on Munks Avenue and Garden Road. Munks Avenue is overcrowded with cars. More vehicles will cause more noise and air pollution and exacerbate ongoing parking concerns.

### **NCC Highways**

(1<sup>st</sup> Consultation)

- From a highways perspective the addition of a 3 bedroomed dwelling at this location is unlikely to give rise to highway safety issues. Two parking spaces are shown which is in accordance with the LPA's own parking standards. Provision of cycle parking should also be provided but could be a preoccupation condition. Further guidance can be found in part 4.1, Residential Parking of the revised Nottinghamshire Highway Design Guide.
- The unusual issue is however that the red line boundary does not adjoin the adopted highway. The far end of Munks Avenue is not adopted highway and thus the applicant needs to serve notice on the landowner and would need their permission to access the land.

(2<sup>nd</sup> Consultation)

- Standing Advice

### **Severn Trent Water**

- Planning practice guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method . If this is not practical and there is no watercourse available as an alternative other sustainable methods should be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.
- Please note for the use or reuse of sewer connection either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the company in section 106 of the Water Industry Act 1991.
- Informative suggested

### **ADC Land Contamination**

- No objection in principle however as the former use of the land was as domestic garages, recommend a watching brief as a condition

### **Environment Agency**

- On this occasion the Environment Agency will not be making any formal comment on the submission as the development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.
- No other environmental constraints of the site that fall within the remit of the Environment Agency.

### **Policy**

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

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

ST1 – Development  
ST2 – Main Urban Area  
HG1 – Housing Land  
HG5 – New Residential Development

#### **National Planning Policy Framework (NPPF) (December 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 and beautiful places

#### **Supplementary Planning Documents (SPD)**

Residential Design Guide  
Residential Car Parking Standards

### **Relevant Planning History**

#### **V/2022/0729**

**Details:** Outline application with some matters reserved for a dwelling

**Decision:** Withdrawn

### **Comment :**

#### **Main Considerations**

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

- Principle of Development
- Visual Amenity

- Residential Amenity
- Highway Safety

### **Principle of Development**

The application site is located within the main urban area of Hucknall where the principle of development is considered to be acceptable, providing no other material planning considerations indicate otherwise.

Paragraph 124 of the National Planning Policy Framework (December 2023) states that decision should promote and support the development of under-utilised land and buildings, which amongst other things includes car parks and lock ups, especially if this would help meet identified need for housing where land supply is constrained and available sites could be used more effectively.

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

### **Visual Amenity**

The proposed dwelling will be two storey with living space proposed in the roof. The materials proposed are red multi-brick to match the street elevation and traditional rosemary grey roof tiles. Munks Avenue consists of red brick properties with what appears to be brown tiled roofs however there are variations in roof tile colours in the wider vicinity of the site.

The street scene of Munks Avenue is made up of semi detached properties. The property proposed is detached however it is considered that it would not look at odds or have an impact on the character of the street scene or area but instead will be a variation in the street scene.

The dwelling is considered to be of an acceptable design and will be set back in the plot. It is considered that the proposal would not have an impact on the visual amenity of the area or the character of the street scene.

### **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 supplementary planning document 'Residential Design Guide' (2014).

Concerns have been raised by residents in relation to an impact on privacy, loss of sunlight and overshadowing.

The adopted supplementary planning document as discussed above also requires a minimum separation distance of 21m between main aspect windows and 12m between main aspect windows and secondary windows or blank elevations. The proposal will have the following separation distances:

- Varying distances of approximately 10.2m to 11.9m between the side elevation of the proposed dwelling and rear elevations of properties on Linnet Way
- Approximately 3m between the side elevation and No.11 Munks Avenue and the side elevation of the proposed dwelling,
- Over 21m between the proposed rear elevation and the rear elevation of properties on Hawthorne Avenue
- Over 21m between the proposed front elevation and the front elevation of No.12 Munks Avenue

It is acknowledged that the separation distance falls short between the side elevation and the rear elevations of the properties on Linnet Way however the side elevation facing those properties will only have 1 obscure glazed window at ground floor and there are trees and a hedge along the intervening boundary. Therefore it is considered unlikely that any detrimental overlooking or loss of privacy would occur in relation to properties on Linnet Way. In relation to a loss of light to these properties on Linnet Way, it should be acknowledged that the rear elevation of the properties in question on Linnet Way are North facing and as stated above there are trees and a hedge running along the boundary therefore it is considered unlikely that any detrimental loss of light impact would occur and if it did it would not be detrimental enough to warrant a refusal on this basis.

No.11 Munks Avenue has 2 windows and 1 door at ground floor and 1 window at first floor in the side elevation facing the application site. The proposed dwelling has 1 obscure glazed window at first floor and due to the siting of the dwelling this would not be in line with any windows in the neighbouring property. Therefore, it is considered unlikely that any detrimental overlooking or loss or privacy would occur.

The windows in the side elevation of 11 Munks Avenue are obscure glazed with the exception of one which serves the hallway. Due to the siting of the proposal it is accepted that the windows will be impacted to some extent in relation to a loss of light but they serve non-habitable rooms. It is therefore considered that due to this fact a refusal on this basis would not be warranted..

A concern has been raised in relation to a possible impact on the sites boundaries. The proposed dwelling is set away from all boundaries no trees or hedges are proposed to be affected, landscaping is a reserved matter and details of boundary treatment is suggested to be required by condition.

Concerns have been raised by residents in relation to an impact on the mental health of residents. Any impact arising in respect of the construction and occupation of one dwelling would not warrant a refusal of planning permission on this ground. Further

concerns have been raised surrounding noise, nuisance, and disturbance from the proposal and construction. Whilst it is acknowledged that there will be a level of noise associated with a residential dwelling this cannot be assumed to be any more significant than any other residential property. Similarly it cannot be assumed that there will be disturbance and nuisance caused by future occupants. In respect of the construction it is acknowledged that this will impact residents to some extent but this would only be for a temporary period during the build of the property so the application would not warrant a refusal on this basis and it is likely that any noise or disturbance that arises would not go above what could be reasonably expected for a dwelling being built. If a statutory nuisance occurs this can be controlled through other legislation.

In relation to concerns raised about damage to vehicles during construction and storage of materials this would be for the applicant and their builders to address if issues were to occur.

Residents have also raised questions in relation to the sale of the land and have stated they were advised that it could not be built on. The sale of the land is not a material planning consideration. A planning application can be submitted and each application is assessed based on its own merits.

