

**ASHFIELD DISTRICT COUNCIL**



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

## **Agenda**

### **Planning Committee**

Date: **Wednesday, 6th March, 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 24 January 2024. 5 - 8
4. To receive and consider the attached planning applications. 9 - 46
5. **Planning Appeal Decisions.** 47 - 50

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## PLANNING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,  
on Wednesday, 24th January, 2024 at 10.00 am

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

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

**Apology for Absence:** Councillor Arnie Hankin.

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

**In Attendance:** Councillor Nicholas Parvin.

**P.23 Declarations of Disclosable Pecuniary or Personal Interests  
and/or Non-Registrable Interests**

No declarations of interest were made.

**P.24 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 6  
December 2023, be received and approved as a correct record.

**P.25 Town and Country Planning Act 1990:  
Town Planning Applications Requiring Decisions**

**1. V/2022/0888, Mr B McCulloch, Outline Application With Some Matters  
Reserved for a Dwelling, Land off Munks Avenue, Hucknall**

Cllr. Nicholas Parvin, as the Ward Member, took the opportunity to address the  
Committee in respect of this matter.

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:

The proposed development by reason of its siting and scale would have a  
detrimental impact on the amenities of neighbouring properties and be out of

character with the area in general. It is considered that the proposed dwelling does not meet the space between buildings standards in the Council's Supplementary Planning Documents and is therefore contrary to Policy HG5 and ST1 of the Ashfield Local Plan Review 2002 and chapter 12 of the National Planning Policy Framework.

For the motion:

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

Against the motion:

None.

Abstentions:

None.

**2. V/2023/0578, Mr T Ubhi, Change of Use from C3 Dwelling to C2 Residential Institution, 35 Lovesey Avenue, Hucknall**

Nick Clements, 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 the application be refused as per officer's recommendation.

The meeting adjourned at 10.50am and reconvened at 10.57am. During the adjournment, Councillor Samantha Deakin left the meeting due to feeling unwell.

**3. V/2023/0355, Mr R Purewall, Four Semi-Detached Houses, 102 Cordy Lane Brinsley**

Richard Purewal, 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 Rachel Madden and seconded by Councillor Helen-Ann Smith that the officer's recommendation contained within the report be rejected and conditional planning consent be granted in accordance with the following conditions:

Conditions:

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.

2. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.05 Rev.D, Received 20/10/2023. Proposed Layout Plan, Drawing No.02 Rev.J, Received 20/10/2023. Proposed Elevations and Floor Plans, Drawing No.03 Rev.D, Received 30/06/2023. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. No development past slab level shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials.
4. Prior to the occupation of the hereby approved dwellings, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird and bat boxes/bricks and bee brick(s) which are to be installed within the fabric of each of the new dwellings. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
5. No development past slab level shall take place until details of the proposed treatment of the sites boundaries have been submitted to and approved in writing by the Local Planning Authority. Any garden fence/wall or other non-permeable structure (and/or railings and/or hedgerows) should be provided with small holes (gaps 130 mm x 130 mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. Such holes and boundary treatments shall be implemented prior to the occupation of the hereby approved development and thereafter be retained in perpetuity.
6. No development shall take place past slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The scheme for soft landscaping shall also propose low level hedge planting within the application site boundary, to be maintained below 0.6 metres in height in perpetuity.
7. No development past slab level shall take place until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
8. The hereby approved dwellings shall not be occupied until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the highway boundary.

The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

Reasons for rejecting officers' recommendation:

The reason to grant permission has been taken having regard to the policies and proposals in the Ashfield Local Plan Review (2002) and all relevant material considerations, including Supplementary Planning Guidance.

For the motion:

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

Against the motion:

None.

Abstentions:

None.

**P.26 Planning Appeal Decisions**

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

RESOLVED

that the report be received and noted.

**P.27 National Planning Policy Framework (NPPF) December 2023 - Summary of Key Changes**

Members received a summary of the key planning changes to the National Planning Policy Framework (NPPF) which came into effect in December 2023.

RESOLVED

that the report be received and noted.

The meeting closed at 11.25 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 4<sup>th</sup> March 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 1st March 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

