

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 17th April, 2024**

Time: **10.00 am**

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

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

Planning Committee

Membership

Chairman: Councillor 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 March 2024. 5 - 8
4. To receive and consider the attached planning applications. 9 - 88
5. **Planning Appeal Decisions.** 89 - 92

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PLANNING COMMITTEE

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Wednesday, 6th March, 2024 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, Hannah Cash,
Mick Morley, Sophie Sales, Christine Sarris,
Abbie Smith, Hannah Woods and Dean Wright.

In Attendance: Councillor John Wilmott.

**P.28 Declarations of Disclosable Pecuniary or Personal Interests
and/or Non-Registrable Interests**

Councillor Rachel Madden declared a Non-Registrable Interest in respect of Application V/2022/0350, Fisher German, Access from Delia Avenue and Dorothy Avenue for 131 Dwellings, Land Off Hayden Lane, Hucknall. Her interest arose from the fact that she had been in receipt of aggressive lobbying documentation from the Applicant's agents but had confirmed that she had not expressed any opinions on the matters at any point.

(All other Members present at the meeting concurred that they too had been in receipt of the same documentation from the Applicant's agents and requested this to be recorded in the minutes.)

P.29 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 24 January 2024, be received and approved as a correct record.

**P.30 Town and Country Planning Act 1990:
Town Planning Applications Requiring Decisions**

1. V/2022/0350, Fisher German, Access from Delia Avenue and Dorothy Avenue for 131 Dwellings, Land Off Hayden Lane, Hucknall

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Rachel Madden 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:-

"Since the publication of the Council's committee report, two further representations from local residents had been received with the comments relevant to planning having already been covered in the report.

There was one minor error in the report which related to the health care contribution on page 19 of the agenda; it should have read £70,985 as per page 24. The figure on page 19 was based on 135 dwellings rather than 131 dwellings.

Further comments had been received from County Council Transport and Travel Services, requesting an additional condition requiring a scheme for the provision of bus passes.

Victoria Heath, as Agent for the Applicant, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required. Councillor John Wilmott also addressed the Committee as he had called in the application alongside two other Members.

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 proposal represents an inappropriate form of development which would adversely affect the amenity of local residents through noise and disturbance from increased comings and goings and would affect the visual amenity of the locality. The increased traffic generation would also give rise to highway safety implications in respect of the wider local highway network. It has not been evidenced to the Local Planning Authority that the scheme can be comprehensively developed in conjunction with neighbouring development. The development is therefore contrary to saved Policy ST1 b), c), and d) of the Ashfield Local Plan Review 2002, and conflicts with Part 12 – Achieving Well Designed and Beautiful Places 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.

The meeting adjourned at 10.30am and reconvened at 10.32am.

2. V/2023/0703, Ashfield District Council, 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

(At this point in the proceedings and in accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Helen-Ann Smith [on behalf of herself and Councillors Samantha Deakin, Rachel Madden and Andy Meakin] declared a Non-Registrable Interest that they had all, as Cabinet Members, previously discussed the refurbishment of the theatre at Sutton Community Academy as part of wider Towns Fund deliberations. Their interests were such that they stayed in the meeting and took part in the discussion and voting thereon.)

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

P.31 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.32 Update from the Chairman - Status of a Planning Application

The Chairman took the opportunity to update the Committee in respect of the status of Planning Application V/2023/0156 - Pendean Way, Sutton in Ashfield and some recent reports regarding unauthorised works at the site.

The meeting closed at 10.55 am

Chairman.

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BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

All Background Papers are only available to view online.

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Site Visits Planning Committee

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

The site visit will take place on Monday 15th April 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 12th April 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

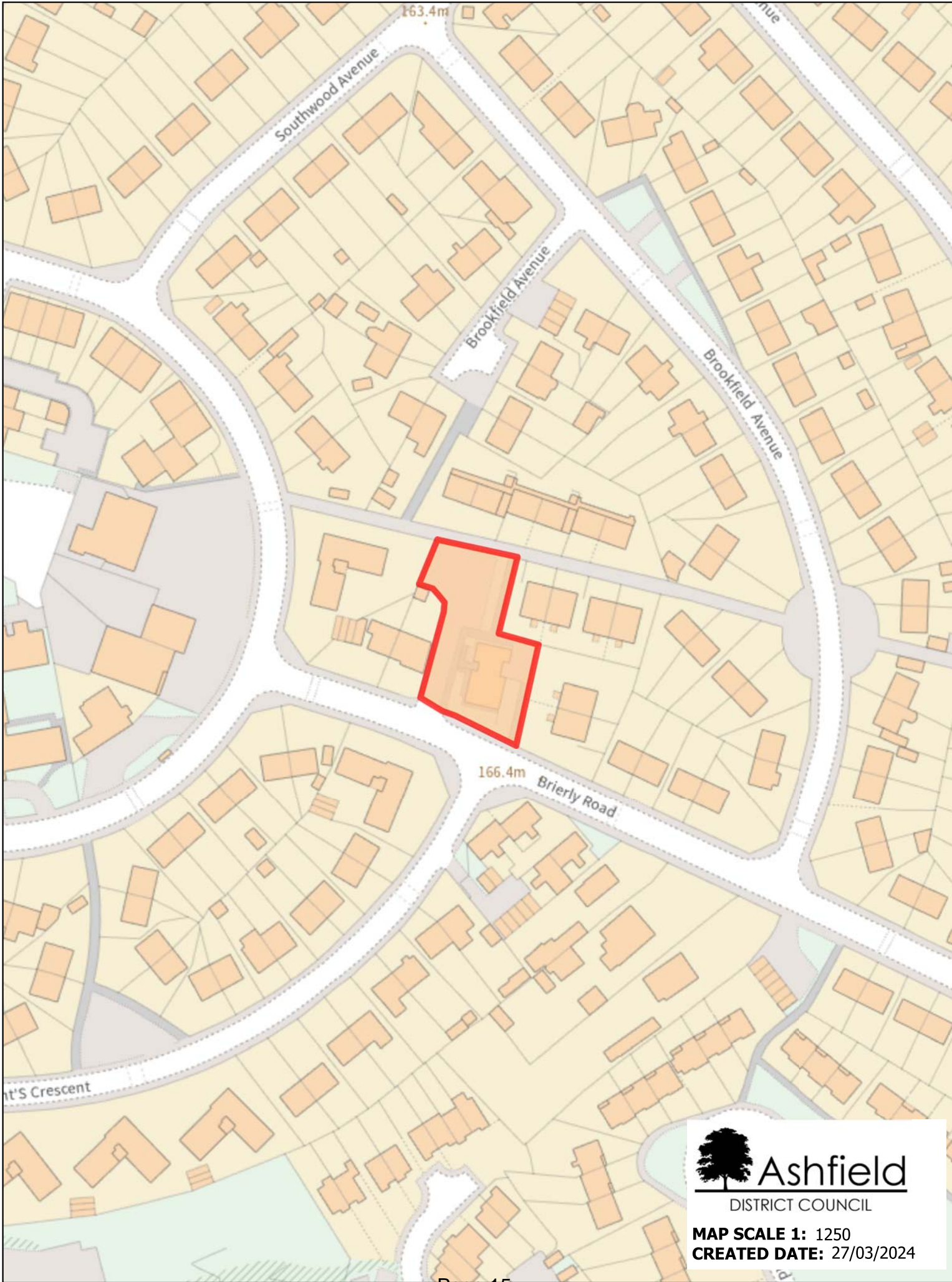
E-mail: John. Bennett @ashfield.gov.uk

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PLANNING COMMITTEE – 17th April 2024

Page	App No	Applicant	Recommendation	Proposal	Location
Carsic					
15-32	V/2023/0699	Ashfield District Council	Approve	Demolition of Former Community Centre and Construction of 2no. Bungalows.	Former Community Centre Brierley Road Sutton in Ashfield
Greenwood & Summit					
33-40	V/2023/0459	Ashfield District Council	Approve	Increase solar panels on roof and installation of air source heat pump	Ashfield District Council Urban Road Kirkby in Ashfield
Hucknall North					
41-60	V/2023/0226	C Penny	Approve	Construction of 30 Dwellings	Land Off Marion Avenue Hucknall
Kingsway					
61-82	V/2024/0060	Ashfield District Council	Approve	Demolition of Garages and Construction of 16 New Dwellings and Associated Infrastructure	Land Off Central Avenue Kirkby in Ashfield
Sutton Central & New Cross					
83-88	V/2024/0091	Ashfield District Council	Approve	Two Illuminated Signs	Sutton Community Academy Sutton Centre High Pavement Sutton in Ashfield

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 27/03/2024

<u>COMMITTEE DATE</u>	6th March 2024	<u>WARD</u>	Carsic
<u>APP REF</u>	V/2023/0699		
<u>APPLICANT</u>	Mr Andrew Kirkland		
<u>PROPOSAL</u>	Demolition of Former Community Centre and Construction of Bungalows.		
<u>LOCATION</u>	Former Community Centre, Brierley Road, Sutton in Ashfield NG17 2FL		
<u>WEB LINK</u>	https://www.google.com/maps/place/40+Brierly+Rd,+Sutton-in-Ashfield+NG17+2FL/@53.1309087,-1.2709194,107m/data=!3m1!1e3!4m15!1m8!3m7!1s0x48799684bcbf:0x47cbac3ee842396c!2sBrierley+Rd,+Sutton-in-Ashfield+NG17+2FL!3b1!8m2!3d53.1313244!4d-1.2701949!16s%2Fg%2F1v2f00nt!3m5!1s0x48799684afe9719f:0x8d4fe10c3118!8m2!3d53.1311456!4d-1.2707958!16s%2Fg%2F11c1hq_gvl?authuser=0&entry=ttu		

BACKGROUND PAPERS A B C D E F H I J K L

App Registered 11/12/2023

Expiry Date 04.03.2024

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

This application has been referred to Planning Committee as ADC are the owners of the land.

The Application

This is a Full Application for the demolition of Former Community Centre and Construction of 2no. Bungalows.

The site is located at the former Community Centre, to the North of Brierley Road in the town of Sutton-in-Ashfield, Nottinghamshire. The Site is surrounded on all aspects by residential properties, with the local shopping area at Oval Park located approximately 138m to the northwest and further beyond residential housing and associated infrastructure.

A full list of the plans and key documents considered as part of this application are found in Appendix A.

Consultations

A site notice and press notice have been posted together with individual notification of surrounding residents. There have been a number of revisions and additional information submitted since the original submission. All consultees were re-consulted as considered appropriate by the case officer based on the nature of the changes and information submitted. The following summaries represent the latest comments received from each consultee:

A.D.C Environmental Protection

Having reviewed all the submitted information relating to this application I note that the primary source of noise for this site would likely be road traffic. The councils' housing has triple glazed windows and French doors as standard which have an enhanced acoustic rating over double glazing. However, it is accepted that relying on open windows for the primary means of ventilation for habitable rooms may not be suitable and the installation of acoustic trickle vents which could be secured by condition would be acceptable.

Environment Agency

The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

NCC Lead Local Flood Authority

Having considered the scale of this application the LLFA believes it is not required to respond to this application and as such will not be making any bespoke comments.

NCC Rights of Way

There are no public rights of way affected by the proposal. As such the Rights of Way team has no objection.

NHS England

Since there are only 2 bungalows proposed for this site, the ICB will not be requesting a Section 106 contribution on this occasion as this number is below the threshold agreement.

Nottinghamshire County Council Highways Authority

The applicant has submitted additional information which demonstrates that the parking was part of an application for the community centre and 6 old persons bungalows. Whilst the bungalows will remain, the proposals see all associated parking removed. However, it is considered that the bungalows will not have a significant demand for residential parking.

Furthermore, the applicant has submitted a Technical Note that has demonstrated that there is sufficient parking in the immediate vicinity on highway to accommodate the current use of the car park.

It was not anticipated that the layout would remain as initially presented once the Highway Authority identified the adopted highway within the site and agreement in principle for this to be stopped up. However, the original plans still form the basis of the application and indicate that it is intended to utilise the existing access arrangements. However, this is an access suitable for the use by the community centre to allow access for larger vehicles and is overly wide to serve two private dwellings. It will be required to amend this to provide a dropped vehicular access, giving priority to pedestrians on Brierly Road in accordance with the requirements of the NPPF. (Note that this will not impact the internal layout as currently proposed)

As previously identified, the development is sited over a section of adopted highway. There are no submitted plans showing these extents and a suitable condition is requested accordingly.