### **Highway Safety**

Nottinghamshire County Council Highways have been consulted on the application and have commented that from a highways perspective a 3 bedroomed dwelling in this location is unlikely to give rise to highway safety issues. Two parking spaces have been provided in accordance with the local planning authority's standards and whilst cycle parking should also be provided this could be secured under a pre-occupation condition. They did raise concerns that the red line boundary does not adjoin the adopted highway, this was amended and is now considered to be satisfactory.

Residents have raised concerns in respect of the existing lack of on-street parking, loss of a turning area, impact from more cars, impact from noise/fumes, impact from construction traffic, impact from additional car movements.

This proposal is for 1 dwelling only with off street parking provision. The construction may have a limited impact for the short period of time it takes for the dwelling to be erected but this would not be excessive or warrant a refusal of planning permission. Noise, fumes and additional car movements from 1 dwelling will only result in a minimal impact and this is unlikely to have a detrimental impact on residents.

Concerns around the loss of a turning area have been raised but it should be noted that the vehicular access will restrict on street parking at the end of the cul-de-sac and will ensure that adequate space is available for vehicles to turn around.

In accordance with the Councils adopted supplementary planning document 'Residential Car Parking Standards' (2014) a 3 bedroomed property should provide 2 off-road parking spaces. The submitted plans demonstrate that 2 off-road parking spaces can be achieved to the front of the proposed dwelling with one of them detailed as having an EV charging point. On the proposed ground floor layout it is indicated that storage for 4no. cycles will be provided to the rear of the property.

Overall, it is considered unlikely that the addition of 1 dwelling at the end of the cul-de-sac will give rise to any detrimental impacts on highway safety or highway capacity.

## **Other**

### Flooding

Concerns have been raised in relation to an impact on the existing watercourse that runs adjacent to the site and an increased flood risk.

The Environment Agency have been consulted on the proposal and have commented that the site lies within flood zone 1 therefore there are no fluvial flood risks associated with the site.

The concerns raised are acknowledged however no concerns have been raised by the Environment Agency and it has been confirmed that the site is within flood zone 1 and it is not identified to be at high or medium risk from surface water flooding. To ensure that adequate drainage for the disposal of surface water and foul sewage is installed it is recommended that a condition is attached to any favourable decision requiring details to be submitted prior to works on site commencing..

### Ecology and Trees

Concerns have been raised in relation to an impact on wildlife, biodiversity and a loss of habitats. The site appears to be mainly hard surfaced and has become overgrown in some areas with limited shrubbery and overgrowth. Whilst it is acknowledged that there may be some wildlife on the site, the site could be cleared without requiring planning permission.

There are a number of trees and a hedgerow along the boundary with the watercourse however this appears to be outside of the site boundary. Whilst the applicant may need to trim the trees/hedge back if this is not within their ownership they would need the landowners permission to remove it.

It is recommended that conditions are attached to any forthcoming favourable decision requiring bee bricks, bat boxes and bird boxes to be installed in the interests of ecology. A condition is also recommended for details of boundary treatment to be submitted and for this to have holes within it for hedgehogs and other small mammals.

## **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 visual amenity, residential amenity and highway safety. In addition to this it is also considered unlikely that the proposal would have a detrimental impact on ecology and the site is located within flood zone 1 so does not raise significant flood risk concerns. Due to the above the application is recommended for conditional consent.

**Recommendation: - Grant Consent Conditionally**

**CONDITIONS**

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
  - (a) Landscaping
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of 2 years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. This permission shall be read in accordance with the following plans:
  - Site Location Plan, Dwg No. (90)001, Rev 2, received 31/10/2023
  - Proposed Block Plan, Dwg No. (90)005, Rev 3, received 31/10/2023
  - Proposed Ground Site Plan, Dwg No. (90)002, Rev 3, received 31/10/2023
  - Proposed First Floor Site Plan, Dwg No. (90)003, Rev 3, received 31/10/2023
  - Proposed Roof Floor Site Plan, Dwg No. (90)004, Rev 2, received 31/10/2023
  - Proposed Elevations & Floor Plans, Dwg No. (20)001, Rev 1, received 06/12/2022
5. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted and approved prior to the commencement of the development and shall be implemented in accordance with the approved details before the development is first brought into use.
6. No development shall take place past slab level until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the

- development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
7. 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.
  8. 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.
  9. The window(s) in the side elevation(s) shall be glazed in obscure glass and maintained as such in perpetuity. Such work to be completed prior to the commencement of use of the hereby permitted development.
  10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no windows, other than those shown on the approved drawings, shall be formed on the side elevation(s) of the hereby approved dwelling without the prior written approval of the Local Planning Authority.
  11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development relating to Classes A - E of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.
  12. Potential Land 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.