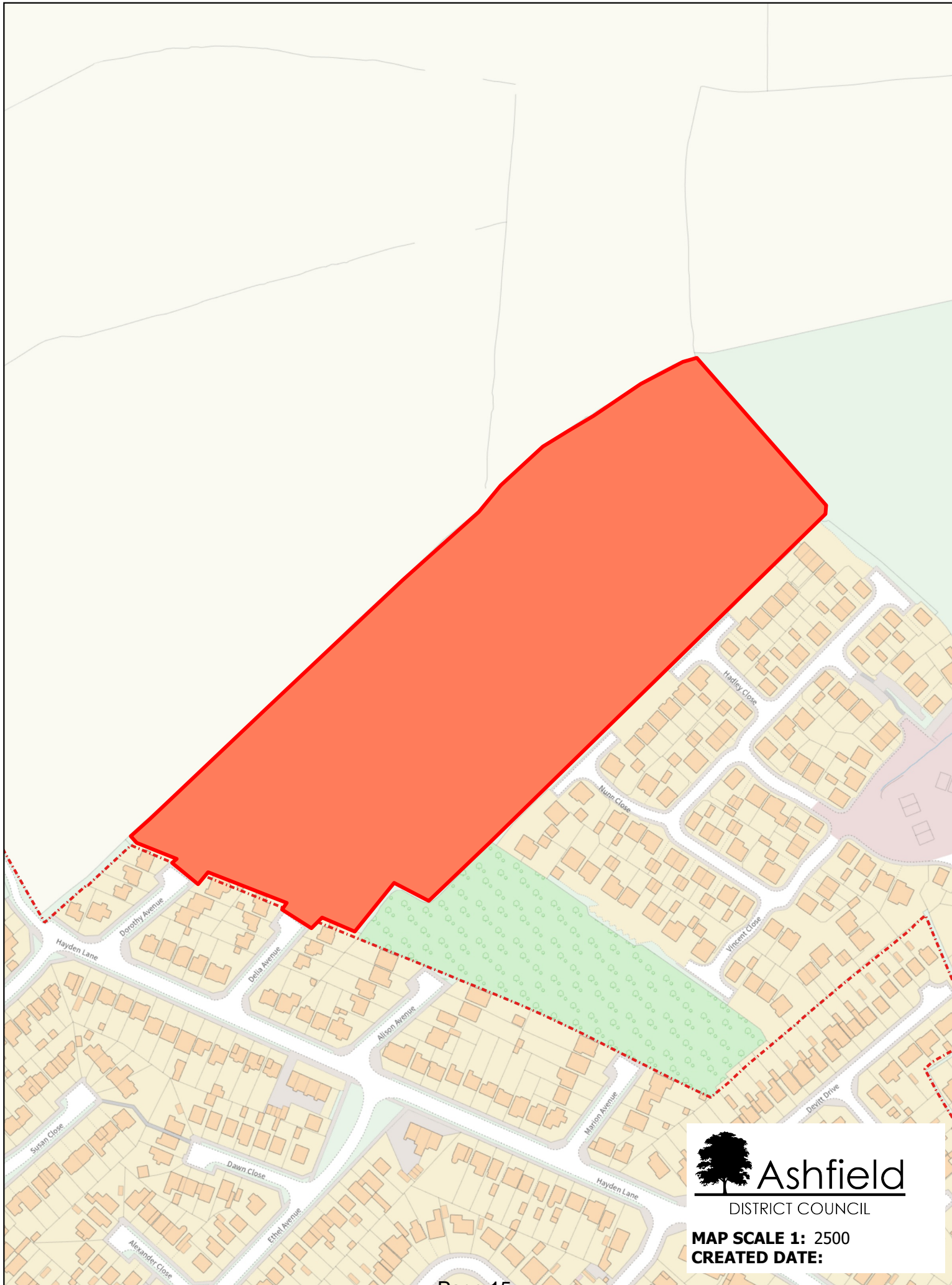
E-mail: John. Bennett @ashfield.gov.uk

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## PLANNING COMMITTEE – 6<sup>th</sup> March 2024

Page	App No	Applicant	Recommendation	Proposal	Location
<b>Hucknall North</b>					
15-34	V/2022/0350	Fisher German	Approve	Access from Delia Avenue and Dorothy Avenue for 131 Dwellings	Land Off Hayden Lane Hucknall
<b>Sutton Central and New Cross</b>					
35-46	V/2023/0703	Ashfield District Council	Approve	Refurbishment of Existing Theatre and Associated Facilities. Minor Works to External Fabric of Building, Installation of External Goods Lift, and New Gates.	Sutton Community Academy High Pavement Sutton in Ashfield

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 2500**  
**CREATED DATE:**

**COMMITTEE DATE**    06/03/2024                      **WARD**            Hucknall North

**APP REF**                      V/2022/0350

**APPLICANT**                      Fisher German

**PROPOSAL**                      Access from Delia Avenue and Dorothy Avenue for 131 Dwellings

**LOCATION**                      Land Off, Hayden Lane, Hucknall, Notts

**WEB-LINK**                      <https://www.google.com/maps/@53.0490887,-1.1937031,17.37z?entry=ttu>

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

App Registered: 03/05/2022                      Expiry Date: 20/04/2023

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

*This application has been referred to Planning Committee by Councillor Waters, Councillor Wilmott and Councillor Shaw on the grounds of residential amenity and local infrastructure.*

**The Application and Site**

This is a cross boundary application with Gedling Borough Council seeking full planning consent for the construction of 131 dwellings on land to the east of Hayden Lane, Hucknall.

The application site is identified as comprising an area of approximately 4.8 hectares located to the east of the settlement of Hucknall. The site comprises of a single agricultural field with existing hedgerow running along the sites boundaries to the north, east and south.

To the south, the site adjoins ‘Sherwood Gate’ residential development comprising of 255 dwellings; the majority of which have been built out and are occupied. To the east and north are open agricultural fields. The west boundary of the site adjoins an existing residential area forming the main urban area of Hucknall, more specifically the end of existing cul-de-sacs forming Dorothy Avenue and Delia Avenue, from which access into the development is proposed. The administrative boundary of Gedling Borough Council extends up to the boundary with both Dorothy Avenue and Delia Avenue and beyond is Ashfield District Council.

With the exception of a small strip of land at the culmination of Dorothy Avenue and Delia Avenue over which access to the site will be obtained, the remainder of the



application site lies within the administrative boundary of Gedling Borough Council. Consequently, in assessing this application, the Local Planning Authority can only consider matters applicable within their jurisdiction. In this respect consideration can only be given to the suitability of the proposed access points, and any wider implications that the proposed development would have on the local area within the administrative boundary of Ashfield. Matters pertaining to the development itself are outside the scope of consideration.

### **Consultations**

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

The following representations have been received:

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

Adequate and comprehensive studies have been provided in respect of air quality, dust and noise. No objections to the proposal.

#### **Nottinghamshire County Council (NCC):**

The County Council's comments set out the policy position in respect of Waste, Minerals, Transport and Education. The county planning context is set out below:

#### **NCC Minerals:**

There are no Minerals Safeguarding and Consultation Areas covering or, in close proximity to, the site. The county council therefore raises no concern in this respect.

#### **NCC Waste:**

There are no existing waste sites in the vicinity, which the development could cause issue to. The proposal is likely to generate significant volumes of waste through both the development and operational phases. It would be useful if the application was supported by a waste audit.

#### **NCC Archaeology:**

A pre-commencement condition is requested so that a programme of archaeological work can be prepared and submitted for consideration. This should include the use of geo-physics.

#### **NCC Transport and Travel:**

The site access appears to be via a new access onto Dorothy Avenue and Delia Avenue with the closest bus stops being AS0202 and AS0721 (not served) Ethel Avenue, on Hayden Lane approximately 500 metres from the centre of the site.

- The current infrastructure at the nearest bus stops do not meet access standards. A bus stop infrastructure contribution of **£11,825** is required for improvements at one bus stop (AS0202 – Ethel Avenue). This will include the

installation of real time bus stop poles & displays including associated electrical connections and enforceable bus stop clearway.

- Contributions towards local bus service provision is not requested at this time. The current service level of the local public transport network is sufficient. However, the walk distance to the closest bus stops from the centre of the site is in excess of standards and the site should be considered as marginal in terms of access to public transport. The route of the 'C2 Connect' service could be varied in the future to serve the site, but this would be a commercial decision and subject to a road safety assessment.
- Contributions towards school transport provision are not requested.
- Planning condition requesting the provision of free bus passes to residents of the development be provided, if approved.

### **NCC Education:**

#### *Primary Education*

Based on current data there is a projected surplus of places in the planning area for primary secondary places, and the impact of the development would not lead to a deficit in provision. Contributions are not sought towards primary education.

#### *Secondary Education*

Based on current data there is a forecasted insufficient capacity of secondary places in the planning area. The development will generate 21 additional secondary pupils and four additional post-16 pupils. A secondary education contribution of **£551,334** and a post-16 education contribution of **£105,016** are requested. The money should be used to improve, remodel, enhance, or expand facilities to provide additional permanent capacity within the Hucknall secondary Planning area.

#### *Special Educational Needs (SEND)*

Based on current data there is a forecasted insufficient capacity of specialist places for pupils with SEND. The development will generate one additional SEND pupil. A SEND education contribution of **£90,322** is requested. The contribution will be used towards expanding special school facilities or to fund the provision of specialist provision attached to a mainstream school.

### **NCC Libraries:**

At an average of 2.3 persons per dwelling, this proposal would add 301 people to the library catchment area population for Hucknall Library, which is the nearest existing library to the proposal site. Hucknall Library is currently below the MLA optimum stock level. A contribution of **£4,611** is therefore requested to increase stock level.

