

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 12th June, 2024**

Time: **9.00 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 17 April 2024. 5 - 8
4. To receive and consider the attached planning applications. 9 - 50
5. **Enforcement & Agricultural Permitted Development Changes.** 51 - 56
6. **Planning Appeal Decisions.** 57 - 62

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PLANNING COMMITTEE

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

on Wednesday, 17th April, 2024 at 10.00 am

Present: Councillor Jamie Bell, in the Chair;

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

Apologies for Absence: Councillors Sarah Madigan and Helen-Ann Smith.

Officers Present: Rose Arbon, Alex Bonser, Lynn Cain, Louise Ellis, Mick Morley, Christine Sarris, Abbie Smith, Hannah Woods, Dean Wright and Shane Wright.

In Attendance: Councillors Dale Grounds and John Wilmott.

P.33 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

Councillor Jason Zadrozny advised Committee that Cabinet Members present at the meeting would be voting on all applications submitted by Ashfield District Council as the applicant. Should any of the matters be further considered by Cabinet, the same Members would be declaring interests and refraining from voting to avoid any possible conflicts of interest.

P.34 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 6 March 2024, be received and approved as a correct record.

**P.35 Town and Country Planning Act 1990:
Town Planning Applications Requiring Decisions**

1. V/2023/0699, Ashfield District Council, Demolition of Former Community Centre and Construction of 2no. Bungalows, Former Community Centre, Brierley Road, Sutton in Ashfield

Late Item

In accordance with the Council's Policy for dealing with late matters in relation to planning applications, (Minute No. D4.17, 1993/94 refers), officers proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

Councillor Mason had highlighted that the local bus service was not as stated in the report, it was hourly with the last bus from Sutton Station being at 5.25pm on Monday to Friday with no service on Sundays or Bank Holidays. This change had no implications on the consideration of this application.

It should also be noted that Policy RC9 in respect of community services was a saved policy in the Local Plan, the matters related to this policy were considered in the report which required facilities to be protected unless there was no longer a need.

Councillor Cathy Mason, as an Objector, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required.

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

2. V/2023/0459, Ashfield District Council, Increase solar panels on roof and installation of air source heat pump, Ashfield District Council, Urban Road, Kirkby in Ashfield

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

3. V/2023/0226, C Penny, Construction of 30 Dwellings, Land Off Marion Avenue, Hucknall

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:-

Two further resident objections had been received regarding the site access and wider road network. The comments did not raise any new material planning considerations and matters relating to the site access and local highway network were covered within the report.

Ashely Ankrett as an Objector and Clayton Penny as the Applicant, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required. Councillor John Wilmott also addressed the Committee as he had called in the application.

It was moved by Councillor Jason Zadrozny and seconded by Councillor Samantha Deakin 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) and HG5 a) and e) 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, Vicki Heslop, Rachel Madden, Andy Meakin, John Smallridge and Jason Zadrozny.

Against the motion:

None.

Abstentions:

None.

The meeting adjourned at 11.30am and reconvened at 11.39am.

4. V/2024/0060, Ashfield District Council, Demolition of Garages and Construction of 16 New Dwellings and Associated Infrastructure, Land Off Central Avenue, Kirkby in Ashfield

Late Item

In accordance with the Council's Policy for dealing with late matters in relation to planning applications, (Minute No. D4.17, 1993/94 refers), officers proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

Firstly, the wording of Condition 9 required changing to be no works past slab level instead of being pre-commencement.

Secondly, additional consultation comments had been received since the publication of the report, from:

- 1. The Council's Tree Officer, requesting an arboricultural report and plan. Although such documents were submitted originally with the application and had been reviewed by officers, and*

2. *The North Nottinghamshire Integrated Care Board, confirming they had no comments to make.*

Councillor Dale Grounds, as the Ward Member, took the opportunity to address the Committee in respect of this matter.

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

5. V/2024/0091, Ashfield District Council, Two Illuminated Signs, Sutton Community Academy, Sutton Centre, High Pavement, Sutton in Ashfield

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

(During consideration of the last application, Councillor Jason Zadrozny left the meeting at 11.50am.)

P.36 Planning Appeal Decisions

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

RESOLVED
that the report be received and noted.

The meeting closed at 12.02 pm

Chairman.

BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

All Background Papers are only available to view online.