In consideration of the above, the Highway Authority have **no objections** to the development, subject to conditions and informatives.

Severn Trent Water

No response received.

The Coal Authority

Having reviewed the site location plan provided we confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make.

Local Community

24 individual households have written letters of objection, their comments have been summarised below:

- 1000 residents rely on Brierley House.
- Loss of 10 regular parking spaces and 1 disabled space
- Inconsistent with paragraph 97 of NPPF and Health and wellbeing strategy
- Loss of community identity
- Designated as an Asset of Community Value by the council which should warrant preservation.
- The loss will disadvantage the elderly and disabled who are vulnerable members of the community.
- The proposed bungalows would benefit only 2 families where the community centre benefits the whole Carsic estate.
- Residents unfairly excluded from the community centre since 2023 to artificially suppress the usage.

- Brierley House has been listed as a Community Asset on 18th October 2023 by Ashfield District Council. Its demolition would result in the loss of an essential resource that binds our community together.
- Poor community engagement undermining the principles of transparency.

Policy

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

Policy Context

Ashfield Local Plan Review 2002 as amended by "saved policies" 2007. (ALPR)

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

- Policy ST1: Development.
- Policy ST2: Main Urban Areas.
- Policy ST4: Remainder of the District.
- Policy EV8: Trees and woodlands.
- Policy HG3: Housing density.
- Policy HG4: Affordable Housing.
- Policy HG5: New residential development.
- Policy HG6: Open space in residential developments.
- Policy TR2 Cycling provision in new developments.
- Policy TR3 Pedestrians and People with limited mobility.

Material considerations

National Planning Policy Framework (NPPF) policies relevant to the application are:

- Para 2: Achieving sustainable development.
- Part 5: Delivering a sufficient supply of homes.
- Part 8 Promoting healthy and safe communities.
- Part 9: Promoting sustainable transport.
- Part 11: Making effective use of land.
- Part 12: Achieving well designed and beautiful places.
- Part 14: Meeting the challenge of climate change, flooding and coastal change.

The NPPF at para. 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

Supplementary Planning Documents

- National Design Guide 2019
- Residential Design Guide SPD 2014
- Residential Car Parking Standards 2014
- Nottinghamshire Highways Design Guide

Relevant Planning History

- **V/1974/0289** – Site for residential development – Refused 05.11.1974
- **V/1974/0483** - Site for 6 terrace town houses with garages – Conditional Approval 31.12.1974
- **V/1978/0291** – Erection of 6 O.P bungalows and community centre - Conditional approval 05.06.1978

The Site

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

1. Principle of Development
2. Impact upon Design, Character, and Appearance
3. Residential Amenity
4. Locational Accessibility
5. Highways Safety
6. Drainage and Flooding
7. Biodiversity and Ecology
8. Planning Balance and Conclusions.

1. Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Ashfield District comprises the Local Plan 2002. The National Planning Policy Framework (NPPF) also sets out a presumption in favour of sustainable development, this is echoed in Local Plan Core Policy ST1. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

The NPPF sets out the governments planning policies and is a material consideration in planning decisions. The NPPF does not change the statutory status of the development plan for decision-making but provides guidance for decision takers in determining planning applications. The NPPF stresses, in paragraph 214, that due weight should be attached to development plan policies dependent upon their alignment with the NPPF.

Housing Land Supply and Delivery Test

The NPPF identifies that the Government's objective is to significantly boost the supply of homes. The Council is required to identify a 5-year supply of deliverable housing sites, but currently has only 2.93 years.

The titled balance of paragraph 11 of the NPPF is therefore engaged. In this case, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

2. Impact upon Design, Character, and Appearance

Policy ST1: Development states that the Council will require that *development will not adversely affect the character, quality, amenity, or safety of the environment* and furthermore, *it will not conflict with an adjoining or nearby use*. Where possible the council will promote good quality design solutions which respect and enhance the local character of an area.

The NPPF (Section 12) advises that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” and that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The application site is located within an existing urban area and is not subject to any national landscape designation.

The proposed dwellings would be single storey and of brick construction. They would be of a typical modern design and would not appear as unduly out of character with other residential dwellings nearby.

Therefore, the overall design of the development is considered appropriate. It is considered that the proposed development would sit well within the surrounding vernacular and would be in keeping with adjacent residential properties. Overall, the design and appearance of the scheme is considered to be appropriate and would be in keeping with the surrounding environs of the site.

As such, the proposal is considered to be acceptable on design grounds and would accord with the Ashfield Development Plan (2002), as well as relevant guidance set out within the National Planning Policy Framework (as Amended December 2023).

3. Residential Amenity

Saved Policy HG5 of the Local Plan is a criteria-based policy which seeks to ensure that new residential development is acceptable. This includes, inter alia, protecting the amenity of neighbouring properties, minimising overlooking, provision of adequate amenity space, adequate boundary treatment, suitable access and parking. Policy HG5 is backed up by the Ashfield Residential Design Guide SPD 2014, which contains guidance on matters such as minimum separation distances and garden sizes.

Existing Residents

The proposed development would retain adequate separation distances to all neighbouring properties, which comply with the Councils Residential Design Guide (2014). This would ensure there would be no harm to nearby residents through any loss of privacy, or loss of light.

Future Residents

The Councils Residential Design Guide SPD (2014) sets out minimum garden size standards. The proposed dwellings would meet the minimum requirement.

The national Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings. However, Planning Practice Guidance is clear in stating that if an LPA "wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard." In the case of ADC, we have not adopted the national space standards; however, there is a Residential Design SPD, which contains the relevant local standards.

The Councils Residential Design SPD sets out that in order to protect the amenity and well-being of the future occupants, each dwelling should be adequate for the family or household which is likely to occupy it. New housing is expected to be big enough to meet the needs of the occupants for living, cooking, dining, sleeping, washing and storage of household goods with convenient access to adequate amenity space. The proposed dwellings would meet the minimum requirement.

The overall scheme therefore is acceptable when assessed against both the national and local housing space standards.

4. Locational Accessibility

Paragraph 109 of the NPPF, states that the planning system should actively manage patterns of growth, with significant development focused on locations, which are or can be made sustainable, through limiting the need to travel and offering a choice of transport modes. A small number of residents have voiced concerns regarding the locational sustainability of the site with regard to the removal of parking spaces.

Nottinghamshire Travel and Transport advise that walking distances of 400m to a bus stop is considered acceptable. There is a bus stop located within Brierley Road at approx. 27m distance. A bus departs every 20 mins during rush hour and every hour through the day. This bus service is within a reasonable walking distance and connects the development into larger settlements.

In addition, within less than 70m there is pedestrian access to the Oval where there are located a convenience store, post office, launderette, news agents, beauty salon and further beyond Oval Park.

5. Highways Safety

The Ashfield Local Plan Review (2002) Policy ST1, set out that, amongst other matters, development will be permitted where it (c) does not adversely affect highway safety, or the capacity of the transport system. In a similar vein, the NPPF (paragraph 109) states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

Whilst a number of residents have expressed concern regarding the parking of vehicles, the County Highways Officer has commented that the bungalows will not have a significant demand for residential parking and furthermore that the submitted Technical Note by Local Transport Projects dated March 2024 has demonstrated that there is sufficient parking in the immediate vicinity to accommodate the current use of the car park.

In addition, the Highway authority have no objections to the development with the addition of suggested conditions and informatives.

As such, in accordance with the advice received from the Highways Authority, it is considered that the development, subject to appropriate planning conditions, would not lead to an adverse impact on highways safety.

6. Drainage and Flooding

A drainage strategy report ref: 12719-WMS-ZZ-XX-T-C-39201-S8-P2 dated October 2023 has been submitted. This sets out that the application site is located in flood zone 1 and According to Environment Agency mapping, the site is indicated to have a very low risk of pluvial flooding throughout (annual probability of pluvial flooding of less than 1 in 1000 (<0.1%)) and no off-site areas are considered to pose an additional risk to the site.

The Local Lead Flood Authority have assessed the submitted information and raised no objections. As a result, it is considered that refusing the application on the grounds of flooding and flood risk would be difficult to substantiate.

It is intended that foul waste from the development will discharge to the private foul sewer which flows to a manhole in the northern garden of number 64 Brierley Road. It is proposed to form the foul connection at a new manhole along this foul drain to ensure works are carried out within the site. Severn Trent Water have been consulted however they have not, to date, responded. As such, it is considered that they do not have objection to the scheme and an informative has been added to advise that a section 106 agreement may be required to connect to the public sewer.

7. Biodiversity and Ecology

The NPPF at paragraphs 180 (d), 181, 185 and 186 sets out protection for biodiversity. National Planning Policy Guidance on the natural environment was also updated in July 2019 and now includes new guidance on biodiversity net gain, Nature Recovery Networks and mapping Local Sites.

The application must display to the LPA the extent (if at all) that the proposed development scheme will impact upon protected and priority species (i.e. those defined under the Wildlife and Countryside Act 1981 (as amended 2016), The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017), The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

To address this issue, the applicant has completed and submitted the Biodiversity Metric 4.0 calculation tool and a Protected Species Scoping Report ref: RSE_7348_R1_V2 dated October 2023 which concludes that the trading rules have been satisfied for this site with a gain of 0.11 habitat units and 0.05 gain in hedgerow units. Thus, compliance with the above noted legislation, is considered to have occurred.

A condition has been added for the installation of a bat or bird box within the site to ensure a net gain for biodiversity and an informative has been added regarding bats and hedgehogs. A further condition has been added to ensure off-site compensation at Mill House Community Centre. (the offsite post-intervention value would be 0.75 units of Area based units, which results in an off-site net change of 0.28 habitat units (58.18%)).

8. Planning Balance and Conclusions

Legislation dictates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council cannot currently demonstrate a 5-year housing land supply with a shortfall of 1.07 years. Accordingly, the titled balance is engaged. This is a case where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Firstly, the application site is located within an existing urban area. A refusal on the grounds of the principle of development could therefore not be sustained.

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

In Social terms, there would be benefit from the provision of 2 new social housing homes, these would be 2 bed properties. This holds significant weight in favour of granting

planning permission. The proposal also features a good level of pedestrian connectivity into the wider settlement and the proposed design and layout are in-keeping with the character and appearance of the local vernacular. The Highways Authority are satisfied that the submitted Technical Note by Local Transport Projects dated March 2024 has demonstrated that there is sufficient parking in the immediate vicinity to accommodate the current use of the car park and as such there would be no impact on highway safety.

It is noted that the former community centre is listed as an Asset of Community Value, however, this is a material consideration and is a factor to be taken into account when considering the planning balance. Part 8, Paragraph 97 (a) of the NPPF states planning policies and decisions should: *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;* and (e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.* In this instance, the applicant has provided evidence in the form of an evaluation which seeks to understand which are the best performing of the Community Centre sites and to make recommendations for more efficient and effective use of the sites to better meet community needs, increase income, and support the Council's Medium Term Financial Strategy (MTFS). It is evident from the report that the former community centre has not been used in a viable way or to its maximum potential, however, it is considered that the proposed 2no bungalows will be used to their maximum potential and as such the loss of the former community centre is given less weight.

In economic terms, the existing community centre building was no longer in use as evidenced within `community_centre_usage_and_costs.doc` submitted 08.03.2024. The development construction works would create employment opportunities and the provision of housing would increase local spending and tax receipts, all of which would contribute towards the local economy. There are also other community facilities available in the area for the community to meet and gather. The lack of use and available alternatives therefore plays into the balance that there is not a substantiated reason to refuse permission for this redevelopment scheme.

In environmental terms, the proposal would have little impact on the existing biodiversity with no habitat loss. A condition has been added to ensure the installation of a bat or bird box within the curtilage of each of the new dwellings with a further condition requiring offsite habitat gain.