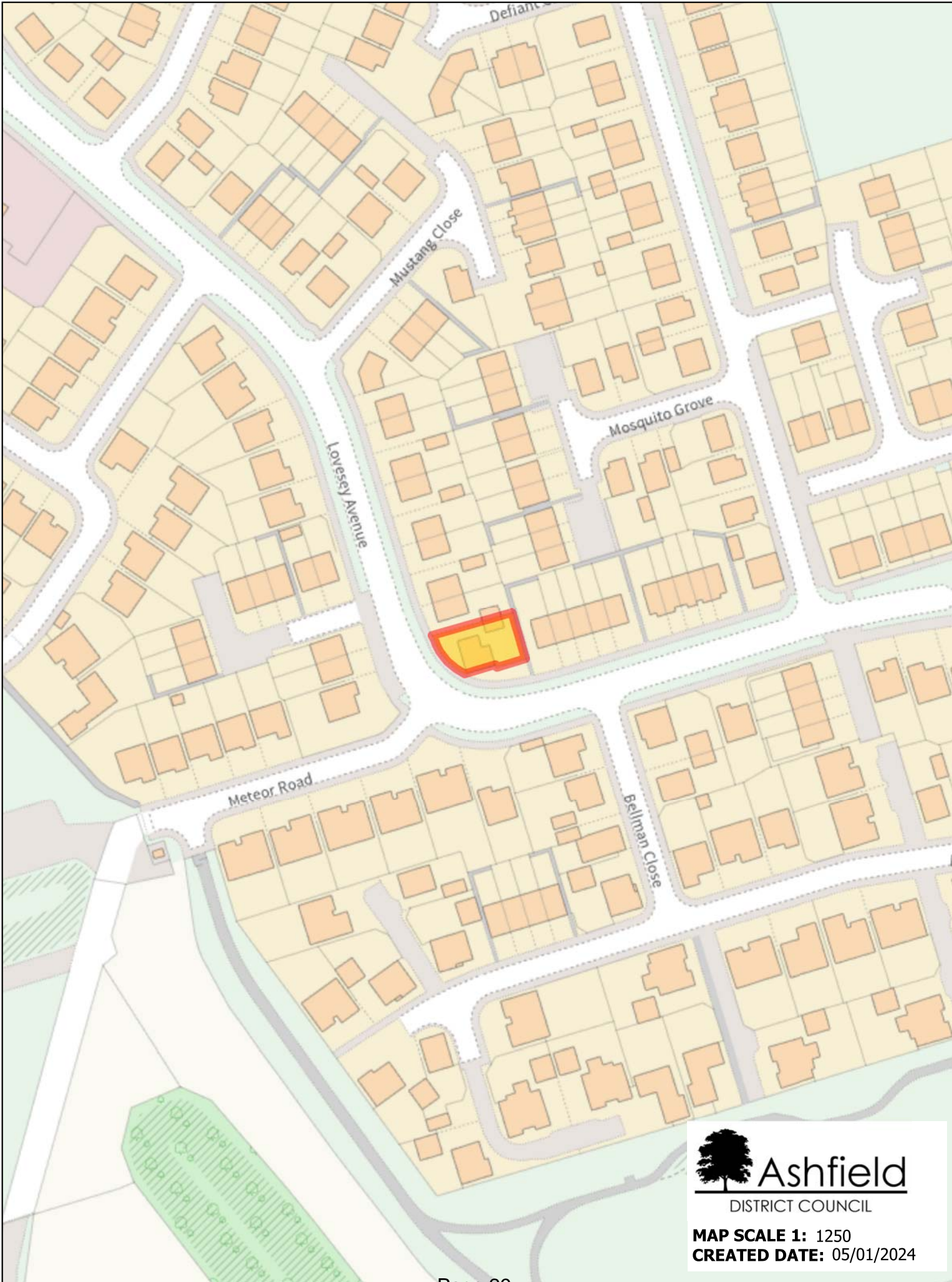
## **REASONS**

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
4. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
5. 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.
6. To ensure the satisfactory appearance of the development.
7. In the interests of residential amenity and enhancing local ecology.
8. In the interests of enhancing local ecology.
9. To safeguard the amenities of residents living in dwelling(s) located in the vicinity of the application site.
10. To safeguard the amenities of residents living in the vicinity of the application site.
11. To safeguard the amenities of residents living in the vicinity of the application site.
12. 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.

## **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. 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:** 05/01/2024

**COMMITTEE DATE**    24/01/2024                      **WARD**            Hucknall West

**APP REF**                      V/2023/0578

**APPLICANT**                      Mr Tajinder Ubhi

**PROPOSAL**                      Change of Use from C3 Dwelling to C2 Residential Institution

**LOCATION**                      35 Lovesey Avenue, Hucknall, Nottingham, NG15 6WQ

**WEB-LINK**                      <https://www.google.com/maps/place/35+Lovesey+Ave,+Nottingham+NG15+6WQ/@53.0165011,-1.228349,17z/data=!3m1!4b1!4m5!3m4!1s0x4879ea95136d9e89:0xa3ad50c61f6b03ad!8m2!3d53.0165011!4d-1.2257741?entry=ttu>

**BACKGROUND PAPERS**    A, C & D

App Registered: 31/10/2023                      Expiry Date: 25/12/2023

*Consideration has been given to The Equality Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Cllr Rostance to discuss the transparency of the application and impact on neighbouring properties.*

**The Application:**

Planning permission is sought for a change of use; from a 4 bedroom dwellinghouse (use class C3) to a residential care home (use class C2). The information submitted initially did not provide sufficient detail to make a full assessment and additional information was requested. The agent has clarified through additional information that the occupants will be a maximum of 3 individuals who will be adults between the ages of 18 to 65 with diagnosed learning difficulties. Members of staff will not live on site but there may be an element of 24-hour care dictated by the specific needs of potential occupants. The use would entail 4 full-time and 1 part-time members of staff, operating on a shift basis.

**Consultations:**

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

The following responses have been received:

**Resident comments:**

130 written representations have been received from residents, objecting to the proposal on the following grounds

- Not needed on a quiet estate
- Goes against covenants on house deeds
- Negative impact on properties, privacy concerns
- Individuals housed within will bring antisocial behaviour and crime
- Concerns for safety of nearby children
- Lack of transparency with the application
- Limited space for parking
- Impact on house price
- Increased speeding and noise
- Loss of a family home
- Conflicts with the 2002 Local Plan
- Disruption to nearby community

A petition was also received on the 21/11/2023 containing 187 signatures that states objection to the planning application in the letter alongside.

**Nottinghamshire County Council Highways:**

Comments dated 07/11/2023:

No details are provided with the application in relation to the scale and nature of the proposed use. Details of the uses of the various spaces within the existing dwelling and the number of clients, and/or bed spaces, are required.

The application form confirms that there will be 4.5 full-time equivalent staff, comprising 4 full-time staff and 1 part-time staff member. The application does not confirm the maximum number of staff members who will be present on-site at any one time nor whether, and what proportion of, staff will be resident.

The application form confirms that the site has one car parking space. Assuming that the garage is available for parking, the site appears to have three car parking

spaces, with one space within the garage and two spaces in tandem on the driveway. If the garage is unavailable for parking, there will be two car parking spaces. The applicant should confirm the intention in relation to use of the garage.

Without the above information, the highway authority is unable to assess the highway impact of the proposed development. The applicant should provide further information as referred to above.

In the meantime, the highway authority objects to the proposed development due to the lack of information. The highway authority will reconsider its position once sufficient details are provided.

Comments dated 21/12/2023:

A plan has since been provided which confirms the availability of three car parking spaces within the curtilage of the property. One space is shown within the existing garage and two spaces are shown in tandem on the driveway.

No rota is attached to the response document posted on the local planning authority's planning web page.

The highway authority asked for the following information in its 7/12/23 observations: "The application form confirms that there will be 4.5 full-time equivalent staff, comprising 4 full-time staff and 1 part-time staff member. The application does not confirm the maximum number of staff members who will be present on-site at any one time nor whether, and what proportion of, staff will be resident." Such information has not been forthcoming. Without this information, the highway authority is unable to assess the highway impact of the proposed development. The applicant should provide further information as referred to above.

In the meantime, the highway authority objects to the proposed development due to the lack of information. The highway authority will reconsider its position once sufficient details are provided.