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Site Visits Planning Committee

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

The site visit will take place on Monday 10th June 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 7th June 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

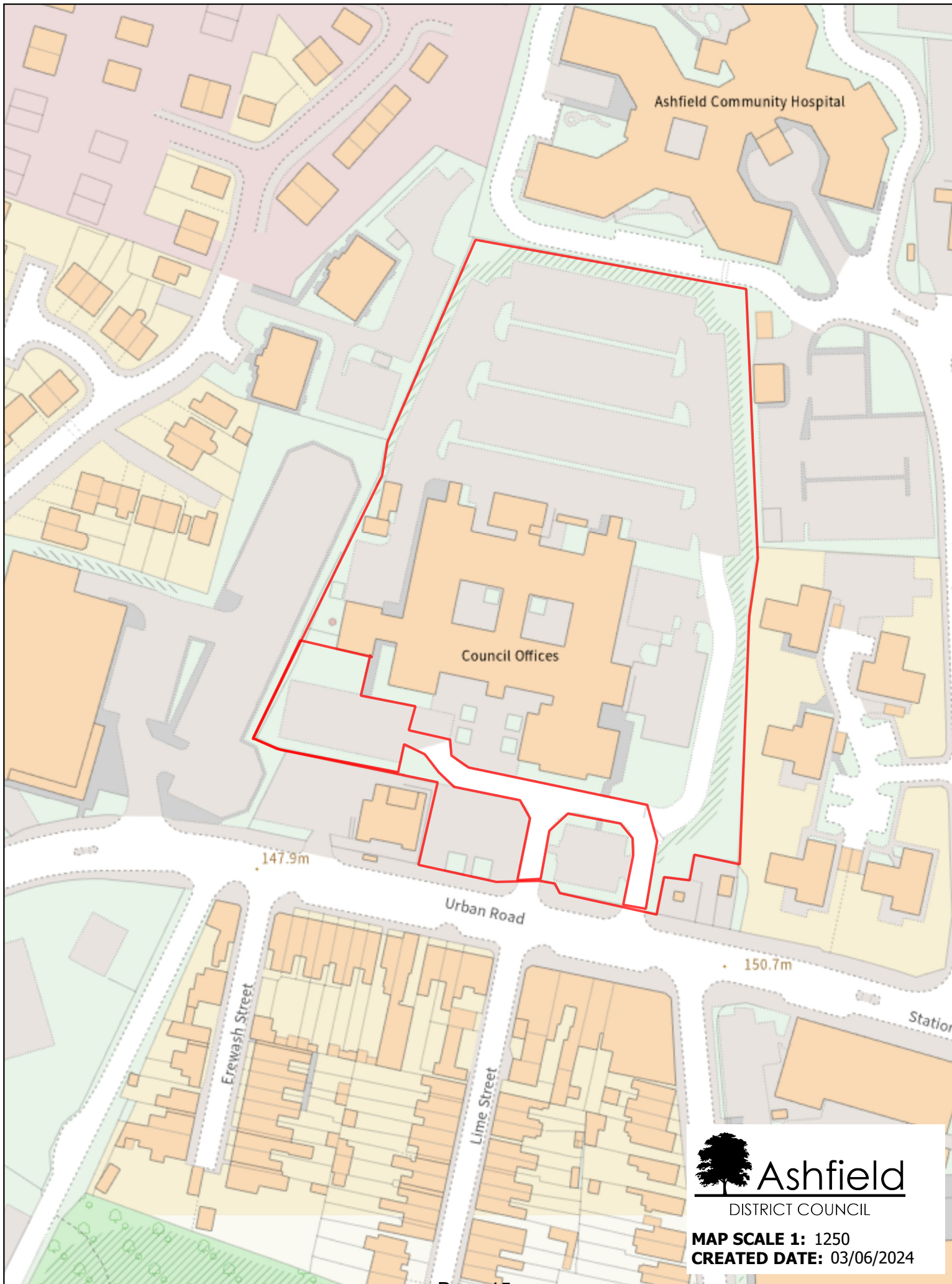
E-mail: John. Bennett @ashfield.gov.uk

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PLANNING COMMITTEE – 12th June 2024