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

Based on the submitted information, the LLFA have no objections to the proposed development and can recommend approval, subject to an appropriate condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy.

**NCC Highway Authority:**

The highway authority note that the vehicle tracking shows two-way manoeuvring within the site can be achieved but it is tight in places. The access arrangements shown are considered acceptable. Traffic generation from the site would be acceptable within the wider highway network and, subject to conditions, the highway authority raise no objection to the application.

**NCC Rights of Way:**

No objections to the scheme as there are no public rights of way affected by the proposal.

**Nottingham and Nottinghamshire Integrated Care Board:**

No objections to the proposed development. Request a contribution of **£73,153.12** towards local healthcare provision. This will provide enhancements to the capacity and infrastructure at either: The OM Surgery, Torkard Hill Medical Centre or Alice Medical Centre.

**Linby Parish Council:**

The principle of development is established through Gedling Borough Council's Local Plan as a site allocation. However the Parish Council object to the lack of useable green space within the development, lack of connections to surrounding development, the development would not lead to a net gain in biodiversity, that the housing mix could be improved, the dwelling types do not respond to climate change, it would be a high density development, insufficient capacity of the highway network to accommodate development, no active travel measures and limited parking spaces. It is therefore considered that the scheme fails to meet policies within GBC's Local Plan, the NPPF and National design guidance.

**Papplewick Parish Council:**

No objections to the proposed development, however concerns are raised in respect of increased traffic and congestion on the local highway network and the pressure on the nearby green spaces such as Moor Pond Wood and Papplewick Playing Fields.

**Natural England:**

Consider that the proposed development would not have significant adverse impacts on designated sites including the Linby Quarry SSSI and therefore has no objection to the proposals.

**Environment Agency:**

The application site falls within flood zone 1 and therefore there are no fluvial flood risk concerns. Standing advice provided.

**Community Representations:**

90 letters of representation have been received from local residents. All letters received object to the development scheme. The grounds of objection include:

### Environment and Wildlife

- Loss of green space/green belt/countryside.
- Wildlife being displaced, uprooted & destroyed. Loss birds, bats, squirrels, hedgehog, rabbits, amphibians.
- Trees felled prior to submission of the application.
- Pollution – air pollution from additional traffic.
- Harmful to landscape character.

### Highway Safety Issues

- Increased traffic on local roads - local road network is already congested.
- Access should be from the Sherwood Gate development or Linby.
- Increased likelihood of vehicular/vehicular and vehicular/pedestrian conflict.
- Inappropriate parking facilities shown to be provided – increase in on-street parking.
- On street parking prevalent within the immediate locality.
- Deterioration of local roads – local roads subject to 7.5 tonne weight limits.

### Flooding and Drainage

- The site is a floodplain.

### Residential Amenity

- Overlooking, overbearing and loss of light to neighbouring properties.
- Disruption during and after construction – noise, dust, dirt, disturbance from headlights.
- Loss of green space will have a negative impact on the mental well-being of local residents.
- Structural damage to nearby homes.

### Local Infrastructure

- Extra demands upon utilities, health, education, community and other services. Facilities needs to be enhanced before new development can be built.
- Ashfield's services will be used instead of Gedling's.

### Other Issues

- Increase in anti-social behaviour.
- Devalue nearby properties.
- More appropriate sites available, including brownfield sites.
- Vacant properties in the town that should be occupied first.
- No need for further housing in the Hucknall area.
- Loss of views.

## **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 to the application:-

- Policy ST1: Development.
- Policy ST2: Main Urban Area.
- Policy HG5: New Residential Development.

### **Material Considerations**

#### **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 12: Achieving Well-Designed and Beautiful Places.

Together with supporting Planning Practice Guidance.

### **Other Documents**

- Nottinghamshire Highway Design Guide (2021).

### **Relevant Planning History**

None.

### **Comment**

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

1. Background and Context
2. Access and Highway Impacts
3. Local Infrastructure and Planning Obligations
4. The Planning Balance

#### ***1. Background and Context***

This is an application that seeks full planning consent for the construction of 131 dwellings on land to the east of Hayden Lane, Hucknall. As previously reported, only the site access is located within the jurisdiction of Ashfield, and therefore when determining the application, consideration can only be given to this matter and any wider implications that the proposed development would have on the local area

within the administrative boundary of Ashfield. The development in terms of its layout, scale, appearance and landscaping lies outside Ashfield's scope of consideration.

For context, the application site is allocated for residential development under policy LPD64 (H10 – Hayden Lane) of Gedling Borough Council's Local Planning Document (LPD) Part 2 Local Plan. The site is allocated for the development of approximately 120 units, of which there should be 36 affordable units delivered. The site is not part of the green belt as it was removed upon the adoption of the LPD in July 2018. The development also complies with Policy HSG1 of the Linby Neighbourhood Plan 2018 – 2032.

Officers at Ashfield District Council have raised concerns with officers at Gedling Borough Council regarding the layout and appearance of the proposed scheme, particularly in regard to the comprehensive nature of the development with the neighbouring 'Sherwood Gate' development (located within the jurisdiction of Gedling Borough Council) and the subsequent layout of the development.

Officers at Gedling Borough Council reported the application to planning committee on 18<sup>th</sup> October 2023 with a recommendation to grant permission subject to a Section 106 Agreement. Members resolved to grant permission in line with officer recommendation.

## **2. Access and Highway Impacts**

The site would be accessed via two new extensions of the two existing cul-de-sacs: Dorothy Avenue and Delia Avenue which are located directly adjacent to the west of the site. These proposed points of access are both located within Ashfield District Council.

Concerns were initially raised by officers in respect of the proposed access points, which failed to take account of the existing turning heads, which would be made redundant by virtue of the proposed development. The access arrangements also indicated that the footpath connections from the development onto Dorothy Avenue and Delia Avenue would connect to the existing grass verges on the aforementioned roads.

Amended plans illustrating the access arrangements have been received. These indicate that whilst the redundant turning heads remain in situ, a stone wall feature is proposed to the north of each of the access points to signal that road users are entering into proposed development and provide a visual culmination of Dorothy Avenue and Delia Avenue. The new footpath connections have also been realigned to join onto the existing footpaths and the grass verge continued into the site for continuity.

The Highway Authority have confirmed that the access arrangements, as proposed with the retention of the redundant turning heads, are acceptable from a highway perspective.

Concerns have been raised by residents in respect of the potential impact that the proposed access points would have on the amenity of existing residential occupiers who, over the years, have benefited from a level of quietude given that both Dorothy Avenue and Delia Avenue are quiet residential cul-de-sacs.

Whilst it is acknowledged that there would be a level of disturbance to existing residential occupiers of Dorothy Avenue and Delia Avenue during construction and occupation thereafter due to increased traffic movements along these roads, the likely level of disturbance is as such that a refusal on this ground could not be substantiated by officers. A condition requiring a construction management plan to be submitted prior to commencement will be attached to any grant of approval. Working hour restrictions in respect of construction and/or demolition will also be included. It should be noted that these will only be in respect of development within Ashfield, however the decision made by Gedling Borough Council also includes identical conditions as part of their grant of permission.