**Nottinghamshire Police Designing Out Crime Officer**

Comments dated 05/12/2023:

Nottinghamshire Police have **no holding objections** at this time considering the limited detail available with regards to this application, however, please see the comments below:

is noted that there is no detail with regard to this proposal or information concerning what form the, "residential institution" will take making specific comments difficult, however, that would not of itself present a situation that would result in an objection, but the requirement for additional information remains.

It is necessary to establish if the, "institution" will be provided by a company with a proven track record of delivering satisfactory facilities of this nature whatever it is



(effectively vetted), and will not give rise to anti-social behaviour in the immediate vicinity due to the poor management of the facility.

This should include details of how the premises will be operated, managed, and conflict resolution procedures for issues that may affect the local neighbourhood, including, “good neighbour agreements” or similar such integration, mitigation and resolution agreements that may become necessary.

**Policy:**

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

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

**National Planning Policy Framework (NPPF) (December 2023):**

Part 5 – Delivering a Sufficient Supply of Homes.

Part 8 – Promoting Healthy and Safe Communities.

Part 9 – Promoting Sustainable Transport.

Part 12 – Achieving Well Designed and Beautiful Places.

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

ST1 – Development.

ST2 – Main Urban Area.

HG8 – Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels.

**Supplementary Planning Documents:**

Residential Design Guide (2014).

Residential Car Parking Standards (2014).

Nottinghamshire Highway Design Guide (2021).

### **Relevant Planning History:**

None

### **Material Considerations:**

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

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

The National Planning Policy Framework (NPPF) (December 2023) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 225). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

### **Principle of Development:**

The application site is located within the main urban area of Hucknall, where the principle of development is acceptable under Policy ST2 of the Ashfield Local Plan Review 2002.

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

### **Visual Amenity:**

Policy HG8(b) (ALPR) (2002) has regard to the acceptability of residential care facilities, setting out that in order for planning permission to be granted, development should not adversely affect the visual amenity of the locality.

Paragraph 135(a) of the NPPF sets out that development should function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development. Paragraph 135(b) requires development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

This application relates strictly to a change of use, from class C3 to class C2. The agent has stated that there are no internal or external works planned for the building. For this reason, there would be no adverse impacts on the visual amenity of the area.

### **Residential Amenity:**

Retained Policy HG8(a) (ALPR) (2002) seeks to ensure that the development of residential care homes does not adversely affect the amenity of neighbouring properties. Paragraph 5.89 of the policy subtext sets out that all proposals must ensure that the amenity of residents in the neighbourhood is protected and that undue disturbance or an adverse change in the character of the locality will not arise.

Criterion (c) of Policy HG8 details that, residential care homes will be permitted where the outlook from bedrooms and communal rooms is adequate. Each of the three bedrooms benefit from existing window openings which would provide adequate outlook and lighting. Similarly, the existing rear garden would be provided as satisfactory amenity space for future occupants. Such amenity space is bound by extant fences and a wall, which affords suitable screening for privacy. For these reasons, the development would accord with criteria (c), (d) and (e) of Policy HG8 (ALPR) (2002).

Due to the location of the site, being in a residential area, potential use and number of bedrooms, the proposal will not result in a material increase over the existing baseline level of noise than what would be expected of an ordinary dwellinghouse.

### **Highway Safety:**

A number of resident comments raise concerns over parking and highway safety. Nottinghamshire County Council as Highway Authority (HA) have been consulted on this application and it is considered that their comments carry significant weight. The HA have confirmed that without specific information in regards to staff numbers, they are unable to fully assess the potential highway impact and must maintain an objection from a highway safety perspective.

Without the benefit of a knowing the exact number of staff at any given time, it is difficult to quantify the exact number of car parking spaces required. However, even without this information, the proposed layout raises concerns. The internal measurements of the garage have not been provided and so it is unclear if these meet the requirements to 'count' as a space. In addition, given the tandem parking layout indicated on the submitted plan, it has not been satisfactorily demonstrated

that a vehicle can enter/exit the garage and leave the site in a forward gear, without encountering an obstruction.

If a vehicle was parked on the driveway this would restrict vehicle movements into/out of the garage and if a singular vehicle was parked on the driveway, it has not been demonstrated that this in itself would be able to manoeuvre within the site and leave in a forward gear. Given the proposed use, it is also assumed that there may be additional visits above that of the regular staff, such as social workers, medical professionals and family members, which may result in an increase in on-street parking within the vicinity of the site, to the detriment of highway safety.

Overall it is considered the potential intensification of vehicle use at the address would result in vehicles being unable to suitably manoeuvre within the application site boundary, and thus resulting in them likely reversing out onto the Adopted Highway. This is considered to represent a significant highway safety risk, especially in consideration of the dwelling being located on a corner where visibility is reduced.

Opportune parking on the highway would also affect highway safety, represent an obstruction to the free flow of traffic, and affect the capacity of the local highway network.

The proposal is therefore considered to be contrary to paragraphs 114 and 115 of the NPPF (December 2023), which states that development should be refused where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Other Matters:**

Several resident comments raise that the proposed change of use would be in conflict with legal covenants placed on the house, and others on the same estate. However, matters of a legal nature are not a material planning consideration in the determination of this application.

It has been suggested that the proposed use would lead to an increase in anti-social behaviour and crime. Officers have not been provided with any substantive evidence to suggest that a C2 residential institution would lead to a direct increase in crime and anti-social behaviour, nor raise concerns for the safety of children and others.

The impact on house prices is not a material planning consideration.

### **Conclusion:**

During the application process case officers asked the agent to provide additional information on how the proposed change of use would function in practice so that concerns regarding amenity and highway safety could be addressed. Despite the

submission of additional information, it is held this does not satisfactorily address the concerns raised.

The proposed car parking arrangement is considered to be insufficient and likely to result in an increase in on-street parking, taking into account the number of staff and potential visitors to the address, and would therefore have an unacceptable impact upon the highway network.