It is therefore recommended that, on balance, the application be approved, with the conditions as set out below:

Recommendation: Approve Planning Permission

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: Proposed Site Plan Ref: 31468 648 01 Rev E, Existing Site Plan Ref: 31468 648 03 Rev B, Proposed Plans and Elevations Ref: 31468 648 02 Rev D, Utility Survey Ref: GA01176, Fire Tender Access and Egress Ref: 31468 648 04 Rev A, Proposed street Light and Electrical Design Ref: H08630/4051, Demolition Method Statement Ref: LIN-00-395 (A) submitted 06.12.2023, Details of acoustic barrier fencing submitted 12.02.2024, Protected Species Scoping Report ref: RSE_7348_R1_V2 dated October 2023, Biodiversity Metric Calculator 4.0 submitted 08.12.2023, Technical Note by Local Transport Projects dated March 2024, Highways Stopping Up Plan Ref: 31468 648 07, Drainage Layout Ref: 12720-WMS-ZZ-XX-D-C-39201-S4-P5, Drainage layout Ref: 1177588-1, Construction Management and Traffic Plan Ref: 311/SH submitted 06.12.2023, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan Ref: RSE_7348_R1-V1_ARB dated August 2023, Landscape and Boundary Treatment Plan Ref: 31468 648 05 Revision B.

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

3. No development above slab level shall be commenced, until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
4. Prior to the first use of the dwellings hereby approved, acoustic trickle vents shall be installed in all living rooms and bedrooms to achieve necessary background ventilation of affected rooms. The acoustic trickle vents shall be retained and maintained thereafter. For the life of the development.
5. Prior to the first use of the dwellings hereby approved, provision shall be made within the application site for the secure parking of cycles and provision of secure cycle equipment storage facilities in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.
6. Prior to the first use of the dwellings hereby approved, 1 no. Bird Box and 1 No. Bat Box shall be installed within each site on the buildings at eaves height. The Bird and Bat boxes shall be retained for the lifetime of the development.
7. Prior to the first use of the dwellings hereby approved the habitat creation works (and sustained good management thereof) outlined in the Protected Species Scoping Report ref: RSE_7348_R1_V2 dated October 2023 shall be provided off-site at Mill House Community Centre to a value of no less than 0.28 Habitat Units. The development shall thereafter be carried out and maintained in accordance with

the approved details contained within the Protected Species Scoping Report ref: RSE_7348_R1_V2 dated October 2023.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) no development contained in Classes A,B,C,D,E,F,G,H, of Schedule 2 (Part 1) of the Order shall be carried out without the prior written permission, on application, to the Local Planning Authority.
9. The development will require the stopping up of the public highway and no part of that development hereby permitted (or any temporary works or structures) shall obstruct the public highway until the areas of public highway as shown on plan ref: 31468 648 07 have been formally stopped up.
10. No part of the development hereby approved shall be occupied until the access and any parking within 8 metres of the rear of highway is formed in a hard bound surface, with means to prevent the egress of surface water to the public highway.
11. No part of the development hereby approved shall be occupied until the access is reinstated to footway with a dropped vehicular crossing.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of the Ashfield Local Plan and the National Planning Policy Framework.
4. To protect the aural amenity of future occupiers of the dwellings and in accordance with the Ashfield Local Plan and the National Planning Policy Framework.
5. In the interests of providing sustainable travel options and to conform to the requirements of the Ashfield Local Plan and the National Planning Policy Framework.
6. In order to encourage enhancements in biodiversity and habitat in accordance with the requirements of the Ashfield Local Plan, the Developer Guide to Biodiversity and Nature Conservation, and the National Planning Policy Framework.
7. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of the Ashfield Local Plan, and the National Planning Policy Framework.
8. To protect the amenities of neighbouring properties and the locality in general in accordance with the Ashfield Local Plan and the National Planning Policy Framework.

9. To ensure the highway is not obstructed in the interests of highway safety and in accordance with the Ashfield Local Plan and the National Planning Policy Framework.
10. To reduce the risk of transfer of detritus and surface water to the public highways in the interests of highway safety and in accordance with the Ashfield Local Plan and the National Planning Policy Framework.
11. In the interests of pedestrian safety and in accordance with the Ashfield Local Plan and the National Planning Policy Framework.

Informative

1. The County Highways Team advise that the applicant should note that for the Stopping Up of any existing public adopted highway, an application will need to be made under Section 247 of the Town and Country Planning Act 1990. This is a separate application to the planning process and the applicant is advised to make an application simultaneously as Page No. 2 soon as these areas are agreed and defined as this process may delay the delivery of the site. Any grant of planning permission for this development does not authorise the obstruction or the Stopping Up of the highway and an unlawful obstruction to the public highway is a criminal offence and may result in the obstructing development being required to be removed.
2. The grant of planning permission for this development does not authorise the obstruction or the stopping up of this highway. An unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up highway will be required.
3. The access works require licensing. In order to ensure all necessary licenses and permissions are in place you must contact licences@viaem.co.uk or telephone 0300 500 8080
4. 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.
5. Please be advised that a section 106 agreement may be required to connect to the public sewer.
6. The applicant is advised regarding protected species and habitats below:

Bats

It is advised that lighting around the site should be low wattage down lights and at a low level. Bat Conservation Trust, Bats and the Built Environment series (2018) Guidance Note 08/18 advises:

Appropriate luminaire specifications:

Luminaires come in a myriad of different styles, applications and specifications which a lighting professional can help to select. The following should be considered when choosing luminaires:

- All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used.
- LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
- A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce blue light component.
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012).
- Internal luminaires can be recessed where installed in proximity to windows to reduce glare and light spill.
- The use of specialist bollard or low-level downward directional luminaires to retain darkness above can be considered. However, this often comes at a cost of unacceptable glare, poor illumination efficiency, a high upward light component and poor facial recognition, and their use should only be as directed by the lighting professional.
- Column heights should be carefully considered to minimise light spill.
- Only luminaires with an upward light ratio of 0% and with good optical control should be used.

See ILP Guidance for the Reduction of Obtrusive Light. Luminaires should always be mounted on the horizontal, i.e., no upward tilt. Any external security lighting should be set on motion-sensors and short (1min) timers. As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed.

Hedgehogs

Caution is also needed in case of nesting hedgehogs when clearing the site, particularly piles of deadwood or leaves and areas of long grass or dense vegetation, and when using machinery within a foot of ground level. Areas should be cleared on rotation with scrubby patches left to provide nesting habitat and cover. If this is not possible, piles of dead wood and brush piles can be created in other areas around the site to mitigate for the removal of suitable nesting sites. These can be created behind hedges or out of the way for smaller developments with limited space.

7. Nottingham County council as the Lead Local Flood authority advise the following points are recommended for all developments:
 1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
 2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
 3. SUDS should be considered where feasible, and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
 4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Appendix A – Final Plans and Document List

The **final plans** for consideration are as follows:

Layout

- Proposed Site Plan Ref: 31468 648 01 Rev E
- Existing Site Plan Ref: 31468 648 03 Rev B
- Proposed Plans and Elevations Ref: 31468 648 02 Rev D

Other

- Utility Survey Ref: GA01176
- Fire Tender Access and Egress Ref: 31468 648 04 Rev A
- Proposed street Light and Electrical Design Ref: H08630/4051
- Demolition Method Statement Ref: LIN-00-395 (A) submitted 06.12.2023.
- Details of acoustic barrier fencing submitted 12.02.2024

Ecology Reports

- Protected Species Scoping Report ref: RSE_7348_R1_V2 dated October 2023
- Biodiversity Metric Calculator 4.0 submitted 08.12.2023.

Drainage

- Drainage Layout Ref: 12720-WMS-ZZ-XX-D-C-39201-S4-P5
- Drainage layout Ref: 1177588-1

Highways Reports

- Construction Management and Traffic Plan Ref: 311/SH submitted 06.12.2023.
- Technical Note by Local Transport Projects dated March 2024
- Highways Stopping Up Plan Ref: 31468 648 07

Tree surveys:

- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan Ref: RSE_7348_R1-V1_ARB dated August 2023
- Landscape and Boundary Treatment Plan Ref: 31468 648 05 Revision B

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COMMITTEE DATE 17/04/2024 **WARD** Greenwood and Summit

APP REF V/2023/0459

APPLICANT Paul Parkinson Ashfield District Council

PROPOSAL Increase solar panels on roof and installation of air source heat pump

LOCATION Ashfield District Council, Urban Road, Kirkby in Ashfield, Notts, NG17 8DA

WEB-LINK <https://www.google.com/maps/@53.1002096,-1.2500134,18.58z?entry=ttu>

BACKGROUND PAPERS A, B, E, K

App Registered 08/08/2023 Expiry Date 02/10/2023.

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 to increase the amount of solar panels on the existing roof of the Council Offices building and the installation of an air source heat pump.

The application site comprises the existing Council Offices building with associated parking. To the north of the site is the Ashfield Community Hospital, to the east are 5 bungalows used by the NHS, to the south are residential properties as well as the Ada Lovelace building which has a number of businesses located within it and to the west is an Aldi supermarket and residential properties.

The solar panels will be located on roof slopes to the rear of the site facing the west and east.

The proposed air source heat pump will be located near the western boundary of the site and will consist of two main elements, firstly a packaged plant room measuring approximately 3.8m in width by 7.6m in length and 3.1m in height. New pipework is proposed to run from the plant room through a trench into the existing plantroom that forms part of the existing building. The pipework will run up the western side of the

building and will be boxed in. The second element is an evaporator which is proposed to be surrounded by fencing for safety. The fencing is proposed to be approximately 4.4m in width by 9.2m in length. When scaled it would appear that the approximate height is proposed to be 2.5m however it is detailed that the height will be 1.8m therefore due to the slight discrepancy it is recommended that a condition be appended to any favourable decision requiring full details of the fencing to be submitted, approved in writing and installed prior to the first use of the proposal. As part of the installation of the equipment the existing flue on the western elevation of the existing building will be removed.

Consultations

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

ADC Environmental Health

- A sound impact assessment is supplied in support of this application and in the executive summary it is stated - The ASHP is expected to result in ambient noise levels incident on the nearest affected façade that are similar to those experienced from the existing heating plant. Noise break-in levels into the adjacent open plan office/reception are expected to be controlled to below typical design levels for this space. Whilst the ASHP may be audible, it is not expected to be intrusive.
- After considering the report and its conclusions it is agreed that the sound impact would be acceptable in the context of this application and recommend that the development as proposed is approved subject to the specifications indicated being met and maintained thereafter.

ADC Ecology

(1st Comments)

- Request that a suitably qualified ecologist be employed to conduct a Preliminary Roost Assessment on all roof sections likely to be affected by the proposed works to assess whether there is potential to impact any bat roosts.
- Also recommend that an assessment for the potential for nesting birds and roosting bats is conducted on the vegetation along the western edge of the car park, where they will likely need to be trimmed or removed to accommodate the proposals.

(2nd Comments)

- Satisfied that all the survey work was carried out in accordance with current best practice guidance. The surveys identified the presence of 2 single bat roosts below the boxed eaves on the southwest side of the building. However, we are satisfied that this area of the building will not be impacted by the proposed solar panel installation.
- Overall impacts to roosting bats are considered unlikely provided that the proposed works are carried out in accordance with the recommendations R1 and R2 in section 6 of the bat survey report prepared by Middlemarch dated

March 2024. Therefore, recommend a condition for the development to be carried out in accordance with the recommendations provided in the bat survey report.

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

National Planning Policy Framework (NPPF) (December 2023)

Part 2 - Achieving sustainable development.

Part 12 – Achieving well designed and beautiful places.

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

Relevant Planning History

V/1984/0292 – Use of Land for the Development of 5000m² of Office and 300 Parking Spaces – Conditional

V/1984/0393 – Use Site for Centralised Office Accommodation (5000m²) & 283 Car Parking Spaces – Conditional

V/1984/0664 – Erection of Offices and Associated External Works – Conditional

V/1989/0913 – Extension to Form File Storage Generator and Fuel Storage – Conditional

V/2003/0362 – Installation and Mounting of Roof Array Photovoltaic Cells to Provide Renewable Energy and Green Electricity – Conditional

V/2009/0223 – Solar Panels – Conditional

V/2011/0432 – Installation of Photovoltaic Panels on the South Facing Pitches of the Roof of the Ashfield District Council's Central Offices – Conditional

V/2016/0544 – New Entrance Door and Alterations to External Appearance of Building – Conditional

Main Considerations

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

- Visual Amenity
- Residential Amenity

- Highway Safety
- Ecology

Visual Amenity

The proposed development will be located to the side and rear of the existing building therefore the proposal is unlikely to be visible within the street scene of Urban Road.

The solar panels are of a typical design and whilst they will be visible from properties to the west, north and east of the site it is considered unlikely that there would be any impacts on visual amenity.