Significant concerns have also been raised by local residents, in addition to Linby and Papplewick Parish Council's in regard to the increase in traffic generated from the proposed development, and the subsequent impact on the local highway network and key junctions within the vicinity of the application site.

A Transport Assessment has been submitted in support of the application which includes an assessment of the likely vehicular trip generation of the site. Based upon the figures extracted from the TRICS database, the proposed development of 131 residential dwellings has been calculated to generate a total of 66 two-way trips during the AM peak hour and 69 two-way trips during the PM peak hour. Junction modelling analysis has also been carried out; this concludes that during traditional peak hours (AM 08:00 – 09:00 and PM 17.00 – 18:00) that all the nearby junctions assessed (Hayden Lane / Dorothy Avenue; Hayden Lane / Delia Avenue; Hayden Lane / Bernard Avenue; and Bernard Avenue / Church Lane), as well as the surrounding highway network, have sufficient capacity to accommodate the additional traffic expected to be generated as a result of the proposed development during peak hours.

The increased likelihood of vehicular / vehicular and vehicular / pedestrian conflict has also been raised by residents. Based on accident record data, the number of traffic incidents within the vicinity of the site is limited, with only three accidents occurring between 2017 and 2021 within a 500m radius of the site. It is therefore not anticipated that the development proposals will have a negative impact on the local highway network in terms of safety.

Whilst on-street parking along Dorothy Avenue, Delia Avenue and Hayden Lane is prevalent, the Transport Assessment concludes that an appropriate level of parking provision would be available to serve the proposed development, in accordance with the County Council's residential car parking requirements, and therefore this on-street parking problem would not be exacerbated further by the development.

A separate Travel Plan has been prepared to encourage sustainable modes of transport and the initiatives proposed will be available to future residents from the first occupation of the site. Through the initiatives promoted within the plan, which includes free travel cards for new residents and improvements to local bus stops, in addition to the number of sustainable travel options that are available within the immediate vicinity, a 10% modal shift away from single occupancy vehicle use towards the use of more sustainable modes of transport can be achieved.

Nottingham County Council as Highways Authority have responded to state that they have considered the submitted Transport Assessment and Travel Plan, and have no objections to the proposals on the basis that the traffic generation from the site would be acceptable within the wider highway network. Therefore subject to conditions, the highway authority raise no objection to the development.

Likewise, it is considered that with regard to parking provision, that the proposed layout demonstrates that each dwelling would have sufficient off-street parking spaces and that there would be sufficient visitor spaces throughout the proposed development, in accordance with the relevant guidance (Nottinghamshire Highway Design Guide 2021). The requirement for parking (including visitor spaces) is a total of 335 spaces; the scheme provides for a total of 339 spaces.

### ***3. Local Infrastructure and Planning Obligations***

Significant concerns have been raised by local residents and the local Parish Council's regarding the strain that the proposed development would have on local services and amenities given that the proposed development is located within the administrative boundary of Gedling Borough Council, yet any future residents would be largely dependent on services and amenities within Hucknall.

Planning obligations have been sought and agreed in order to make the development acceptable in planning terms with regard to local infrastructure, with contributions being used towards improving local infrastructure in Hucknall, rather than within the administrative area of Gedling Borough Council.

- Health Care – £70,985

The ICB has provided its standard formula for the cost of extensions as identified by a quantity surveyor experienced in health care projects, which equates to a total contribution of £70,985 on the basis of 131 dwellings. This will provide enhancements to the capacity and infrastructure at either: The OM Surgery, Torkard



Hill Medical Centre and Alice Medical Centre. This formula has been devised by a suitably qualified expert and is therefore fairly and reasonably related in scale and kind to the development. The proposal would generate a requirement for healthcare provision for residents and is therefore directly related. This contribution therefore satisfies the necessary tests.

- Bus Stop Infrastructure – £11,825

A bus stop infrastructure contribution of £11,825 is required to provide improvements to the bus stop denoted as improvements at one bus stop AS0202 (Ethel Avenue). Improvement works will include the installation of real time bus stop poles & displays including associated electrical connections and enforceable bus stop clearway. Nottinghamshire County Council seek to achieve the standard for bus stop facilities as set out in their response to the application.

The improvements are at the nearest bus stops which are situated adjacent to the site, so are relevant to the development, precisely specified, and fairly and reasonably related in scale and kind. The contribution therefore meets the statutory tests.

- Education – £746,672

A total contribution of £746,672 towards education is requested by the County Council. This is broken down to include: £551,334 (based on 21 additional pupils) towards secondary education and £105,016 (based on 4 additional pupils) towards post-16 education. This money will be used to improve, remodel, enhance, or expand facilities to provide additional permanent capacity within the Hucknall secondary planning area. A contribution of £90,322 (based on 1 additional pupil) is also requested towards a special educational needs and disability education. The contribution will be used towards expanding special school facilities or to fund the provision of specialist provision attached to a mainstream school.

Based on current data there is a projected surplus of places in the planning area for primary secondary places, and the impact of the development would not lead to a deficit in provision. Contributions are not sought towards primary education.

- Libraries – £4,611

The nearest existing library to the proposed development is Hucknall Library. The Museums, Libraries and Archives Council (MLA) recommends a standard stock figure of 1,532 items per 1,000 population. NCC have provided evidence to show Hucknall Library is currently below the MLA optimum stock level and so a developer contribution is sought to ensure current stock levels are not put under further pressure as a result of the new development.

A developer contribution for the additional stock that would be required to meet the needs of the 301 population that would be occupying the new dwellings. This is costed at 124 (population) x 1.532 (items) x £10.00 (cost per item) = £4,611. This contribution is directly related, necessary and reasonable in kind and scale. It therefore meets the CIL tests.

- Affordable Housing – 30% On Site

In accordance with Gedling Borough Council's Local Planning Document (LPD36), as the proposed development is for more than 15 dwellings, the development must provide 30% of the dwellings as affordable housing. This will include a mix of 14 no. First Homes and 26 no. affordable rented dwellings.

- Public Open Space – 10% On Site

The development proposes 10% public open space (POS) to be provided on site and maintained by a Management Company. The POS will comprise of a centralised informal kick around area a local equipped area for play (LEAP). Smaller areas of informal POS are also proposed along the northern boundary and the western part of the site. This meets Gedling Borough Council's Local Planning Document (LPD21).

#### **4. The Planning Balance**

As previously stated, in determining this application, consideration can only be given to development within Ashfield District Council's jurisdiction, which in this case is the proposed site accesses.

The site is allocated for housing development within Gedling Borough Council's Local Planning Document Part 2 Local Plan. The principle of residential development at the site is therefore established. There are however concerns regarding the location of the proposed site accesses and the comprehensive nature of the proposal with the existing neighbouring development to the south of the site (Sherwood Gate).