As such, it is recommended this application be refused planning permission, for the reasons as outlined below:

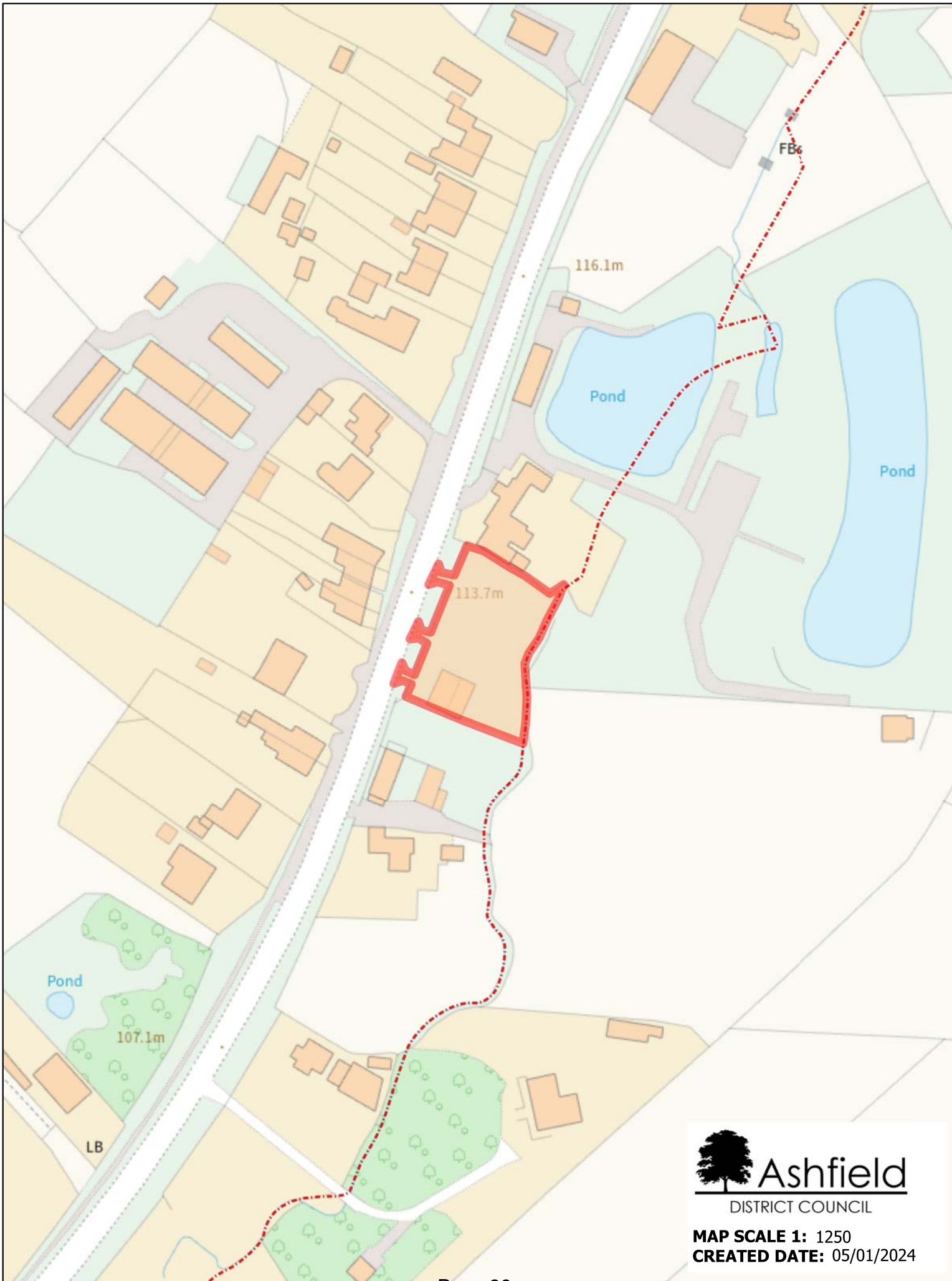
**Recommendation: Refuse planning permission.**

**Reasons:**

Highways:

It is considered that the proposed development fails to provide safe and suitable access for all users, and is considered to result in an unacceptable impact upon the safety and capacity of the local highway network as a result of the contrived parking arrangements and manoeuvring space. Consequently the proposal is considered to conflict with Policies ST1 (a, b and c) and HG8 (f and g) of the Ashfield Local Plan Review (2002), and paragraphs 114 and 115 of the NPPF (December 2023), which states that development should be refused where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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**COMMITTEE DATE**    24/01/2024                      **WARD**            Underwood

**APP REF**                      V/2023/0355

**APPLICANT**                Mr Richard Purewall

**PROPOSAL**                Four Semi-Detached Houses.

**LOCATION**                    102 Cordy Lane, Brinsley, Nottinghamshire, NG16 5BZ.

**WEB-LINK**                    <https://www.google.com/maps/place/102+Cordy+Ln,+Brinsley,+Nottingham+NG16+5BZ/@53.0440836,-1.3013965,140m/data=!3m1!1e3!4m5!3m4!1s0x487994aa415cca3b:0xe60afe3781e2f403!8m2!3d53.04418!4d-1.3008256?entry=ttu>

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

**App Registered:** 14/08/2023

**Expiry Date:** 08/10/2023

*Consideration has been given to The Equality Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Cllr Gregory to discuss highway safety and the Green Belt.*

### **The Application:**

This is a full planning application for the erection of 4 semi-detached dwellings within designated Green Belt.

The application has been subject to revisions since its original submission, with the changes largely relating to the application site boundary given its relationship with the adopted highway and the district boundary with Broxtowe Borough Council. A re-consultation was undertaken in light of these changes.

The site area measures approximately 1620 sqm, and is used in part for storage purposes. Planning permission has previously been granted on the site for a replacement office/storage building (planning application reference V/2022/0928), and a condition was attached to that permission restricting wider outdoor storage at the site. On a parcel of land immediately adjacent to the south of the application site, another replacement office/storage building has also been approved (planning application reference V/2022/0929).



## **Consultations:**

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

The following responses have been received:

### **Resident comments:**

12 written representations have been received from 9 residents, 9 objecting to the proposal and 3 neither objecting nor supporting it, raising the following points:

- The site is within the Green Belt.
  - Conditions from previous application have prevented outdoor storage to protect the Green Belt.
- Building material currently stored on site.
- Asbestos is buried on site.
- Hedgerows and trees removed September 2022.
- Increased potential to pollute the brook from surface water run-off.
- Traffic concerns:
  - Conflict with bus stop.
  - Increase accident risk.
  - Steep gradient into site.
  - No pavement for pedestrians.
  - Existing on-street parking issues.
  - No proposed visitor parking.
  - Disruption by delivery vans.
- Impact on protected species.
- Could lead to further residential development.
- Query how storage uses and the dwellings can both be implemented.

**Selston Parish Council:**

- Object – site is in Green Belt.

**Environment Agency:**

- Site is Flood Zone 1 – no fluvial flood risk concerns.