The proposed air source heat pump will be formed of two parts as discussed and located to the west of the existing building. The ventilated attenuation compound is proposed to be enclosed by a fence as well as the equipment having an Armco barrier erected around it. The proposal will mainly be visible from Aldi car park adjacent to the site however the existing planting to the west boundary is proposed to be retained which will provide a level of screening. Whilst the proposed equipment will be visible to some extent it will not be any higher than the existing garage that it is located adjacent to and due to its siting, it is considered unlikely that it would have any impact on visual amenity that would be detrimental enough to warrant a refusal.

Residential Amenity

The proposed solar panels due to their size and siting are unlikely to give rise to any impacts on nearby neighbouring properties.

The proposed air source heat pump will be sited approximately 40m+ away from the nearest residential property, as the crow flies and approximately 68m+ away from Aldi which is sited to the west of the site. It will however be in proximity to the existing Council Offices building.

Due to the size and siting it is considered that the proposed air source heat pump wouldn't have any impacts on residential properties in terms of overshadowing, overbearing, loss of privacy and overlooking.

In support of the application a Noise Impact Assessment has been submitted. The Council's Environmental Health officer has acknowledged that noise will be emitted from the proposed air source heat pump, however, the assessment suggests that the level of impact on nearby residential properties and the existing Council Offices would be low. Therefore, it is considered unlikely that the proposal would result in a detrimental impact on the amenity of nearby residents and staff working within the existing council offices building.

Highway Safety

The proposed solar panels are located towards the rear of the building on the existing roof slopes so will not have a detrimental impact on parking or highway safety.

The proposed air source heat pump will be located in what is identified on plans as an existing turning head which may result in any vehicles accessing the side of the building having to reverse into the main area of the car park to be able to leave in a forward gear however it is considered unlikely that the distance they would have to reverse would result in any impact on highway safety that would be detrimental enough to warrant a refusal. In addition to this it should also be noted that the proposal does not seek to remove any of the existing car parking provision.

Ecology

The Councils ecology officer was consulted on the proposal and commented that a Preliminary Roost Assessment should be carried out on all roof sections to be affected by the proposal to assess whether there would be any potential impacts on bat roosts. They also commented that an assessment should be undertaken on the vegetation on the western boundary for the potential for nesting birds and roosting bats. The application does not seek to remove the planting along the boundary and whilst there may be a need to trim them when installing the proposed air source heat pump it is likely that this would not go beyond any usual maintenance likely to be carried out. However, to address the point raised it is recommended that an informative is appended to any favourable decision in relation to bird nesting season and avoiding impacts on nesting birds.

Following on from the initial comments a bat survey was undertaken by Middlemarch and submitted in support of the application. The Councils Ecology Officer was consulted on the report and commented that they were satisfied that all of the survey work had been carried out in accordance with best practice. The survey identified the presence of 2 single bat roosts however they are satisfied that the area of the building in which the roosts were found would not be impacted by the proposed solar panel installation. They considered that the overall impacts to roosting bats are considered unlikely provided that the works are carried out in accordance with the recommendations made within the report.

It is therefore recommended that a condition is appended to any favourable decision requiring the works to be carried out in accordance with the recommendations contained within the Bat Survey carried out by Middlemarch dated March 2024.

Conclusion :

The introduction of more solar panels along with the installation of an air source heat pump is considered to be a positive contribution to the existing building and will help reduce the Council's carbon footprint in line with the climate change strategy 2021 to 2026.

Having reviewed the submitted information and comments received against all relevant policies and material planning considerations it is considered that the proposal is unlikely to have any detrimental impacts on visual amenity, residential amenity, highway safety or ecology.

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. This permission shall be read in accordance with the following plans:
 - Site Location Plan, Dwg No. 1207GF-ADC-08-00-DR-A-001 Rev P01, received 07/08/2023
 - Site Block Plan as Existing & Proposed, Dwg No. 1207GF-ADC-08-00-DR-A-002 Rev P02, received 26/02/2024
 - Roof Plan as Existing & Proposed, Dwg No. 1206GF-ADC-08-RF-DR-A-001 Rev P02, received 26/02/2024
 - Elevations as Existing & Proposed Sheet 1 of 2, Dwg No. 1207GF-ADC-08-ZZ-DR-A-001Rev P03, received 26/02/2024
 - Elevations as Existing & Proposed Sheet 2 of 2, Dwg No. 1207GF-ADC-08-ZZ-DR-A-002 Rev P03, received 26/02/2024
 - Site Plan, Dwg No. P012-8000-02 Rev P01, received 26/02/2024
 - Solar PV Layout, Dwg No. P012-4000-09, received 26/02/2024
 - Existing and Proposed Ground Floor Plans, Dwg No. P012-8000-03 Rev P01, received 26/02/2024
 - Existing & Proposed Service Road Elevations, Dwg No. P012-8000-04 Rev P01, received 26/02/2024
 - Existing & Proposed North Elevations, Dwg No. P012-8000-05 Rev P01, received 26/02/2024
 - Existing & Proposed West Elevation, Dwg No. P012-8000-06 Rev P01, received 26/02/2024
 - Existing & Proposed South Elevations, Dwg No. P012-8000-07 Rev P01, received 26/02/2024
 - Ashfield District Council Central Offices; Sound Impact Assessment, Clarke Saunders Acoustics, dated February 2024, received 26/02/2024

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

3. The development shall be carried out in accordance with the recommendations R1 and R2 provided in section 6 of the bat surveys report prepared by Middlemarch dated March 2024.
4. Notwithstanding the submitted information, prior to the first use of the development, details of the fencing proposed to enclose the proposed evaporator shall be submitted to and agreed in writing by the Local Planning

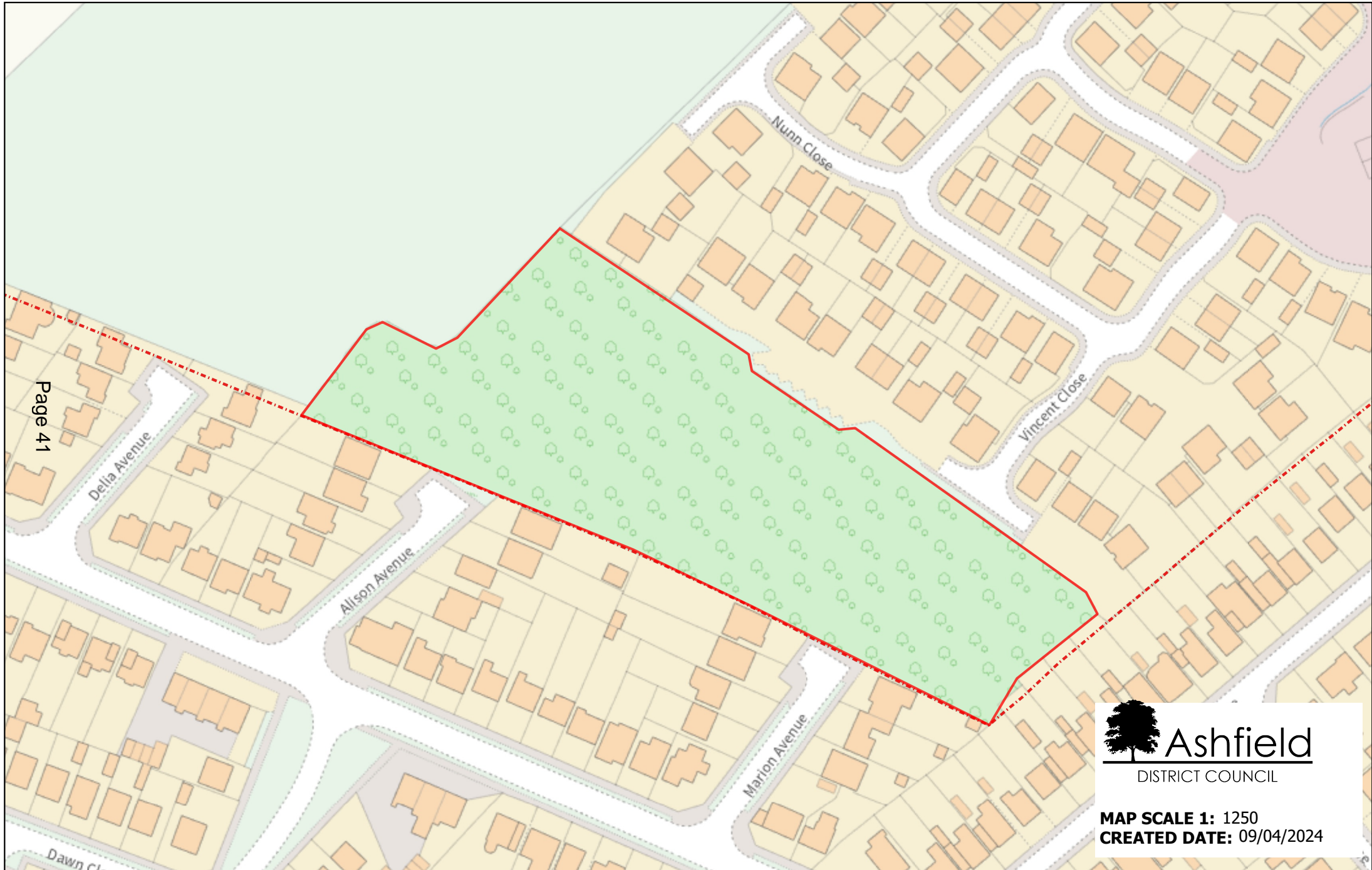
Authority. The approved details shall be implemented prior to first use of the development.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. In the interests of Ecology.
4. To protect and safeguard the visual amenity of the area.

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. In order to avoid impacts to nesting birds, all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area.



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MAP SCALE 1: 1250
CREATED DATE: 09/04/2024

COMMITTEE DATE 17/04/2024 **WARD** Hucknall North

APP REF V/2023/0226

APPLICANT Clayton Penny, Chevin Homes (Derby) Limited

PROPOSAL Construction of 30 Dwellings with Access off Marion Avenue

LOCATION Land off Marion Avenue, Hucknall, Notts

WEB-LINK <https://www.google.com/maps/@53.0481321,-1.1916054,18.25z?entry=ttu>

BACKGROUND PAPERS A, B, C, D, E, F, G & K

App Registered: 04/04/2023 Expiry Date: 30/04/2024

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

This application has been referred to Planning Committee by Councillor Wilmott on the grounds of highway safety and capacity.

The Application and Site

This is a cross boundary application with Gedling Borough Council seeking full planning consent for the construction of 30 dwellings on land to the north-east of Hayden Lane, Hucknall.

The application site is identified as comprising an area of approximately 1.16 hectares located on the north-eastern edge of the settlement of Hucknall, to the north of Marion Avenue and Alison Avenue. The site comprises of a vacant parcel of greenfield land with existing trees and hedgerows running along each of the sites boundaries.

To the north, the site adjoins 'Sherwood Gate' residential development comprising of 255 dwellings; the majority of which have been built out and are occupied. To the west is an open agricultural field, whilst the eastern and southern boundaries of the site adjoin existing residential development which forms the main urban area of Hucknall. More specifically to the south is the end of an existing cul-de-sac forming Marion Avenue from which access into the development is proposed. The administrative boundary of Gedling Borough Council extends up to the boundary with Marion Avenue, with Ashfield District Council to the south beyond.

The site is identified on the Flood Map for Planning as being within Flood Zone 1 (Low Probability of flooding) and it is also in an area at very low risk of surface water flooding.

The site is not subject to any statutory environmental designations. There are no designated heritage assets on or directly adjacent to the site. The nearest is Castle Mill (Grade II Listed), which is located off Linby Lane approx. 350m north-east of the site, and Linby Conservation Area is some 0.5km to the north.

With the exception of a small strip of land at the culmination of Marion 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 point, 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 erected and a press notice published, together with individual notification to surrounding residents and statutory consultees.

The following representations have been received:

ADC Environmental Health:

No specific comments to make on the application.

ADC Strategic Housing:

Although the majority of the site lies outside of Ashfield District, would welcome the opportunity to discuss local housing need with the relevant team when appropriate.

Nottinghamshire County Council (NCC):

The County Councils 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:

Conditions are requested to secure archaeological trial trenching and a mitigation strategy which may be required for excavation/preservation.