It is nevertheless acknowledged that the proposed two access point are safe and suitable from a highway perspective. The development scheme does also not give rise to any concern in respect of highway capacity and safety, and therefore a refusal on highway grounds could not be substantiated and no objections from the Highway Authority have been received.

Whilst it is also recognised that the scheme may result in some noise and disturbance to nearby residential occupiers during construction and occupation thereafter, the level of disturbance likely would not be so significant to warrant a refusal on this basis.

Planning obligations towards infrastructure in Hucknall in the form of health care, education, transport and travel, and libraries is to be secured via a Section 106 agreement, to ensure that the development does not have a negative impact on local infrastructure within the administrative boundary of Ashfield District Council.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the application be approved, subject to the proposed conditions.

**Recommendation: Approval – Conditional Consent Following Completion of the Section 106 Legal Agreement**

**CONDITIONS**

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
  - Site Location Plan, Scale 1:2500, Plan Ref: 3710-01
  - Planning Layout, Scale 1:500, Plan Ref: HUCK-SK-001-O
  - Design and Access Statement
  - House Type B1 Plans and Elevations, Plan Ref: 3710 45
  - House Type P Plans and Elevations, Plan Ref: 3710 46
  - House Type Q Plans and Elevations, Plan Ref: 3710 47
  - House Type R Plans and Elevations, Plan Ref: 3710 48
  - House Type A Plans and Elevations, Plan Ref: 3710 30
  - House Type B Plans and Elevations, Plan Ref: 3710 31
  - House Type C Plans and Elevations, Plan Ref: 3710 32
  - House Type D Plans and Elevations, Plan Ref: 3710 33
  - House Type E Plans and Elevations, Plan Ref: 3710 34
  - House Type F Plans and Elevations, Plan Ref: 3710 35
  - House Type H Plans and Elevations, Plan Ref: 3710 37
  - House Type I Plans and Elevations, Plan Ref: 3710 38
  - House Type J Plans and Elevations, Plan Ref: 3710 39
  - House Type L Plans and Elevations, Plan Ref: 3710 41
  - House Type M Plans and Elevations, Plan Ref: 3710 42
  - House Type O Plans and Elevations, Plan Ref: 3710 44
  - House Type Chawton Plans and Elevation, Plan Ref: 1142
  - House Type Kingston Plans and Elevation, Plan Ref: 1192

- Double Garage Plans and Elevations, Plan Ref: 3710-50
  - Single Garage Plans and Elevations, Plan Ref: 3710-51
  - Open Space Plan, Plan Ref: HUCK-PL-002 D O
  - Entrance Feature Design, Drawing No. HUCK-SD-EXT-01
  - Refuse Vehicle Tracking, Plan Ref: 19000-HUCK-5-615-F
  - Delivery Vehicle Tracking, Plan Ref: 19000-HUCK-5-616
  - Levels and Drainage Strategy, Plan Ref: 19000-HUCK-5-SK001-D
  - Surface Water Flood Routing Plan, Plan Ref: 19000-HUCK-5-SK005-B
  - Car Parking Plan, Plan Ref: HUCK-PL-004-D
  - Arboricultural Impact Assessment, Doc Ref: BG21.281.1 Rev 5
  - Ecological Impact Assessment, Doc Ref: BG21.281 Rev 2
  - Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Rev 3
  - Landscape Masterplan, Doc Ref: BG21.281 Rev 2
  - Landscape and Visual Impact Assessment, Doc Ref: BG21.281.3
  - Archaeology Desk Based Assessment and Heritage Report, Doc Ref: BG21.281.4
  - Transport Assessment, Doc Ref: 19000
  - Green Travel Plan Doc Ref: 19000
3. No building shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
  4. No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.
  5. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement as shown on drawing number 19000-HUCK-5-100 Revision B has been provided.
  6. Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
  7. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by

the Local Planning Authority. The CMP shall provide details of, but not limited to, the following:

- a) Details of noise, dust and vibration suppression;
- b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting;
- c) Details of on-site materials storage areas;
- d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials;
- e) Details of any crusher to be used on site;
- f) Details of any piling which is required;
- g) Details of reasonable avoidance measures (RAMs) in respect of protected species;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) Details of wheel washing facilities during construction;
- j) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- k) Details of the routing of deliveries and construction vehicles to site and any temporary access points;
- l) Details of any hoarding to be erected.

The development shall be carried out in accordance with the approved details for its entire construction phase.

8. Development shall not commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.Thereafter, the development shall only commence in accordance with the Written Scheme of Investigation as approved.
9. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy Land at Hayden Lane, Hucknall, Nottingham: Revision A, November 2022, Woods Hardwick., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The

scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall: Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169. Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area. Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. No surcharge shown in a 1 in 1 year; No flooding shown in a 1 in 30 year.; For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. Evidence of approval for drainage infrastructure crossing third party land where applicable. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

10. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
11. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Ecological Impact Assessment, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022 and Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022 have been submitted to and approved by the Local Planning Authority. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.
12. Notwithstanding the details contained within the landscape proposals contain on plan reference: Landscape Masterplan, Doc Ref: BG21.281, the development hereby permitted must not be occupied or first brought into use

until a further details of the Landscaping Scheme, have been submitted to and approved in writing by the Local Planning Authority. They shall include: a. details of all hard and soft landscaping features to be used and include the following: b. Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow. c. A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees); d. Plans showing the proposed finished land levels/contours of landscaped areas; e. Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features; f. Details of the protection measures to be used of any existing landscape features to be retained. The approved Landscaping Scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

13. No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.
14. From the date of first occupation every dwelling built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
15. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Impact Assessment, Doc Ref: BG21.281.1 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within

the protected area(s) without the written agreement of Local Planning Authority.

16. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

## **REASONS**

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and for the avoidance of doubt.
3. To ensure the appearance of the development is satisfactory.
4. To ensure the appearance of the development is satisfactory.
5. In the interest of highway safety.
6. In the interest of highway safety.
7. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration the National Planning Policy Framework.
8. To protect and record any potential heritage remains.
9. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
10. To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted.



11. To ensure the development contributes to the enhancement of biodiversity on the site having regard to Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework.
12. To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area.
13. To define the permission and to protect neighbouring amenity.
14. To ensure the development is constructed in an appropriate sustainable which takes into consideration the National Planning Policy Framework.
15. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework.
16. To ensure the development is safe and suitable for use.

## **INFORMATIVES**

1. The applicant is reminded that this permission is also subject to another planning application in respect of the wider development within the administrative area of Gedling Borough Council (Ref: 2022/0501). The applicant should also note that there are planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.
2. 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).
3. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. 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 Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: [hdc.south@nottsc.gov.uk](mailto:hdc.south@nottsc.gov.uk) It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

4. In order to carry out any off site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, which must comply with the Nottinghamshire County Council'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 Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued. Please contact [hdc.north@nottsc.co.uk](mailto:hdc.north@nottsc.co.uk) for details.
5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
6. Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.