**Nottinghamshire County Council Highways:**

Comments dated 23/06/2023:

- Cordy Lane is otherwise known as the A608.
- The site does not have any extant access points; the proposal seeks to create 2 single driveways, plus one shared driveway.
- The Highway Authority's expectations for residential accesses are set out in Part 3.1 of the revised Nottinghamshire Highway Design Guide in terms of access width, gradient, surfacing, disposal of surface water runoff and visibility splays.
- No visibility splays have been demonstrated for any of the accesses. The area within the splays must be within the applicant's ownership, and or highway extents.
- What gradients are the proposed driveways to have?
- The single dwelling accesses i.e., Plots 1 and 4 need to have a minimum width of 3m, increasing to 3.6m if bound.
- The shared access will need to be a minimum of 4.8m for the first 8m behind the highway boundary, widening to 5.8m if bound on both sides.
- All the driveways will need to have turning provision due to the fact that access is proposed off the A608. This needs to be demonstrated using swept path analysis. For the shared driveway there should be space for 3.5t van to enter, and exit in a forward gear i.e., home shopping van.
- Internal dimensions for garages must meet standards to count as a parking space.

Comments dated 17/08/2023:

- Visibility splays remain unclear – Not satisfactorily demonstrated.
- Uncertainty over driveway surfacing.
- On-site parking provision is tight. Has consideration been given to visitor parking?

- Consideration should be given to a reduction in the number of accesses, dwellings or house types to help overcome the above.

Comments dated 19/09/2023:

- Gradients should be no steeper than 1:12.
- Possible reliance on highway land for turning/landscaping associated with the dwellings.
- Obstructions are within the visibility splays – namely the bus shelter. No consideration of planned reinstatement of the hedgerow.
- On-site parking/manoeuvring is cramped and contrived resulting in vehicles likely reversing out onto Cordy Lane, or parking on Cordy Lane itself.
- Cannot support the proposal for 4 dwellings.

**Nottinghamshire County Council Rights of Way:**

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

**Severn Trent Water:**

- Condition and informative advised.

**Broxtowe Borough Council:**

- Have no observations to provide as a Neighbouring Authority.

**Policy:**

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

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

**National Planning Policy Framework (NPPF) (December 2023):**

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 and Beautiful Places.

Part 13 – Protecting Green Belt Land.

Part 15 – Conserving and Enhancing the Natural Environment.

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

ST1 – Development.

ST3 – Named Settlement.

EV1 – Green Belt.

EV8 – Trees and Woodland.

HG5 – New Residential Development.

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

NP1 – Sustainable development.

NP2 – Design principles.

NP4 – Housing type.

**Supplementary Planning Documents:**

Residential Design Guide (2014).

Residential Extensions Design Guide (2014).

Residential Car Parking Standards (2014).

Nottinghamshire Highway Design Guide (2021).

**Relevant Planning History:**

**V/1987/0650** - Building for Cow and Calf suckler yard - Conditional Consent.

**X/2022/0014** - Prior Approval for a Change of Use of 2 Agricultural Buildings to 2 Dwellings - Agricultural Prior Notification Refused.

**V/2022/0577** - Replace Existing Storage Unit with New Build Storage Unit of Same Size - FULL Withdrawn.

**V/2022/0928** - Application for Rebuild of Storage Unit Historically used as Agriculture to Office and Storage - FULL CC.

**V/2022/0929** - Application for Rebuild of Two Existing Office & Storage Units in to One Purpose Built Office & Storage Unit - FULL CC.

### **Material Considerations:**

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

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

The National Planning Policy Framework (NPPF) (December 2023) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 225). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

### **Principle of Development:**

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

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

Part 13 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances (paragraph 152). Paragraph 154 of the NPPF goes on to identify various forms of development which are deemed to be 'appropriate' uses within the Green Belt, however residential dwellings explicitly are not identified, and as such, are considered to be an inappropriate use within the Green Belt.

Paragraph 153 of the NPPF states that "substantial weight" should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Greenbelt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

### Infill Development

Paragraph 154(e) of the NPPF identifies the 'limited infilling in villages' to be appropriate within the Green Belt. Infill development is not defined within the NPPF, but the ALPR (2002) defines an 'infill site' as "an area which can accommodate one or two dwellings within a small gap in existing development." Policy EV1 of the ALPR (2002) on Green Belt does permit limited infilling within only certain named villages, which does not include Brinsley.

There is no indication within the NPPF that the term "limited infilling in villages" relates only to land that falls within a settlement boundary, as defined in a development plan. In this regard it is considered that the ALPR Green Belt policy is overly prescriptive and is not consistent with the policy exceptions of the NPPF.

The width of the application site measures approximately 44 metres, and occupies a space in an otherwise built-up part of the village.

The supporting text of ALPR Policy EV1 identifies that where limited infill development would be acceptable, this would normally comprise one or two dwellings. The inclusion of the word 'normally' is considered to recognise that a greater amount of housing may also be considered acceptable in some cases.

Based on this, and the limited weight given to ALPR Policy EV2 due to its inconsistency with the NPPF on infill development, it is considered that the application site would constitute infill development in accordance with exception (e) of paragraph 154 of the NPPF (December 2023).

Accordingly the proposal would not be inappropriate development in the Green Belt. As a result it is not necessary to consider the effects of the proposal on the openness of the Green Belt, or its purpose because these matters are implicitly considered in this exception. Whilst there would be a degree of conflict with ALPR Policy EV1 in terms of development in the Green Belt, and by association with Policies ST1 and ST3, the NPPF takes precedence as Policy EV1 is more restrictive than the NPPF in terms of limiting infill development to certain named villages. The conflict with the development plan in this regard is outweighed by the Green Belt policies of the NPPF.

### Previously Developed Land

Paragraph 154(g) of the NPPF also identifies the partial or complete redevelopment of previously developed land as also constituting an exception to Green Belt policy, however this is also predicated on the proviso that the proposal would:

- a) not have a greater impact on the openness of the Green Belt than the existing development; or
- b) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Planning permission was granted on 27/03/2023 for the rebuild of a storage unit, to be used for offices and storage, on the application site under planning application reference V/2022/0928. That application and this application for dwellings occupy broadly the same red-boundary of site, albeit some variation to account for points of access etc. Therefore given the proposed siting of the storage building, if this application for dwellings was to be implemented, the storage/office building under application reference V/2022/0928 could not be implemented. At the time of the Council's site visit a concrete slab and low level block wall had been installed on site.

The application for the storage building, although the site (as defined by the red-boundary plan submitted with the application) extended up to the northern boundary adjacent to No.108 Cordy Lane, the site was to be used for no purposes associated with the storage/office building and a condition was attached to that approval accordingly which restricted the rest of the site being used for outdoor storage. The outdoor areas of the site were therefore to remain open, in the interest of protecting the character and openness of the Green Belt and wider area.