NCC Transport and Travel:

The site access appears to be via a new access onto Marion Avenue with the closest bus stops being AS0202 and AS0721 (not served) Ethel Avenue, on Hayden Lane approximately 250 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 **£7,700** is required for improvements at one bus stop (AS0202 – Ethel Avenue). This will include the installation of a polycarbonate bus shelter and solar lighting.
- Contributions towards local bus service provision are not requested at this time. The current service level of the local public transport network is sufficient.
- Contributions towards school transport provision are not requested.

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 five additional secondary pupils and one additional post-16 pupil. A secondary education contribution of **£131,270** and a post-16 education contribution of **£26,254** 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.

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 have confirmed that have no objections to the scheme, subject to conditions in respect of driveway materials, tree planting and the submission of a Construction Method Statement. The access arrangements shown are considered acceptable. Whilst it would be the highway authority's preference for the access arrangements to be rationalised, this would be for aesthetic purposes rather than it facilitating a highway function. The overall scope of the development is such that it will not significantly affect the capacity of nearby junctions.

Nottingham and Nottinghamshire Integrated Care Board:

No objections to the proposed development. Request a contribution of **£16,256.25** towards local healthcare provision. This will provide enhancements to the capacity

and infrastructure at either: Whyburn Medical Practice, The OM Surgery or Torkard Hill Medical Centre.

Linby Parish Council:

The Parish Council objects to the proposal on the grounds that it is not an appropriate site to develop as it acts as an important buffer between the allocated sites off Papplewick Lane and that off Hayden Lane approved by Gedling Borough Council. The climate emergency is to enhance green spaces. The site was destroyed (vegetation cut down and removed) prior to the submission of the application, and therefore the integrity of the application and its supporting documentation is questioned.

Papplewick Parish Council:

The Parish Council objects to the proposal until a plan to improve local junctions is provided.

Environment Agency:

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

Community Representations:

21 representations have been received from local residents. All representations received object to the development scheme. The grounds of objection include:

Environment and Wildlife

- Loss of green space/countryside/Green Belt.
- Wildlife being displaced, uprooted & destroyed. Loss birds, bats, hedgehogs, rabbits, stoats, foxes, 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.
- Inadequate access and road width insufficient - access should be from the Sherwood Gate development.
- 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.
- Footpath linkage onto Vincent Close should not be permitted.
- Deterioration of local roads.

Flooding and Drainage

- Drainage in the area is poor.
- Increased risk of flooding to residents – exacerbated by climate change.

Amenity

- Disruption during and after construction – noise, dust and dirt.
- Development is out of keeping with houses on the Vaughan estate.

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.
- More appropriate sites available, including brownfield sites.
- No need for further housing in the Hucknall area.
- Proposal would be contrary to local planning policies.

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

- ADC Residential Car Parking Standards (2014).
- 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 30 dwellings on land to the north-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 as part of a wider site for residential development under Policy 2 (Strategic Allocation – North of Papplewick Lane) of the Greater Nottingham Aligned Core Strategies (ACS) Part 1 Local Plan. The principle of residential development on the site is therefore established and considered acceptable, subject to all other material planning considerations being satisfied.

The wider site is allocated for the development of approximately 300 units, however the application site before members did not form part of two previous planning applications received by Gedling Borough Council (planning reference: 2017/0201 and 2020/0258), which were granted permission for a total of 273 homes. It is however worth noting that the two implemented consents will only deliver 255 dwellings once complete, leaving a shortfall of 45 dwellings on the wider allocated site.

Officers at Gedling Borough Council reported the application to planning committee on 27th March 2024 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 a new extension to the existing cul-de-sac off Marion Avenue which is located directly adjacent to the west of the site. The proposed point of access is located within Ashfield District Council.

The internal site roads have been designed as 5.5m wide carriageways with 2.0m wide footpaths either side. Footpaths included within the development proposals would tie into the existing pedestrian infrastructure along Marion Avenue which then joins Hayden Lane. A pedestrian footpath is also shown on the northern site boundary, to link the scheme with the adjacent Sherwood Gate development, whilst a footpath connection on the western site boundary is also shown, should development on the adjacent parcel of land come forward in the future.

Although the existing turning head at the culmination of Marion Avenue is to remain in situ, the submitted layout plans indicate that existing trees and hedgerows are to remain adjacent to the turning head, to provide a vegetated soft entrance into the development, which will also provide low level screening of the development when viewed from Hayden Lane.

A Transport Technical Note (TTN) has been submitted in support of the application. The TTN confirms that the proposed access from Marion Avenue is acceptable and can be provided in line with Nottinghamshire County Council requirements. This includes the necessary visibility requirements being satisfied, and the ability for a refuse vehicle to comfortably enter, manoeuvre within and exit the site.

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

Whilst it is noted that the proposed access off Marion Avenue is safe and suitable from a highway perspective, there are nevertheless concerns regarding the comprehensive nature of the proposed development in respect of the adjacent Sherwood Gate development to the north with regard to the sites vehicular access.

In response to this, the applicant has provided an updated TTN to support the location of the proposed access, which outlines the alternative options explored in respect of the site access in advance of submitting the planning application; these are detailed below:

Access via the Sherwood Gate Development

Access from Vincent Close to the north of the site, which forms part of the Sherwood Gate development has been considered. The Bellway development to the north of the site is allocated for 300 dwellings, of which there is consent for 273 dwellings however only 255 units are to be delivered.

In discounting an access from Vincent Close, the TTN advises that the access off Papplewick Lane to the Sherwood Gate development was designed for a development comprising of a maximum of 300 units and cannot be sufficiently upgraded to accommodate the proposed development of a further 30 units due to the presence of dwellings on either side of the access point. This justification does however overlook the fact that only 255 dwellings are to be delivered on the Sherwood Gate development, and therefore the existing access of Papplewick Lane may have capacity to accommodate a further 30 units.

Access via Alison Avenue

Similarly to Marion Avenue, Alison Avenue extends from Hayden Lane via a priority controlled T-junction and currently serves a total of eight properties. Alison Avenue includes similar characteristics as Marion Avenue, but a section of third-party land separates the site from the public highway, and as such, direct access to the public highway via Alison Avenue cannot be achieved.

Access via Devitt Drive

The final alternative access option explored was the creation of a new T-junction access from Devitt Drive at the eastern edge of the site. Devitt Drive is accessed off Hayden Lane. This option was however unlikely to be viable on the basis that it would require the purchase of at least two existing properties on Devitt Drive, above market value and subject to identifying willing sellers.

The TTN concludes that other than Marion Avenue, there are no other viable options to access the proposed 30 unit scheme. Whilst it appears that access from Vincent Close to the north of the site could be explored further, it is nevertheless important to note that the proposed access from Marion Avenue is appropriate from a highway perspective.

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

It is recognised that traffic would increase along Marion Avenue as a result of the proposed development. Whilst it is acknowledged that this would be during the construction phase and occupation thereafter, greater disturbance from noise, dust and other nuisances would be greatest during the construction phase, which would be temporary. To mitigate any potential harm that the development could have on the residential amenity of nearby occupiers during construction, 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 would 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. In this respect, it is considered that the likely level of disturbance to residential occupiers is as such that a refusal on this ground could not be substantiated by officers.

Significant concerns have also been raised by local residents, in addition to Papplewick Parish Council 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.

The TTN provides a review of the person trip generation by all modes for the proposed development, based on Census and suitable TRICS data. It demonstrates that the proposed development of 30 residential dwellings has been calculated to generate a total of 23 two-way trips during the AM peak hour (08:00-09:00) and 27 two-way trips during the PM peak hour (17:00-18:00). Junction modelling analysis concludes that during traditional peak hours that all the nearby junctions (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. As a result, the development proposals would not result in any adverse impacts on the surrounding highway network, and no mitigating improvements are required in respect to the proposals.

The TTN highlights that the existing standard of pedestrian infrastructure within the surrounding network is excellent with opportunities to cycle/walk to Hucknall Town Centre and other local amenities, as well as local public transport facilities that provide access to a number of locations such as Nottingham, Sutton and Mansfield.

Whilst on-street parking is observed along Marion Avenue and Hayden Lane, the layout plan demonstrates that adequate parking provision is to be provided for all dwellings through a mix of allocated and visitor parking spaces (60 spaces in total), exceeding the standards set out within Gedling's 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document'. The level of parking would also be in accordance with Ashfield's 'Residential Car Parking Standards Supplementary Planning Document'.

The Highway Authority have responded to state that they have considered the submitted Technical Note, 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 application, and the scheme is deemed to comply with policy ST1 of the ALPR 2002 and Part 9 – Promoting Sustainable Transport of the NPPF 2023.

3. Local Infrastructure and Planning Obligations

Concerns have been raised by local residents regarding the strain that the proposed development would have on local services and amenities given that the scheme 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 the majority of contributions being used towards improving local infrastructure in Hucknall, rather than within the administrative area of Gedling Borough Council.

- Health Care – £16,256.25

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 £16,256.25 on the basis of 30 dwellings. This will provide enhancements to the capacity and infrastructure at either: The OM Surgery, Torkard Hill Medical Centre and Whyburn Medical Practice. 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 – £7,700

A bus stop infrastructure contribution of £7,700 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 a polycarbonate bus shelter and solar lighting. 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 – £157,524

A total contribution of £157,524 towards education is requested by the County Council. This is broken down to include: £131,270 (based on five additional pupils) towards secondary education and £26,254 (based on one additional pupil) 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.

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

- Public Open Space – £70,360.96

The development proposes 10% public open space (POS) to be provided on site and maintained by a Management Company. A contribution of £49,469.36 has been requested by Gedling Borough Council's Parks and Street Care team, which should be used towards the construction of off-site play equipment as none have been identified on the application site, and a further £20,891.60 has been requested for its future maintenance.

It should be noted that this money is not identified to be used within the administrative boundary of Ashfield to provide these facilities.

- Affordable Housing – 30% On Site

In accordance with Gedling Borough Council's Local Planning Document (LPD 36), as the proposed development is for more than 15 dwellings, the development must provide 30% of the dwellings as affordable housing. This equates to nine dwellings.

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 access.

The site is allocated for housing development under Policy 2 (Strategic Allocation – North of Papplewick Lane) of the Greater Nottingham Aligned Core Strategies (ACS) Part 1 Local Plan. The principle of residential development at the site is therefore established. There are however concerns regarding the location of the proposed site access and the comprehensive nature of the proposal with the existing neighbouring development to the north of the site (Sherwood Gate).

It is nevertheless acknowledged that the proposed access point is safe and suitable from a highway perspective. The development scheme does not give rise to any concern in respect of highway capacity and safety, and therefore a refusal on highway grounds would be very difficult to substantiate 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, are to be secured via a Section 106 agreement between Gedling Borough Council and the applicant, 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: Grant Conditional Consent, Subject to Completion of a Section 106 Between Gedling Borough Council and the Applicant.

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, Drawing Ref: n2064_001
 - Planning Layout, Drawing Ref: n2064_008F
 - House Type Pack Rev A
 - Preliminary Ecological Appraisal, Document Ref: BG22.187 REV1
 - Open Space Plan, Drawing Ref: n2064_015C
 - Ecological Impact Assessment, Document Ref: BG22.187.13
 - Biodiversity Impact Assessment for Net Gain, Document Ref: BG22.187.2
 - Design and Access Statement, Document Ref: n2064_DAS
 - Flood Risk Assessment Report, Document Ref: 2206730-01A
 - Landscape Management Plan, Document Ref: GL2077
 - Arboricultural Impact Assessment and Arboricultural Method Statement, Document Ref: JH0223ALISONAVE
 - Transport Technical Note, Document Ref: 2206730-02
 - Soft Landscape Proposals, Drawing Ref: GL2077 01 Rev A
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 via Marion Avenue as shown on drawing number Planning Layout (ref: n2064_008F) has been provided in full.
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 Report Ref: 2206730-01A - submitted 15th March 2023 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 (ref: BG22.187.13) - submitted 4th December 2023 and the Biodiversity Impact Assessment for Net Gain - Reference BG22.187.2 submitted 15th March 2023 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. The approved Landscaping Scheme pursuant to the Soft Landscape Proposals (Ref: GL2077 01 Rev A - submitted 15th March 2024) and the Landscape Management (Plan Ref: GL2077 - submitted 15th March 2023) 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.
17. No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

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.
17. To ensure the character of the area and residential amenity is respected.