**MAP SCALE 1:** 1250  
**CREATED DATE:** 20/02/2024

**COMMITTEE DATE** 06/03/2024                      **WARD** Sutton Central and New Cross

**APP REF** V/2023/0703

**APPLICANT** Paul Crawford Ashfield District Council

**PROPOSAL** Refurbishment of Existing Theatre and Associated Facilities. Minor Works to External Fabric of Building, Installation of External Goods Lift, and New Gates.

**LOCATION** Sutton Community Academy, High Pavement, Sutton in Ashfield, Notts, NG17 1EE

**WEB-LINK** <https://www.google.com/maps/@53.1239437,-1.2614468,18.54z?entry=ttu>

**BACKGROUND PAPERS** A, B, D, K

App Registered 11/12/2023

Expiry Date 04/02/2024

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

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

### **The Application**

This is an application for the refurbishment of an existing theatre and associated facilities at Sutton Community Academy. Included within the refurbishment are minor works to the external fabric of the building along with the installation of an external goods lift and new gates. Included in the works to the external fabric is the enlargement of a window, installation of a new window, installation of louvres in various places, removal of redundant signage, refinishing of cladding and other minor alterations.

The proposal is one of the projects under Ashfield District Council's Future High Streets funding programme through the Department for Levelling up, Housing and Communities. As discussed within the submitted information the proposal is seeking to refurbish and upgrade the existing theatre to provide a venue for a multifunctional community space for the academy and other community uses.

## **Consultations**

A site notice has been posted together with individual notification of surrounding residents.

### **Environment Agency**

- Development falls within flood zone 1 and therefore no fluvial flood risk concerns associated with the site.

### **Nottinghamshire County Council Highways**

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

- Application proposed the installation of 168 new retractable seats at ground floor level together with 27 further seats at first floor level. Existing capacity of theatre is not stated in the application.
- To determine the impact, it will be necessary to understand whether the applicant proposes an increase in audience capacity compared to the established use. Additional info required.
- Applicant will need to show how goods vehicles can enter, turn and leave Parliament Street in forward gear when servicing the new goods lift. Swept path plots will be needed to demonstrate that such manoeuvres, for the largest vehicles anticipated to use the site, are feasible and that goods vehicles would not obstruct access for other vehicles using , or displace car parking from Parliament Street.
- Planning application blue line encloses an area of Parliament Street which is public highway. Amendments required.
- Servicing proposal should have regard to the need to avoid obstruction of the highway.
- Feasibility of goods vehicles access into Parliament Street via Forest Street will need to be demonstrated.
- Applicant should confirm whether the proposed new gates which will provide access onto High Street are intended solely for pedestrian use or whether vehicular access is required. If only pedestrian access is required, the applicant should provide details which show how vehicles will be prevented from using the new High Street Access
- Application should not be determined until the above issues have been satisfactorily resolved

(2<sup>nd</sup> Comments following submission of further information and amendments)

- Note that the number of seats will reduce from 230 to 200 which means no concerns over traffic generation or parking requirements as the scheme will potentially reduce such demands.
- Confirmation of the proposal to prevent vehicular access via the proposed new gates off High Street is welcome and can be addressed by condition relating to approved plan.
- Blue line shown on revised location plan now appears to properly reflect the ownership boundary with public highway.

- Site plan indicates that service access will be taken from the public highways. Can the existing gated area off Parliament Street be used to accommodate smaller vehicles which require access to goods lift. This area should also be included in red line.
- Swept path shows access from an 11m long pantechnicon. Will this be largest vehicle likely to serve site.
- Swept path plots show pantechnicon can turn within highway. Area for turning not fully protected by waiting restrictions. Waiting restrictions would be required to prevent service access from being obstructed.
- Applicant should fund introduction of traffic regulation order and lines/signs for waiting restriction.
- Service vehicle will obstruct access to car parking spaces if parked in location on swept path. Two spaces will be affected. More appropriate if two spaces were given up for the use for service vehicle access. That would assist in ensuring the pantechnicon would be less likely to obstruct highway. Area where cars currently park should be included in red line.
- Planning condition requiring a delivery and servicing management plan, to address issues in relation to service vehicle sizes, servicing times, parking location etc would be appropriate.

(3<sup>rd</sup> Comments following further information submitted and amendments)

- Clarification received that the number of seats will reduce therefore no concern over traffic generation or parking requirements.
- Applicant has confirmed the proposal to prevent vehicular access via proposed new gate. Address by planning condition
- Site plan indicates that service will be taken from the public highway. Swept path plots show access for 11m pantechnicon which the applicant confirms will be largest vehicle likely to serve the site.
- Swept path plots show pantechnicon can turn within highway. The area required for turning is not fully protected by waiting restrictions and can be obstructed by parked vehicles. The applicant has suggested that obstructive parking could be controlled by means of signage, attached to site boundary fencing. Such informal signage will be ineffective, and the applicant will have no powers to prevent obstructive parking. Should such parking continue to occur, obstruction of service vehicle access could displace service vehicles and exacerbate obstruction elsewhere. This would be object able in highways terms. 'At Any Time' waiting restrictions are required.
- Developer will need to fund the introduction of a traffic regulation order and lines/sign for such a waiting restriction. Planning condition can address this.
- Service vehicle if parked where shown on the swept path will obstruct access to car parking spaces. It is appropriate for such spaces to be given up for use for service vehicle access which will assist in ensuring pantechnicon will be less likely to obstruct free flow. The area where the cars currently park has now been included within the red line. Removal of these spaces can be dealt with by planning condition.

- Planning condition requiring delivery and service management plan to address issues in relation to service vehicle sizes, servicing times, parking location is appropriate.
- No objections subject to conditions

### **Theatres Trust**

- Welcome the investment that is being made into theatre and the arts by the Council and that Future High Street funding is being utilised in this way.
- At upper ground floor level what was previously school staff offices will become a foyer with a new opening into the auditorium, with a bar/kiosk to the rear. Limited bar space, current standards suggest preferable level of 0.75 square metres per person. Should be designed to accommodate wheelchair users, both staff and audience.
- Uplift in WCs as well as changing facilities is welcomed.
- At stalls level within the auditorium new retractable seating will be installed which will allow for different formats. On the plans upon entering the auditorium in seated mode it appears there are steps at different levels which represents a health and safety issue. There should be wheelchair places made available in a variety of positions and under current regulations should constitute greater of six places or 1%. Presently there are positions at the balcony level but not in the indicated stalls. This could be addressed by making the retractable seating more flexible.
- There is no accessible WC serving the balcony, we would urge the opportunities to provide one within the front of house area.
- It is positive and welcomed that the control room can accommodate staff or students in wheelchairs.
- No specific accessible dressing room provided to the back of stage area so this should be further considered.
- Would be desirable for there to be more than one back of house WC
- General access to back of house is constrained. Only external access avoiding crossing the stage is through fire escape which has stairs so the practicality will need to be considered and planned for.
- Robust operational plan will need to be drawn up, if not in place already so that constraints associated with operating within a school environment are fully understood and incorporated in proposed business model. This would include the impact of the venue potentially being available only outside of school hours due to some elements being shared and how separation can be achieved for reasons of safeguarding.
- Whilst a number of points have been raised for further consideration, we welcome the upgrading of the theatre. These are however matters which could be addressed as the project moves forward.
- Overall position is to support the granting of planning permission.