The NPPF defines Previously Developed Land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Excluded from this definition is land which was last used by agriculture/forestry buildings, land used for waste disposal by landfill, and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The application site has been surfaced in gravel hardcore and is currently being used for the storage of building material and waste, without the benefit of planning permission. The former use of the site was identified as agriculture (as part of application V/2022/0928), and the unlawful development which has taken place at the site is considered not to trigger the exception criteria for the wider site being 'developed'.

On this basis it is considered that the application site, excluding the area where the concrete slab/wall has been installed associated with the permitted storage/office

building, would not constitute Previously Developed Land, and the proposal as submitted would not therefore meet exception criteria (g) of paragraph 154 of the NPPF (December 2023).

Immediately adjacent to the application site to the south, planning permission was also granted on 24/03/2023 for a second storage/office building. The implementation of this second storage building would not be affected by the possible implementation of this application for 4 dwellings.

It is therefore considered that the proposed development would meet criteria (e) of paragraph 154 of the NPPF (December 2023) Green Belt policy, and would represent a form of infill development.

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

The proposed dwellings would be semi-detached and would be sited in parallel (approx.) to the dwellings on neighbouring sites to the north and south. Across from the site, on the West side of Cordy Lane, a mix of dwelling types is visible. Immediately opposite there is a row of town houses with small front gardens and no off-street parking. Further to the north and south is a mix of detached and semi-detached dwellings, mostly having off-street parking to their side/frontages.

The existing dwellings within the vicinity display a mix of designs and styles, and incorporate a mix of external materials in their finishes.

The proposed properties will have a hipped roof to the main dwelling, with the single storey elements of the proposal incorporating a gable ended roof for the front porches and attached side garages.

It is proposed to incorporate red brick and slate grey tiles into the construction of the dwelling, although no specific details have been forthcoming. These details could be secured via the use of a suitably worded planning condition.

Overall it is considered that the actual design of the dwellings themselves would not harm the character of the area or wider street scene.

No windows are proposed in the side elevations of the dwellings to protect the amenity of neighbouring properties. The separation distance to the dwellings across from the site is considered to be acceptable. A roof light is proposed in the side and rear roof slopes serving a bedroom and ensuite within the roof (bedroom 3) and the kitchen-diner at ground floor level. Although as these windows are high level there are limited overlooking concerns.

Overall it is considered that, given the siting and scale of the proposed dwellings, that the amenity of neighbouring properties would not be detrimentally affected as a result of this development.



## **Highway Safety:**

One of the principle concerns with this application is the impact upon highway safety. Nottinghamshire County Council as Highway Authority (HA) have been consulted on this application and it is considered that their comments carry significant weight.

Three new points of access are proposed onto Cordy Lane (the A608), two single driveways and one shared driveway. There would be a requirement for all vehicles to manoeuvre within the application site boundary to ensure they are leaving the site in a forward gear, in the interest of highway safety. The agent has provided a layout plan which indicates parking areas and manoeuvring space for each plot, discussed further below.

Each property is 3-bedroomed which would require each dwelling to provide 2 off-street car parking spaces. One of these spaces is proposed to the frontage of the property, and another proposed to be accommodated within an attached garage to the side of each dwelling. Whilst the internal measurements of the garages do appear to meet the requirements to 'count' as a space, it has not been satisfactorily demonstrated that a vehicle can enter/exit the garage and leave the site in a forward gear, without encountering an obstruction.

If a vehicle was parked on the site frontage this would restrict vehicle movements into/out of the garage. Even if a singular vehicle was parked on the driveway, it has not been demonstrated that this in itself would be able to manoeuvre within the site and leave in a forward gear. The limited vehicle tracking provided does indicate vehicles would collide with the proposed front porch areas when manoeuvring.

The prospect of visitor parking was raised with the agent, given the limited availability of on-street parking. A visitor parking space was subsequently added to each plot, however this has just restricted vehicle movements even further. It is considered that any opportune parking on Cordy Lane associated with this development, by owner occupiers or visitors, would represent a significant risk to highway safety.

Clear unobstructed visibility splays for each of the 3 proposed points of access have not been satisfactorily demonstrated. Along the road frontage, outside Plot 4, is a bus shelter and pole. This shelter/pole would be an obstruction within the visibility splay(s), restricting visibility for drivers egressing the application site but also for vehicles travelling northwards along Cordy Lane being unable to have clear sight of an emerging vehicle.

The Council also highlighted that provision should be made to accommodate a 3.5tonne home delivery van within the site to prevent obstructions to the public highway. Limited vehicle tracking has been shown for such a delivery vehicle, only for the shared driveway area for Plots 2 and 3. In any event the limited vehicle tracking provided indicated a vehicle of this size would be unable to manoeuvre

within the application site boundary and would either be forced to reverse out on the highway or remain parked on the adopted highway disrupting the free flow of traffic.

No details have been forthcoming in relation to bin storage on collection days. Any refuse bins left on the highway outside the properties have the potential to further restrict pedestrian and vehicle visibility splays.

The HA cannot support the application for 4 dwellings on this site for many of the reasons listed above.

Overall it is considered that the development would lead to a cramped and contrived layout, which would result in vehicle being unable to suitably manoeuvre within the application site boundary, and thus resulting in them likely reversing out onto the Adopted Highway. This is considered to represent a significant highway safety risk, which is exacerbated further by the inability to achieve unobstructed visibility splays.

Opportune parking on the highway would also affect highway safety, represent an obstruction to the free flow of traffic, and affect the capacity of the local highway network.

The proposal is therefore considered to be contrary to paragraphs 114 and 115 of the NPPF (December 2023), which states that development should be refused where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Other:**

#### Ecology and Arboriculture:

A number of trees/hedgerows were removed from along the frontage of the site in Circa 2022-2023. It is unclear whether any of these trees/hedgerows fell within the adopted highway.

Hedgerows are to be reinstated along the site frontage, save for where the new accesses are proposed, although a limited amount of other planting is proposed. Existing trees to the rear of the site are indicated to be retained.

No assessment as to the level of biodiversity net gain which may be achieved on site has been provided.

#### Flooding:

The site slopes to the east, quite steeply towards the eastern boundary of site. Along the eastern edge of the site is a stream. The Environment Agency have raised no concerns regarding fluvial flooding, confirming the site is within Flood Zone 1.

A condition could be attached to any favourable decision requiring drainage details for foul and surface water to be submitted for approval.