INFORMATIVES

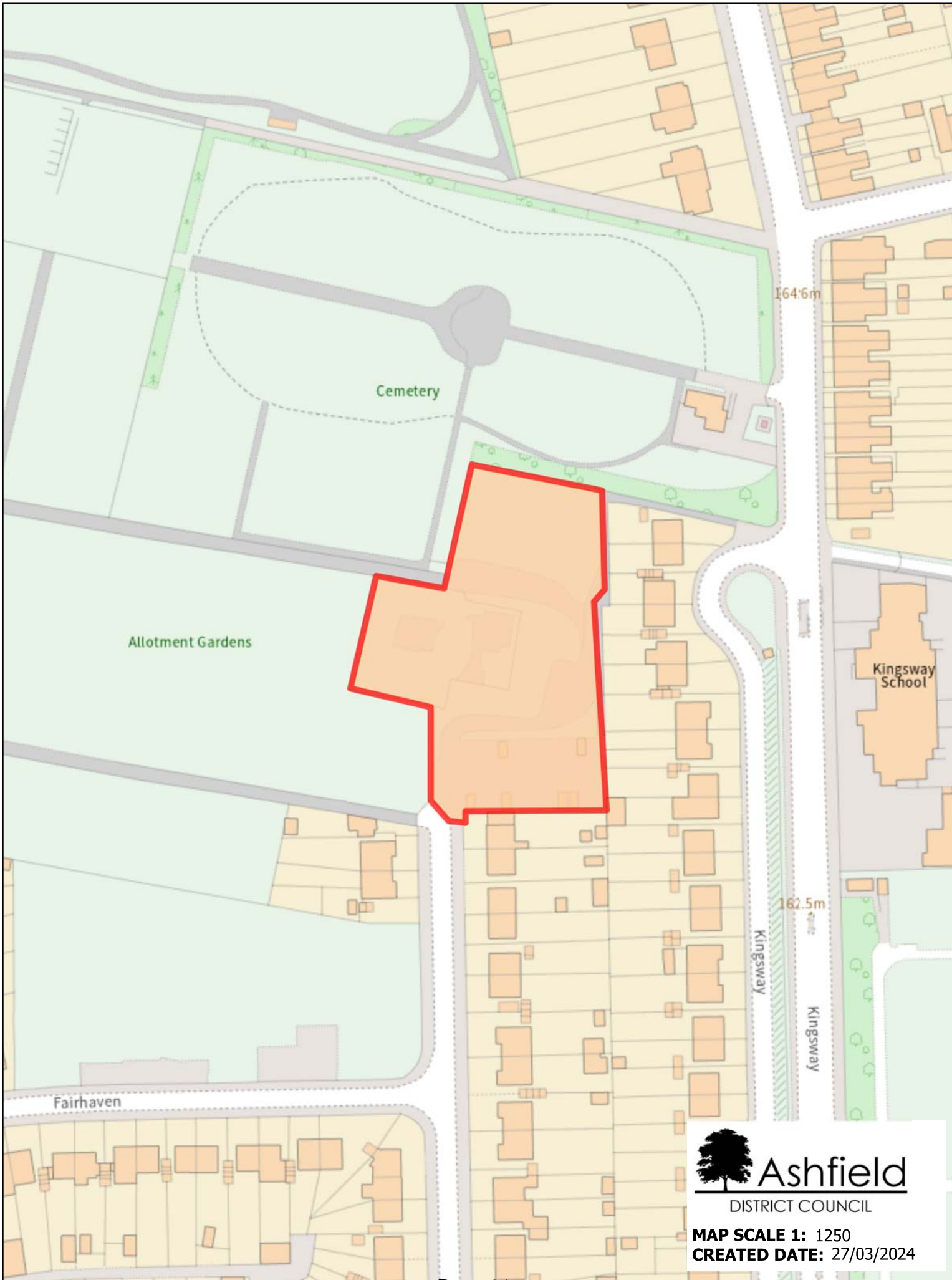
1. The applicant is reminded that this permission is also subject to another planning application in respect of the wider development within the administrative area of Gedling Borough Council (Ref: 2022/0501). The applicant should also note that there are planning obligation made under the provisions 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@nottscc.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. 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, 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.
 - a) 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.

- b) 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 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.
5. 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: 27/03/2024

Consultations:

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

The following responses have been received:

Resident comments:

6 written representations have been received, 5 objecting to the proposal and 1 neither objecting nor supporting it, raising the following points:

- Impact on natural environment.
 - Trees, hedgerows and shrubs.
- Impact on wildlife.
- Parking issues, especially at school times.
- Loss of view.
- Impact on house prices.
- Noise and disruption from building work.
- 40 flats/homes is too much.
- Loss of privacy.
- Access should be maintained for the footpath.
- Water pressure and drainage considerations.

Ashfield District Council Ecology:

- No trees or garages were considered to be suitable for roosting bats.
- Development will require the removal of semi-natural habitats including scrub, woodland, grassland etc.
- A Biodiversity Net Gain Report should be provided.
- Conditions recommended about bird and bat boxes, and site clearance.

Ashfield District Council Place and Communities:

- An off-site green space contribution should be secured towards public open space improvements at either Kingsway Park and/or Portland Park.
- The requirements are based upon 2k per dwelling:
 - 32k Inclusive of a maintenance contribution.
 - 2% of £32,000 = £640 per year for 15 years. Totalling £9,600.

Ashfield District Council Conservation Officer:

- No objections in heritage terms.
- Properties along Central Drive are generally 1950's.

Ashfield District Council Environmental Health:

- The applicant has submitted a Construction Management and Traffic Plan which briefly details actions to be taken to reduce the impact of noise, dust and waste on the local residents, which we agree on the principles provided.
- Recommend a condition ensuring the Construction Management Plan is adhered to.

Ashfield District Council Environmental Health – Contaminated Land:

- A desk study and site investigation report have already been submitted.
- Conditions recommended.

Environment Agency:

- No formal comments to make – The application site is within Flood Zone 1.

Historic England:

- Will not be offering any advice – Seek views of your own specialist advisor(s).

Local Lead Flood Authority:

- No objections subject to conditions.

Nottinghamshire Integrated Care Board:

- The number of dwellings planned for this site is 16 and therefore below the threshold we have for requesting a section 106 contribution.

Nottinghamshire County Council Planning Policy:

- The County Council does not wish to raise any objections to the proposal from a minerals' perspective.

- If the proposal is likely to generate significant volumes of waste through the development or operational phases it would be useful for the application to be supported by a waste audit.
- The closest bus stops served by scheduled services are situated approximately 180 metres from the centre of the site.
- A bus stop infrastructure contribution of £4,800 is paid to provide improvements to the bus stop denoted AS0311 Western Avenue.
 - Trigger for payment is prior to commencement.
 - Re-line bus stop clearway, Traffic Regulation Order (TRO) for enforceable clearway or other enhancements as required.
- No contribution required towards primary, secondary, or post-16 education.

Nottinghamshire County Council Highways:

Comments dated 19/02/2024:

- Development will be unlikely to give rise to an unacceptable impact on highway safety or capacity. Therefore content with the principles within the Transport Statement.
- Condition suggested relating to a Construction Management Plan.
- Review the raised table traffic calming measure, in terms of need, proximity to driveways, access to private drives.
- The private drive should be 3.6m wide, and then 4.8m plus 0.5m wide margins each side over the first 8m from the highway.
- 2m wide footways should be provided.
- Footpath link in north-east should be safe and secure.
- Sufficient car parking provision has been made, but the size of the spaces needs reviewing.
- Electric vehicle charging facilities, cycle storage and bin storage should be shown.
- Unable to support the development as submitted.

Comments dated 22/03/2024:

- Prive access drive serving No's. 92 Central Avenue and 152 Kingsway needs to be widened.
- Footway on the western side of Central Avenue should be extended for as long as possible.
- Consider the design of the footpath link in the north-east corner of the site.
- Width of car parking spaces needs reviewing.
- EV charge points and cycle storage should be provided.

Comments dated 27/03/2024:

- Happy to accept the proposal for the private access drive.

Nottinghamshire County Council Right of Way:

- No objections – No public rights of way are affected by the proposal.

Nottinghamshire Police:

- No objections. Informative advised.

The Coal Authority:

- No comments to make – The site falls within the defined development low risk area.

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 15 – Conserving and Enhancing the Natural Environment.

Part 16 – Conserving and Enhancing the Historic Environment.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST2 – Main Urban Area.

EV8 – Trees and Woodland.

HG3 – Housing Density.

HG5 – New Residential Development.

HG6 – Public Open Space in New Residential Developments.

TR6 – Transport Improvements.

Supplementary Planning Documents:

Residential Design Guide (2014).

Residential Extensions Design Guide (2014).

Residential Car Parking Standards (2014).

Nottinghamshire Highway Design Guide (2021).

Planning (Listed Buildings and Conservation Areas) Act 1990.

Relevant Planning History:

V/1991/0412 - Erection of Storage Shed - Conditional Consent.

V/1996/0483 - Continue Use of Storage Shed - Conditional Consent.

V/2003/0203 - Replacement of Portable Stores and Offices - FUL CC.

V/2022/0179 - Demolition of Existing Garages and Erection of 3No. 2 Bed Dwellings
- Withdrawn.

Material Considerations:

- Principle of Development.
- Visual Amenity.
- Historic Environment.
- Residential Amenity.
- Highway Safety.
- Ecology and Arboriculture.
- Other.
- Planning Contributions.
- 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 where the principle of development is acceptable. In addition, the site is considered to largely constitute Previously Developed Land given the former use of the site as a garage court. Some garages are still present on site, and areas of concrete hardstanding are also present.

NPPF Paragraph 77 (December 2023) identifies that a Local Planning Authority only needs to demonstrate a four years' worth of housing where strategic policies are more than five years old, instead of a minimum of five years housing land supply, as expanded further within NPPF Paragraph 226.

Paragraph 226 applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations. The Council has recently undertaken a Regulation-19 Consultation on its emerging local plan.

Based on the Council's Housing Land Monitoring Report (2022-2023), adjusted for a 20% buffer, the Council has a 2.93 year housing land supply. When assessing this supply under the provisions of Paragraph 226 and the 4 year requirement, this results in the Council being 1.07 years below the requirements of the NPPF.

As the Council does not have a four year supply of deliverable housing sites, the presumption in favour of sustainable development would apply, as set out under Paragraph 11d of the NPPF, having regard to any relevant footnote(s).

Some concerns which have been raised by residents during the consultation process relate to: loss of a view, impact on house prices and local water pressure. These are not material planning considerations and subsequently do not affect whether the principle of development is acceptable or not. In addition, several of the representations which have been received object to the development on the basis that 40 flats/units/dwellings are to be built on the application site. The planning application being considered is for 16, two and three bedroomed properties and not 40 flats/units/dwellings. Other concerns raised by residents will be addressed throughout the report in the most appropriate sections.

Visual Amenity:

The area surrounding the application site consists of residential dwellings to the east and south, allotment gardens to the west, and a cemetery and Cemetery Keepers Cottage to the north. Existing residential properties within the vicinity are two storey dwellings, either comprising a whole house or being split into two flats. The new dwellings will have eaves and ridge heights of 5.32m and 8.72m (approx.) respectively.

The properties are proposed to be constructed from red bricks (Forterra atherston multi) and slate grey roof tiles (Sandtoft Calderdale), incorporating buff coloured stone cills. Photovoltaic panels are to also be installed on the roof of each property. The design and finish of neighbouring properties is fairly consistent, with the red-brown brick and tiles to be used. As a result, it is considered that the proposed development would assimilate well into the street scene, and cause no significant detrimental harm to the visual amenity of the area.

The existing site comprises an area(s) of concrete hardstanding, garages, access track and areas of shrub, hedge and tree planting. Close boarded timber fencing to existing dwellings, steel palisade fencing to allotments and a stone wall to the cemetery bound the site on the east and south, west and north boundaries respectively. These existing boundary treatments are to remain, with new 1.8m high timber close boarded fencing proposed to enclose the new garden areas for the properties. Low level, 0.45m high, timber knee rail fencing is also proposed along the footpath edge in the north-east corner of the site to aid with visibility, and along a section on the western side of the access to help manage the flow of pedestrians relative to the location of the tactile paved crossing points. A condition for the close boarded timber fencing to include 'hedgehog highways' should be attached if approved.

Areas of shrub planting, hedgerow and trees will need to be removed to facilitate the development (discussed further in the 'Ecology and Arboriculture' section, below). It would be recommended to attach a condition to any decision requiring a soft landscaping scheme to be submitted and approved, which should include some native tree and hedgerow planting etc. A new area of hedgerow planting has already

been proposed to run alongside the knee rail fencing adjacent to the footpath in the north-east corner of the site.