### **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

SH1 – District Shopping Centre

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

Part 8 – Promoting healthy and safe communities

Part 12 – Achieving well designed and beautiful places

### **Relevant Planning History**

V/1980/0502 – Erection of Two Storey Extension for Classrooms + Housecraft Room – Conditional

V/2000/0155 – Erection of Perimeter Security Fencing – Conditional

V/2007/0961 – Erection of 2 Metre High Steel Security Fencing to Boiler House Service Yard & Bin Store Area – Conditional

V/2008/0746 – Workshop Spaces, Classrooms, Reception and Associated Ancillary Spaces, Single Storey Extension for Storage, Entrance Lobby with Canopy, Change of use from Bowling Hall to Learning Facility – Conditional

V/2009/0014 – Erection of 2.4m High Security Fencing – Refuse

V/2021/0745 – Installation of Solar Panels – Car Park 1 – Conditional

V/2022/0164 – Non Material Amendment Following Planning Permission  
V/2021/0745 – Change Steel-Framed Canopy Structure to Woodend – Non Material Amendment Conditional

V/2023/0523 – Installation of Solar Panels – Car Park 1 – Non Material Amendment Conditional

V/2023/0515 – Application for Consent to Display an Advertisement(s) – Installation of 3no Organisation Signs – Conditional

### **Comment :**

#### **Main Considerations**

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

- Visual Amenity
- Residential Amenity



- Highway Safety
- Other

### **Visual Amenity**

The external works proposed include the installation of an external goods lift, new gates, installation and alteration of windows, installation of louvres and refinishing of cladding and other areas.

The proposal will be visible within the street scene and the refinishing of the cladding will be visible within the wider vicinity. The external goods lift will mainly be visible from Parliament Street but is located on an elevation of the building which already accommodates the existing fire escape, bin storage and car parking for the school. Due to the scale and siting of the elements of the proposal it is considered that the proposal would not have a detrimental impact on visual amenity or that character of the street scene.

### **Residential Amenity**

The application site is located within the town centre of Sutton in Ashfield. It is surrounded mostly by commercial premises with some having residential properties above. The refurbishment, minor external alterations, installation of the external goods lift and erection of new gates are considered unlikely to have an impact on the amenity of residential properties within the vicinity of the site that would go above what may already be experienced.

### **Highway Safety**

Within the vicinity of the application site are council owned car parks as well as the site being located within the town centre and close to the Sutton bus station. As confirmed by the agent/applicant the proposal will not increase the number of seats within the theatre therefore no concerns are raised in relation to an increase in traffic generation or parking.

The proposal does include an external goods lift however it must be noted that deliveries would already have been taking place at the premises as existing either for the theatre or just the school in general. The proposed goods lift will help with deliveries and will allow another way of getting the goods into the building. Swept path analyses have been provided to show how a vehicle will access the good lift from Forest Road, onto Parliament Street to then be able to manoeuvre and leave in a forward gear.

The proposal also includes the enlargement of an existing pedestrian access gate and installation of a new access gate to provide additional pedestrian access. To ensure that this is used for pedestrians only it has been proposed that a bollard will also be installed.

Nottinghamshire County Council Highways have been consulted during the consideration of the application and have raised concerns and queries, a full

summary of these can be found earlier in this report. Further information and amendments have been provided during the consideration of the application in response to queries raised.

The main queries raised were surrounding the proposed capacity of the theatre, access via the proposed gateway and service access, amongst other things. Following the receipt of further information and amended documents the Highways Authorities latest comments raise no objections to the proposal subject to conditions. The conditions proposed by the Highways Authority are to restrict vehicular access through the proposed new gate by means of the measures shown on the plan which is the installation of a bollard, to restrict car parking within the application site where it fronts on to Parliament Street, for no part of the development to be brought into use until off site traffic management works comprising waiting restrictions have been provided and for no part of the development to be brought into use until a delivery and service management plan has been submitted and approved.

Overall it is considered that the works proposed are minor and are unlikely to have a detrimental impact on highway safety or highway capacity.

### **Other**

During the consideration of the application comments were received from the theatres trust. The overall position of the comments received was to support the granting of planning permission and welcomed the investment being made. The comments did however raise some points for consideration in relation to accessibility in different areas. A full summary of the comments can be found earlier in this report.

Further information was provided by the agent/applicant in response to the queries raised. It has been detailed that the designated foyer space shown on the plans is the primary foyer however the dining halls will be utilised as foyer space when the occupancy levels require them enabling a total foyer space of 200sqm.

The auditorium seating will be a proprietary retractable system including steps to gain access and will be a contractor design element however it will be designed in accordance with health and safety requirements.

There are 3 places shown on the balcony which are designated for potential wheelchair access with the ability to have a flexible companion seat if required however the remaining spaces required will be accommodated within the stalls and as the seating designs are refined this item will be reviewed.

In relation to accessible WC's this is restricted within the existing building and school use which means there is no space on the balcony level that can accommodate an accessible toilet. A changing space WC has been designed within the main reception accessible from the lift for the balcony users. Similarly, although it is desirable to have more than one accessible WC to the back of house there is restricted space.

They acknowledged the comments in relation to the dressing rooms and will look to officially allocate one of the changing rooms as accessible. The ground floor changing rooms can incorporate a wheelchair turning circle and have been designed with counters that can accommodate a wheelchair user.

In regards to the access to the back of house area the agent/applicant noted that although it is not desirable the access to the back of the house is through the stage area with sufficient width to accommodate and/or provide temporary flexible separation when and if required. Consideration has been given to separating out the right side to maintain a corridor however given the workable space this would lose, the current arrangement is considered the best fit.

Finally in relation to an operation plan it has been advised that the school are developing and refining an operational plan which will be in place when the theatre is launched which will include safeguarding elements which are considered to be manageable throughout the working day.

### **Conclusion :**

The proposal will improve the existing theatre and offer a multifunctional venue for the academy and community benefiting the existing academy and wider community. 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. The application is therefore recommended for conditional consent.