### Contamination:

Resident comments submitted during the consultation process allege that asbestos is buried on the site and seek assurance from the Council that should any be encountered during construction, that no neighbours would be affected. All liabilities and responsibility for the safe handling and disposal of any asbestos materials is the responsibility of the landowner/developer and not the Council.

### **Conclusion:**

A number of concerns were raised with the agent during the consideration of the application and opportunities were provided for these to be addressed, but unfortunately a scheme to satisfactorily overcome these concerns has not been forthcoming.

It is considered that the development would meet the exceptions criteria within Paragraph 154 (e) of the NPPF (December 2023) Green Belt policy, and would represent a form of infill development.

However the proposed development is considered to represent a significant highway safety risk due to the cramped and contrived layout of the site, which fails to provide sufficient level of usable parking, is unable to provide satisfactory manoeuvring space for vehicles, and it has not been demonstrated that the new points of access onto cordy Lane (the A608) can achieve the necessary unobstructed visibility splays. The proposal therefore amounts to the overdevelopment of the site which is considered to lead to opportune parking on the highway, affecting the capacity of the local highway network.

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

### **Recommendation: Refuse planning permission.**

#### **Reasons:**

##### Highways:

It is considered that the proposed development fails to provide safe and suitable access for all users, and is considered to result in an unacceptable impact upon the safety and capacity of the local highway network as a result of contrived accesses, parking arrangements and manoeuvring space. Suitable unobstructed visibility splays for all users have also not been suitably demonstrated, leading to an increased likelihood of pedestrian-vehicle conflict. Consequently the proposal is considered to conflict with Policies ST1 (a, b and c) and HG5 (e and g) of the

Ashfield Local Plan Review (2002), and paragraphs 114 and 115 of the NPPF (December 2023), which states that development should be refused where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.



<b>Report To:</b>	<b>Planning Committee</b>
<b>Date:</b>	<b>24 January 2024</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>
<b>Executive Lead Member:</b>	<b>COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING</b>
<b>Ward/s:</b>	<b>KINGSWAY</b>
<b>Key Decision:</b>	<b>No</b>
<b>Subject to Call-In:</b>	<b>No</b>

### **Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

### **Recommendation(s)**

**To Note the Appeal Decisions.**

### **Reasons for Recommendation(s)**

To bring to Members attention the recent Appeal Decisions.

### **Alternative Options Considered**

*(with reasons why not adopted)*

N/A

### **Detailed Information**

Planning Application – Appeal Decisions

#### **Kingsway**

<b>Planning Application</b>	V/2022/0918
<b>Site</b>	Halfmoon Far, Kingsway, Kirkby in Ashfield NG17 7FH
<b>Proposal</b>	Variation of condition 5 of V/2020/0261 to amend approved plans
<b>Appeal Decision</b>	Appeal Allowed

This proposal is to amend the approved drawings in respect of a garage conversion to form a dwelling. The revisions included changing a traditional hipped roof dormer, which is located above the staircase, to a contemporary flat roofed dormer. The Inspector concluded that the revised scheme was acceptable because the alterations would not significantly alter the overall design and

form of the dwelling, that the views of the dormer would be limited because of its orientation and that there were other flat roofed dormers in the area. He therefore granted planning permission and included all the necessary conditions imposed on the original scheme.

## **Implications**

### **Corporate Plan:**

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

### **Legal:**

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

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:** N/A

<b>Risk</b>	<b>Mitigation</b>
N/A	N/A

### **Human Resources:**

No implications

### **Environmental/Sustainability**

None

### **Equalities:**

None

### **Other Implications:**

None

### **Reason(s) for Urgency**

N/A

### **Reason(s) for Exemption**

N/A

## **Background Papers**

None

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## **Sponsoring Executive Director**

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<b>Report To:</b>	<b>PLANNING COMMITTEE</b>
<b>Date:</b>	<b>24<sup>TH</sup> JANUARY 2024</b>
<b>Heading:</b>	<b>NATIONAL PLANNING POLICY FRAMEWORK (NPPF) DECEMBER 2023 – SUMMARY OF KEY CHANGES</b>
<b>Portfolio Holder:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>ALL WARDS</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

## **Purpose of Report**

To summarise the key changes to the National Planning Policy Framework (NPPF) which came into effect in December 2023.

## **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

**Changes to the wording on amending Green Belt boundaries** – the new text makes it clear that local authorities are not required to review their green belt boundaries during plan-making, but does not explicitly link this issue to housing supply. Moreover, authorities can review and alter boundaries where exceptional circumstances are justified and evidenced. This is functionally the same as before.

**Urban Density** – new paragraph 130 states that in existing urban areas, significant uplifts in the average density of residential development may be inappropriate if this would be wholly out of character with the existing area. These circumstances would need to be evidenced through an area-wide design code adopted as part of the development plan.

**Increased support for small sites** – through policies and decisions, Councils should support small sites for community-led development (CLD) for housing, as well as self-build and custom-build housing.

- **Community-led development** is defined as one taken forward by not-for-profit organisations for the benefit of its members and the wider local community.
- Local Authorities should also support CLDs on sites that are otherwise not suitable as **rural exception sites** and are not already allocated for housing.

**Changes to 5-year housing land supply** – authorities do not need to demonstrate a continuous 5-year housing supply where the Local Plan is up-to-date, which is to say less than 5 years old.

- Local Authorities will also only need to demonstrate a **4-year housing supply** in circumstances where an emerging Local Plan is submitted for examination or is at a Regulation 18 or 19 stage of consultation.

**Standard Method for housing need** – the new NPPF confirms that the standard method for calculating housing need is an “advisory starting point” for generating the number of required homes to plan for. This simply confirms the existing status as set in guidance and Local Authorities can diverge from the standard method in “exceptional circumstances”.

**Increased reference to “beauty”** – littered throughout the NPPF, likely to put increased focus on decision-makers to consider high-quality design standards. However, “beauty” remains ill-defined and likely to be subjective on the part of the decision-maker.

## Implications

Financial – no direct financial implications are identified.

Legal – the National Planning Policy Framework is a consideration in all decision making as part of the planning process.

Corporate Plan/Service Delivery – the changes will have some implication for the identification of a housing number for the district which may impact on timescales for the Local Plan Examination in Public and or subsequent decision making and identifying a suitable land supply.

An update on the NPPF will be provided to the Planning Committee/Leader and Portfolio Holder.

## **Risk Management**

### **Legal:**

The NPPF is not legislation as such but is a material consideration in the processing of planning applications. Any implications relating to the Local Plan will be kept under review

### **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**

National Planning Policy Framework, available on Parliament's website

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