Historic Environment:

The Planning (Listed Buildings and Conservation Areas) Act 1990 (sections 16 and 66) places a general duty on Local Planning Authorities to have special regard to the desirability of preserving a Listed Building or its setting, or any features of special architectural or historic interest which it possesses.

The setting of a heritage asset is accepted as the surroundings in which the heritage asset is experienced, bearing in mind that those surroundings may change over time.

To the north east of the application site is a Grade II Listed Building (Listing No. 1221364), the Kingsway War memorial. In addition, the adjacent Cemetery Keepers Cottage (Ref: 535) and the Kingsway School (Ref: 534) are both non-designated heritage assets.

The existing dwellings along Kingsway would obscure views of the school and into/out of the application site. There would be some limited views of the application site from the war memorial, but these are largely obscured by existing trees and vegetation within the cemetery. Views towards the Listed memorial from within the site are even more limited. This is a similar situation regarding the Cemetery Keepers Cottage, with only aspects of its roof and portions of its southern/western elevations visible due to interplanted trees and vegetation etc.

The erection of the new dwellings on the site would continue to be screened by existing vegetation and tree planting. Even in the event that some of this planting was removed etc, the new dwellings would be seen within the context of the existing dwellings on Central Avenue and Kingsway, so the backdrop (setting) to the Listed building would remain largely unchanged, albeit dwellings would now be located closer to the Listed Building. Nevertheless it is considered that the construction of the dwellings on the application site would result in a neutral effect on the significance of the aforementioned heritage assets as a result of development within their wider setting.

Residential Amenity:

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

Plot 7, which is the closest back to back facing property to those on Kingsway, exceeds the 21m separation distance. Plot 8 has a north-south orientation, so presents a side elevation towards those dwellings on Kingsway. This plot achieves at least a 17.3m separation distance, where a distance of 12m is required. As such, it is considered that there shall be no detrimental overlooking/loss of privacy/overbearing impacts experienced by any nearby property.

Generally the proposed dwellings do not include windows in their side elevations, at either ground or first floor level. The only exception to this is Plot 8, where two ground floor level windows have been installed. These windows serve the lobby area and a secondary window to the kitchen-diner. These windows will provide some natural surveillance to the adjacent footpath, in the interest of its future users. As these windows are at ground floor level, with there being an intervening high level timber fence between existing properties on Kingsway, it is considered that there shall be no detrimental overlooking occurring from these windows.

It is acknowledged that there is a slight level change across the site, ranging from approximately 160m AOD in the north, to 158m AOD in the south (approximates). Details of finished floor levels have been submitted which typically reflect the existing levels across the site, and therefore it is considered that the slight level variation would not exacerbate any overlooking/overbearing concerns.

In respect of future occupiers, the proposed dwellings achieve acceptable internal space standards, and adequate levels of private outdoor amenity space. However Plot 8 does fall short in terms of its outdoor amenity space, but this needs to be weighed within the planning balance when considering the open, naturally surveyed, side aspect of the dwelling which faces onto the footpath which has been achieved.

Concerns have been raised by residents in relation to disruption which may be caused during the construction process. A Construction Management Plan has been submitted with the application, identifying working and delivery hours of between 8.00a.m. and 6.00p.m. (Monday to Friday) and 8.00a.m. to 1.00pm (Saturdays), with no working or deliveries at any time on Sundays or Public Holidays. Wheel washing facilities have been identified, and a banksman will be available to assist with wheel washing and deliveries etc. 0.2m of topsoil will need to be removed from areas of the site and some new soil brought onto site. This will follow the same working principles as set out above. Whilst nearby residents may experience some disruption during construction works, these works are for a temporary period only and as such would not warrant the refusal of the application on this basis. However should problems arise in relation to future construction activities, these should be reported through the appropriate channels for investigation, such as via the Council's Environment Health team.

Highway Safety:

Access into the site would be created as an extension to the existing highway of Central Avenue, and new driveways and a turning head are to be created. To the west of the application site are existing allotment gardens. The extent of these allotment gardens, and the siting of their boundary fencing does create a momentary 'pinch point' in the access, whereby a continuous 2m wide footway is not achievable on the west side of the access. As such a formalised crossing point with tactile paving has been proposed, with a section of knee rail fencing to assist with the usage of this crossing point. The width of the highway and the footway on the east side of the access meet adoptable highway standards.

Access to the allotment gardens has been retained, with new tarmac surfacing proposed at the points of access from the highway.

Two existing properties, No's.92 Central Avenue and 152 Kingsway, have an access into their rear garden areas via the current garage site. It is understood the frequency of use of these accesses is low, and both properties benefit from off-street parking to their respective frontages. A private driveway to these accesses is proposed as part of this development. Whilst the Highway Authority originally wanted this private driveway to be built to adoptable standards, they have subsequently agreed to the providing of a passing place at the access point.

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

A concern raised by some residents was in relation to off-street parking. Each property has been provided with two off-street parking spaces, which meets the Council's requirements for 2 and 3 bed properties, as set out in the adopted Supplementary Planning Document on Residential Car Parking Standards. The objection on parking grounds appears to primarily derive from alleged high levels of on-street parking during school drop-off and pick-up times. Officers appreciate that high levels of on-street parking by parents/guardians at school times can be a cause of frustration for residents, and how a concentration of vehicles can inevitably cause some degree of congestion at these times, although this is only limited to certain times of day/certain days, and as such would not warrant a refusal of the application on this basis. On street parking does appear to be readily available within the area. Should local residents wish to see restrictions placed on on-street parking to assist with managing school time visitors, they are advised to contact Nottinghamshire County Council as the Highway Authority.

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

Bin storage areas has been identified for each property, and electric vehicle charging points are also to be installed on each dwelling. Cycle parking can be provided on a

plot specific basis as/where required, outside of the planning process, to meet the needs of future occupiers.

The existing pedestrian footpath link in the north-east corner of the site, although not a formally designed Public Right of Way, is to be retained. There is some existing lighting on the footpath. The footpath will also have some natural surveillance from Plot 8, and will have a low level knee rail fence with hedging on its west side to ensure the footpath is open and not enclosed on both sides by high forms of boundary treatment. These measures together will hopefully encourage residents to utilise this footpath and other sustainable means of travel.

Overall it is considered that the proposed development would not detrimentally harm the capacity or safety of the local highway network.

Ecology and Arboriculture:

The following documents have been submitted with this application in relation to ecology and arboriculture:

- 'Tree Survey: Arboricultural Impact Assessment, Method Statement and Tree Protection Plan' (Dated January 2024, Report Ref: RSE_5628_R2_V1_ARB, Prepared by 'RammSanderson').
- 'Ecological Impact Assessment' (Dated January 2024, Report Ref: RSE_5628_R1_V1, Prepared by 'Ramm Sanderson').

Ecology

The submitted ecology report identifies that the majority of the habitats on site were considered to be of limited ecological value, largely dominated by hardstanding and modified grassland, and therefore the loss of habitats on site was considered not to be detrimental to local biodiversity.

The trees and hedgerow on site are not a Habitat of Principal Importance (HPI), however it is recommended that if the on-site trees cannot be retained, then native replacement planting should take place at a ratio of 1:2.

All the trees on site were classified as having negligible bat roosting potential, and no bat roosting features were noted during the ecology survey. Habitats on site were noted to be sub-optimal for other protected species.

A number of native hedgerow and tree species have been identified within Part 7 of the submitted ecology report, and these should form a part of any future landscaping scheme.

Other recommended compensation/enhancement measures include bird and bat boxes, and hedgehog highways. These measures could be conditioned accordingly.

Arboriculture

The proposed development will require the removal of 11 individual trees, of which 4 were moderate quality and 6 were low quality. 5 low quality groups will also require removal as well as 3 hedgerows. Some further pruning etc will be required to those trees which are to be retained.

T15, a Category A Beech tree in the north-west corner of the site, is to be retained and protected during development. The proposed layout locates new structures and services outside of the recommended Root Protection Areas (RPA) of retained trees.

Where encroachment into the RPA's takes place in a limited number of cases, either temporarily for scaffolding or permanently through the installation of new surfacing etc, appropriate tree protection measures are to be utilised accordingly, including ground protection to avoid root compression, protective fencing, and 'no-dig' methods utilised.

To compensate for the loss of tree/hedgerow/shrubs, a condition could be attached requiring a landscaping scheme to be submitted and approved, to include native tree and hedgerow planting.

Other:

Drainage

The application site is located within Flood Zone 1.

A local resident queried the suitability of drainage at the site. Consultation comments from the Local Lead Flood Authority raise no objections to the development, subject to a condition being attached to any approval which requires a detailed surface water drainage scheme, based on the principles set forward by the submitted Drainage Strategy (ref 12443-WMS-04-XX-T-C-39201-S8-P1 dated February 2024), has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Contamination:

Some areas of made ground have been identified on the site following ground investigations. As such 0.2m of soils from the site are to be removed, and a 0.6m of topsoil important to 'cap' those areas to be used for gardens and soft landscaping. The removal/import of soils is discussed further within the submitted Construction Management and Traffic Plan.

Consultation comments received from the Council's Environmental Health Team acknowledge the desk study and site investigation reports which have been submitted, but suggest conditions relating to the submission of site remediation works and the submission of a post completion verification plan demonstrating site remediation which has taken place.

Planning Contributions:

The following developer contributions are required:

Off-site Green Space

- An off-site green space contribution should be secured towards public open space improvements at either of the following sites: Kingsway Park and/or Portland Park.
- The requirements are based upon 2k per dwelling: 32k Inclusive of a maintenance contribution. 2% of £32,000 = £640 per year for 15 years. Totalling £9,600.

Bus Stop(s)

- A bus stop infrastructure contribution of £4,800 be paid to provide improvements to the bus stop denoted AS0311 Western Avenue.
- To also include re-line bus stop clearway, Traffic Regulation Order (TRO) for enforceable clearway or other enhancements as required.
- Trigger for payment is prior to commencement.

Conclusion:

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

The proposed development site offers the opportunity for the construction of 16 new residential properties in a sustainable, main urban area location, which will also contribute to the Districts social housing stock providing social benefits, as well as economic benefits during the construction of the dwellings and occupation thereafter.

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

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

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

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

Recommendation: Grant planning permission, subject to the below conditions and the satisfactory completion of a legal undertaking requiring contributions towards bus stop improvements and off-site green space.

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:
 - a. Site Location Plan, Drawing No.31468 557 11, Received 05/02/2024.
 - b. Proposed Layout Plan, Drawing No.31468 557 12 Rev.H, Received 27/03/2024.
 - c. Boundary Treatment Plan, Drawing No.31468 557 16 Rev.C, Received 15/03/2024.
 - d. Elevations and Floor Plans (Type A), Drawing No.31468 557 13, Received 05/02/2024.
 - e. Elevations and Floor Plans (Type B), Drawing No.31468 557 14, Received 05/02/2024.
 - f. Elevations and Floor Plans (Type C), Drawing No.31468 557 15 Rev.B, Received 22/03/2024.

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

3. The materials and finishes to be used for the external elevations and roof of the proposed development shall be as follows, as identified within the submitted application:
 - a. Bricks:
 - i. Forterra atherston multi red bricks.
 - b. Tiles:

- i. Sandtoft Calderdale slate grey roof tiles.
 - c. Buff coloured stone cills.
- 4. The hereby approved development shall not be occupied until small holes (gaps 130mm x 130mm) has been provided in any garden fence/wall or other non-permeable structure (and/or railings and/or hedgerows) 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 occupation and thereafter be retained in perpetuity.
- 5. Prior to the occupation of the hereby approved dwellings, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird 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.
- 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 hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. As part of the scheme for soft landscaping details shall be submitted to the Local Planning Authority and approved in writing in relation to the type, number and standard of native trees and hedgerow which are to be planted, taking in to account the native species and recommended planting ratio detailed within the submitted 'Ecological Impact Assessment' (Dated January 2024, Report Ref: RSE_5628_R1_V1, Prepared by 'Ramm Sanderson').
- 7. Prior to the commencement of development the trees on/adjacent to the site shall be protected during any construction work/site clearance in accordance with the details contained within the submitted 'Tree Survey: Arboricultural Impact Assessment, Method Statement and Tree Protection Plan' (Dated January 2024, Report Ref: RSE_5628_R2_V1_ARB, Prepared by 'RammSanderson').
- 8. The development shall be carried out in accordance with the submitted 'Construction Management and Traffic Plan' (Report Ref: 311880/SH, Prepared by 'Lindum'), Received 27/03/2024.

9. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set out in the submitted 'Drainage Strategy' (Dated February 2024, Report Ref: 12443-WMS-04-XX-T-C-39201-S8-P1, Prepared by 'William Saunders', Received 05/02/2024), 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 the completion of the development. The scheme to be submitted shall:

- a. 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.
- b. 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.
- c. 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.

- i. No surcharge shown in a 1 in 1 year.
 - ii. No flooding shown in a 1 in 30 year.
 - iii. For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- d. 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.
- e. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- f. Evidence of approval for drainage infrastructure crossing third party land where applicable.
- g. 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.

- h. 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. No works shall take place (save for above ground demolition works, vegetation clearance and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a. A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy for this development site are complete to a satisfactory standard; and
 - b. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report.

If during the works any additional suspected contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:

- c. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

Or

- d. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing.

Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.

- 11. The development shall not be occupied until a post completion verification report demonstrating that the site remediation criteria have been met, has first been submitted to, and approved in writing, by the local planning authority.
- 12. 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 Class A of Part 1 of Schedule 2 shall be undertaken to Plot 8 without the prior written approval of the Local Planning Authority.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. To enhance biodiversity.
5. To reduce the impact of the development on habitats and species.
6. To ensure the satisfactory overall appearance of the completed development to help it assimilate into its surroundings, and to provide enhancements to biodiversity.
7. To ensure safe tree retention during development.
8. To ensure the impact of construction works on residents' amenities is controlled to a minimum.
9. To ensure that the development has sufficient surface water management, and would not increase the risk of flooding and do not increase flood risk off-site.
10. To protect future occupiers of the development from unacceptable land contamination risk.
11. To protect future occupiers of the development from unacceptable land contamination risk.
12. To protect the character, appearance and amenity of the area.

Informatives:

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs, and other wildlife. All pipework with a diameter greater than 150 mm should be capped off at the end of the

day and any chemicals should be stored securely. Note should also be taken of any requirements contained within the Wildlife and Countryside Act 1981 or any other legislation which may be of relevance.

3. Consideration should be given to the latest Secured By Design (SBD) Homes Guide 2023 which can be found at the link below, and which contain details of the specifications recognised nationally as providing the security aspirations for the developer:

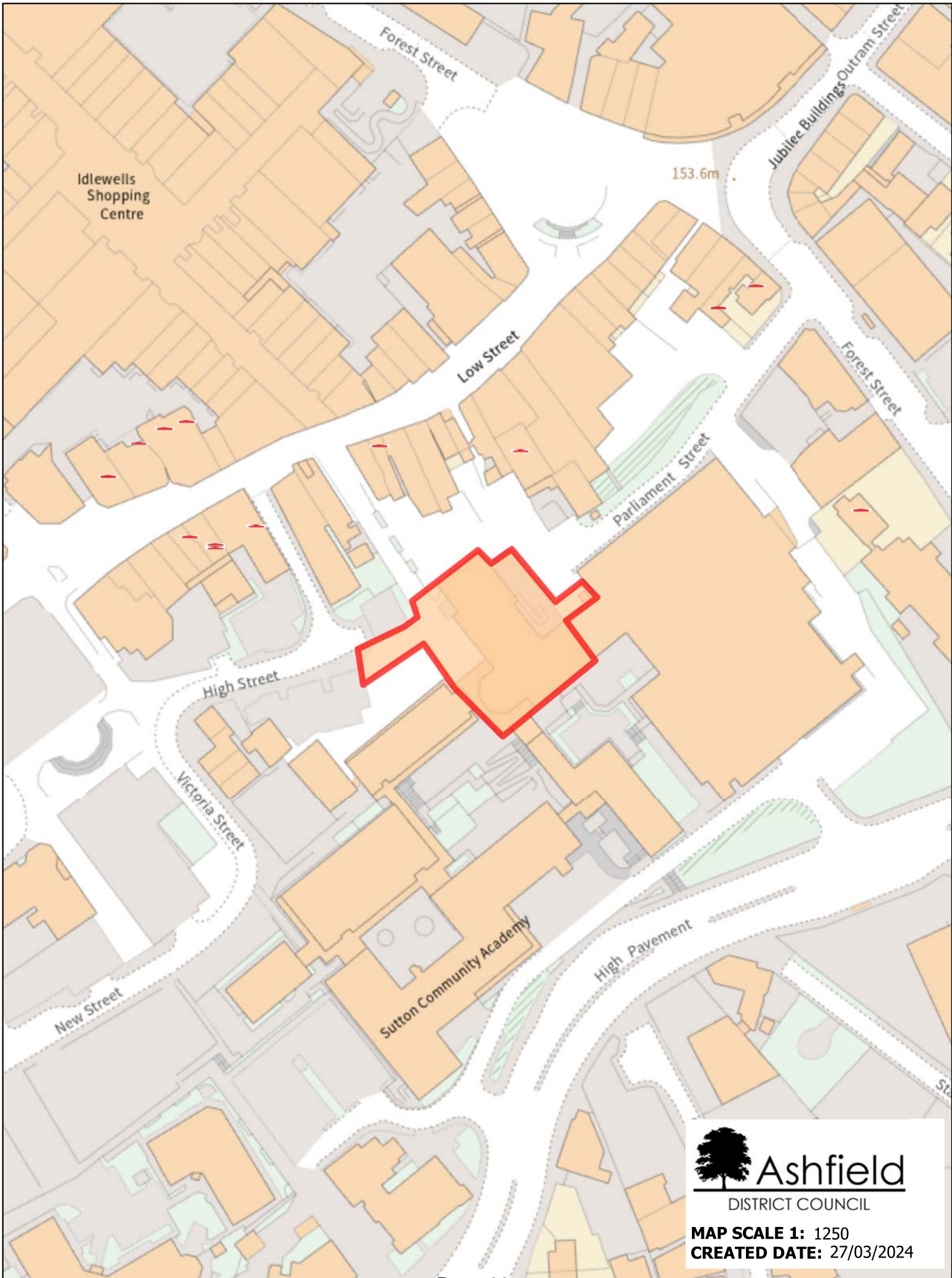
https://www.securedbydesign.com/images/HOMES_GUIDE_2023_web.pdf.

Ideally, the site should achieve the Secured by Design Gold Standard. Construction site security is also of concern when this development progresses, and there is also guidance provided by Secured by Design, and this can be viewed at:

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

4. This permission shall be read in conjunction with a unilateral undertaking.

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 27/03/2024

COMMITTEE DATE 17/04/2024 **WARD** Sutton Central and New Cross

APP REF V/2024/0091

APPLICANT Paul Crawford Ashfield District Council

PROPOSAL Two Illuminated Signs

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

WEB-LINK <https://www.google.com/maps/@53.1242974,-1.2617788,19z?entry=ttu>

BACKGROUND PAPERS A, B, D

App Registered 26/02/2024 Expiry Date 21/04/2024

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 application seeks consent for 2 illuminated advertisements to the northern facing elevation and western facing elevation of the theatre building.

The signage will consist of two static internally illuminated signs with an illuminance level of 800 cd/m². Both signs will be constructed of aluminium and acrylic and will be illuminated text with no background.

The first sign will measure 1.3m in height by 3.5m in width with a depth of 0.07m. The height from ground level to the base of the advertisement will be 14.02m and the maximum height of the individual letters will be 0.6m.

The second sign will be 1.61m in height by 4.44m in width with a depth of 0.07m. The height from ground level to the base of the advertisement will be 7.77m and the height of the individual letters will be 0.74m.

The refurbishment of the theatre is one of the projects under Ashfield District Council's Future High Streets funding programme through the Department for Levelling up, Housing and Communities. This application proposes the advertisements for the premises to accompany the refurbishment and upgrade of the facilities which seek to provide 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.

Nottinghamshire County Council Highways

- This application can be considered under Standing Advice.

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 12 – Achieving well designed and beautiful places.

Relevant Planning History

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

V/2023/0703 – Refurbishment of Existing Theatre and Associated Facilities, Minor
Works to External Fabric of Building, Installation of External Goods Lift, and New
Gates – Conditional

Comment :

Main Considerations

In respect of applications for advertisement consent only two issues can be considered in the determination of the application. These issues are amenity and public safety.

Visual Amenity

The premises is within a town centre location and the proposed signage is considered to be of an appropriate design tying into the new branding proposed as part of the theatre refurbishment. Overall, it is considered that the proposal will not have a detrimental impact on visual amenity or character of the street scene.

Residential Amenity

There are residential properties within the vicinity above commercial units however the site is located in a town centre location where illuminated signs are not uncommon. Due to the siting, size and illuminance levels proposed it is considered unlikely that the proposal would have any detrimental impact on the amenity of residential properties nearby.

Highway Safety

Nottinghamshire County Council Highways were consulted on the application and have commented that the application can be considered under standing advice. The proposed signage is to be illuminated however the signage will be erected at a significant height. Due to the siting of the signage and proposed level of illumination it is considered unlikely that it would cause distraction or obstruct highway users.

Conclusion :

The proposal will accompany the proposed refurbishment works which have already been granted condition consent and will aid the rebranding and refurbishment of the facility into a multifunctional venue for the academy and wider community. The proposal will provide a distinctive, appropriate addition to the building promoting the evening economy within Sutton in Ashfield, along with promoting the vitality and viability of the town centre in line with the aims of the National Planning Policy Framework (December 2023).

Overall, it is considered that the proposed advertisements are appropriate and will not have a detrimental impact on visual amenity, residential amenity or highway safety. Therefore, it is recommended that the application is granted advertisement consent subject to the following conditions.

Recommendation: - Grant Advertisement Consent – Conditionally

CONDITIONS

1.
 - i The consent hereby given shall expire five years from the date of this notice.
 - ii No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - iii No advertisement shall be sited or displayed so as to:-
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
 - b) obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - iv Any advertisement displayed, and any site used for the display of the advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - v Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - vi Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
2. The intensity of illumination of the sign(s) shall not exceed 800 candelas/square metre.
3. This permission shall be read in accordance with the following plans:
 - Site Location Plan, received 26/02/2024
 - Block Plan, received 26/02/2024
 - Advertisement Proposals Elevations and 3D Views, Dwg No. 20-013 Rev P01, received 20/12/2023

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

REASONS

1. In accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. To ensure that the display does not appear as an unduly prominent feature in the area.
3. To ensure that the display takes the agreed form and the level of advertising is not excessive, in the interests of amenity.

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).

Report To:	Planning Committee
Date:	17 April 2024
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING
Ward/s:	ANNESLEY & KIRKBY WOODHOUSE, LEAMINGTON
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Detailed Information

Planning Application – Appeal Decisions

Annesley and Kirkby Woodhouse

Planning Application	V/2023/0521
Site	7 Roderick Avenue, Kirkby in Ashfield, Nottinghamshire, NG17 9DB
Proposal	Balcony to Rear
Appeal Decision	Appeal Dismissed

In dismissing the appeal, the Inspector concluded that the proposed first floor balcony would cause significant harm to the living conditions of surrounding occupiers as a result of increased overlooking and loss of privacy.

Leamington

Planning Application Site	V/2022/0404 71 High Pavement, Sutton in Ashfield, Nottinghamshire, NG17 1BU
Proposal	Demolition of Existing Commercial Building and Construction of a 3 Storey Apartment Block and 9 Dwellings
Appeal Decision	Appeal Dismissed

The Inspector agreed with the Council that it had not been demonstrated that the scheme would provide a safe and suitable access to/from the site, nor had it been demonstrated that manoeuvring space within the site was acceptable based on the layout. The Inspector also considered that the scheme would not provide adequate outdoor amenity space for future occupants of the flats. The Inspector did however consider that the development was acceptable in terms of its design and general layout and would integrate within the context of the site. In dismissing the appeal, the Inspector concluded that together the highway matters and impact on residential amenity were indicative of a scheme that would represent an overdevelopment of the site.

Corporate Plan:

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

Legal:

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

Finance:

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

Risk:

Risk	Mitigation
N/A	N/A

Human Resources:

No implications

Environmental/Sustainability

None

Equalities:

None

Other Implications:

None

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

None

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