### **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 match those detailed in the submitted application.
3. This permission shall be read in accordance with the following plans:
  - Site Location Plan, Dwg No G70-001 Rev P3, received 16/02/2024
  - Site Plan as Proposed, Dwg No. 70-002 Rev P3, received 16/02/2024
  - Lower Ground Floor Plan as Proposed, Dwg No. 20-001 Rev P14, received 16/02/2024
  - Upper Ground Floor Plan as Proposed, Dwg No. 20-002 Rev P16, received 16/02/2024

- First Floor Plan as Proposed, Dwg No. 20-003 Rev P17, received 16/02/2024
  - Elevations as Proposed, Dwg No.20-010 Rev P4, received 11/12/2024
- The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
4. There shall be no vehicular access to the site via the proposed new gates on High Street. Vehicular access shall be physically prevented by means of the measures shown on drawing number 9224-70-002 Rev P3. Such measures shall be maintained for the life of the development.
  5. There shall be no car parking within the application site where it is served via, and fronts onto, Parliament Street.
  6. No part of the development shall be brought into use until off-site traffic management works comprising “At Any Time” waiting restrictions around the frontage of the site on Parliament Street have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained thereafter unless the highway authority deem their removal or amendment to be appropriate.
  7. No part of the development shall be brought into use until a delivery and servicing management plan (the plan) has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out proposals for the management of the service access on Parliament Street. The plan shall include a timetable for implementation and an enforcement mechanism. The plan shall be implemented in accordance with the timetable set out in the plan and shall operate for the life of the development.

## **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. In the interests of highway safety.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. In the interests of highway safety.

## 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. No consent is granted or implied for any adverts and/or lighting/illumination which may require separate advertisement consent.
3. The proposed development requires the implementation of a Traffic Regulation Order (TRO) before the development is brought into use. The Order can be made, and the works implemented, on behalf of the developer by Nottinghamshire County Council, at the developer's expense. This is a separate legal process. The developer should contact [businessdevelopment@viaem.co.uk](mailto:businessdevelopment@viaem.co.uk) or Nottinghamshire County Council Customer Services (on 0300 500 8080) and ask for the Improvements Team within VIA East Midlands Ltd to initiate the process. The order making process requires public consultation. The developer is therefore strongly advised to arrange for the TRO process to commence at as early a stage as possible.

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<b>Report To:</b>	<b>PLANNING COMMITTEE</b>
<b>Date:</b>	<b>6 MARCH 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>ANNESLEY &amp; KIRKBY WOODHOUSE, KIRKBY CROSS &amp; PORTLAND, SKEGBY, STANTON HILL &amp; TEVERSAL, SUTTON CENTRAL &amp; NEW CROSS</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

#### **Annesley and Kirkby Woodhouse**

<b>Planning Application</b>	V/2023/0262
<b>Site</b>	2 Main Road, Kirkby in Ashfield, NG179EZ
<b>Proposal</b>	Conversion and extension of detached garage to form 1 No. dwelling
<b>Appeal Decision</b>	Appeal Dismissed

The Inspector agreed the proposal would result in a cramped form of development and result in an overdevelopment of the site which would look at odds with development in the area. It would also

lack adequate private amenity space and it had not been demonstrated that safe access was possible. It was therefore concluded that the proposal would conflict with the policies in the local plan and the requirements of the NPPF and the appeal was dismissed.

### **Kirkby Cross and Portland**

**Complaint Reference** HIH/2021/0001 (High Hedge Complaint)  
**Site** 36 Church Hill, Kirkby in Ashfield, NG17 8LJ  
**Appeal Decision** Appeal Allowed

The Inspector concluded that the hedge at 36 Church Hill was of such a height that it was having an adverse effect on light entering the garden space of 32 Church Hill, and that it was also obstructing the properties outlook. The Inspector considered it was unreasonable of the Council to conclude that the hedge was not affecting the reasonable enjoyment of no. 32's garden. The Inspector subsequently served a remedial notice requiring the hedge to be reduced to 8m in height initially and then not to exceed 8.5m in height at any time thereafter when measured from the base of the stems.

### **Skegby**

**Planning Application** V/2023/0054  
**Site** Land adjacent 113 Beck Lane, Sutton in Ashfield, NG17 3AH  
**Proposal** The erection of up to 9no dwellings with associated new private access (means of access submitted, all other matters reserved).  
**Appeal Decision** Appeal Allowed

The Inspector considered this side of Beck Lane had changed to an Urban rather than a rural character and appearance, that these 9 properties would amount to the infilling of a gap between two residential areas and would not adversely affect character or openness of the area. He also considered the hedges and trees on the site and concluded they were unremarkable and of very limited merit not suitable for a TPO but could be retained withing a scheme. A number of conditions were included which mitigated the concerns.

### **Stanton Hill and Teversal**

**Planning Application** V/2023/0143  
**Site** Whiteborough Farm, Chesterfield Road, Huthwaite, NG17 2QJ  
**Proposal** Access track, hardstanding and temporary change of use of agricultural land for storage use  
**Appeal Decision** Appeal Dismissed

The Inspector considered that the proposed development did not amount to appropriate development in the countryside, and that the containers would be out of keeping with the countryside's agricultural character, relating poorly with the surrounding form and landscape, resulting in a visual impact. While the access track and hardstanding were considered to be more aligned with the agricultural use, these would still be prominent and stark when viewed against the surrounding grassland. It was also not demonstrated that the access track provides a safe and suitable access. The Inspector also found that the proposal would have a harmful effect on nature conservation, with particular regard to the site's designation as a Local Wildlife Site.

**Planning Application** V/2022/0002  
**Site** Plot adj. 99 Wild Hill, Teversal, Stanton Hill, NG17 3JE



<b>Proposal</b>	Erection of two no. new two-storey dwellings with single garage and two parking bays
<b>Appeal Decision</b>	Appeal Dismissed
<b>Cost Application</b>	Refused (both for and against the Council)

The Inspector agreed with the Council that the findings contained within the Preliminary Ecology Appraisal required further survey work to be carried out in regard to protected species, and the failure of the appellant to provide these meant that an informed decision about the effect of the proposal on protected species could not be made, and whether any harm could be appropriately mitigated. The Inspector also shared concerns with the Council that the submitted Tree Report was insufficient and conflicted with the Preliminary Ecology Appraisal and considered again that they were unable to conclude that the proposal could be accommodated without causing harm to trees and woodlands, and whether any harm identified could be mitigated.

Two applications for costs were submitted; one on behalf of the Council against the appellant, and the other on behalf of the appellant against the Council. The Inspector considered that neither party had acted unreasonably and an award of costs to either party was not appropriate in this instance.

### **Sutton Central and New Cross**

<b>Planning Application</b>	V/2023/0394
<b>Site</b>	82 Outram Street, Sutton in Ashfield, NG17 4BG
<b>Proposal</b>	Flat within roofspace at second floor level
<b>Appeal Decision</b>	Appeal Allowed

The Inspector acknowledged the Council's supplementary design guidance in respect of roof extensions and agreed with the Council that the dormer window would add bulk to the existing extension. However, the Inspector concluded that the proposed dormer window had been designed to be as small as possible and would not dominate or unduly affect the character and appearance of the existing building and would not appear out of keeping with surrounding development.

### **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:**

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

**Report Author and Contact Officer**

Hannah Woods

Major Projects Officer

[hannah.woods@ashfield.gov.uk](mailto:hannah.woods@ashfield.gov.uk)

**Sponsoring Executive Director**

John Bennet

Executive Director – Place

[john.bennet@ashfield.gov.uk](mailto:john.bennet@ashfield.gov.uk)