Page	App No	Applicant	Recommendation	Proposal	Location
Greenwood and Summit					
15-22	V/2024/0168	Ashfield District Council	Approve	Substation Installation	Ashfield District Council, Urban Road, Kirkby in Ashfield
Hucknall Central					
23-34	V/2024/0099	Ms M Mcculloch	Approve	Outline Planning Permission With Some Matters Reserved For 1No Three Bedroom Detached Dwelling.	Land Off Munks Avenue Hucknall
Sutton Central & New Cross					
35-50	V/2024/0155	Ashfield District Council	Approve	Conversion of Derelict Shale Pitch into Football Grass Pitch	Sutton Lawn Lawn Lane Sutton in Ashfield

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COMMITTEE DATE 12/06/2024 **WARD** Greenwood and Summit

APP REF V/2024/0168

APPLICANT Ashfield District Council

PROPOSAL Substation Installation

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

WEB-LINK [https://www.google.com/maps/@53.1002291,-
1.2500521,18.71z?entry=ttu](https://www.google.com/maps/@53.1002291,-1.2500521,18.71z?entry=ttu)

BACKGROUND PAPERS A, B, C, D, K

App Registered 04/04/2024 Expiry Date 29/05/2024

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

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

The Application

This is an application for the installation of an electrical substation located on the northern edge of the car park in front of the Council Offices. Earlier this year application V/2023/0459 was granted conditional consent at planning committee for an increase in solar panels and the installation of an air source heat pump at the Council Offices. It is stated within the application that the substation works are to facilitate the works approved under application V/2023/0459 and to upgrade the incoming electrical supply.

The application site comprises the existing car park and landscaping to the front of the Council Offices buildings. To the north of the site is the existing Council offices buildings and the Ashfield Community hospital beyond that. To the east is another car park associated with the Council offices and 5 Bungalows used by the NHS beyond that. To the south is the Ada Lovelace building which has a number of businesses located within it with residential properties beyond and to the west is a supermarket and residential properties.

Consultations

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

Residents

1 comment has been received from residents supporting the application and raising the following:

- Happy for the substation to be added to the national grid system,
- Recent power cut in the area so suspect the system requires upgrade.

Environment Agency

The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns.

NCC Highways

No objections since the application does not have a detrimental effect on highway safety and capacity.

Local Lead Flood Authority

The LLFA do not make bespoke comments on this scale of proposal but recommend standard guidance should be followed in respect of flood risk and surface water drainage from the development.

ADC Tree Officer

Requested surveys and protection measures of the trees to be retained.

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

V/2023/0459 – Increase Solar Panels on Rood and Installation of Air Source Heat Pump – Conditional

Comment :

Main Considerations

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

- Visual Amenity
- Residential Amenity
- Highway Safety
- Trees

Visual Amenity

The proposed substation will be constructed of green painted metal GRP housing located to the front of the Council Offices but behind the Ada Lovelace building. The substation will measure 4m by 4m with a height to the eaves of approximately 2.5m and a height to the ridge of 2.8m.

The substation is considered to be of a typical design and will mostly be visible from within the site with limited views from the adjacent supermarket car park. There is planting along the boundaries around the proposed substation which assists to screen the proposal and soften its appearance.

Whilst the substation will be visible it is considered that it is unlikely to have an impact on the character of the street scene or visual amenity of the area that would be significant enough to warrant a refusal.

Residential Amenity

No objections have been received from residents however 1 letter of support was received.

The proposed substation will be sited more than 50m away from residential properties with the closest being located on Millers Way.

The substation will be in proximity to the existing Council Offices and commercial buildings adjacent however due to the size and siting it is considered unlikely that the proposal would have a detrimental impact on any residential or commercial properties in the vicinity in terms of overbearing and overshadowing.

It is acknowledged that there can sometimes be a low level of noise coming from electricity substations however it is considered unlikely that this would be detrimental enough to impact neighbouring properties or the commercial properties adjacent.

Highway Safety

Nottinghamshire County Council have been consulted on the proposal and have commented that the application does not have a detrimental effect on highway safety and capacity, as such they offer no objections.

To accommodate the proposed substation minor alterations are proposed to the existing car park. The alterations proposed are as follows:

- Relocate two EV charging points further east within the car park
- Reconfigure a number of parking bays
- Provide a 3m wide clear hatch area for 24 hour access to the substation
- Bring a redundant parking space back into use to offset the loss of a space.

The existing visitor car park has 26 standard parking spaces and 4 accessible parking spaces, after the proposed alterations the same number of spaces will be available. As such it is considered that the proposal is unlikely to have a detrimental impact on highway safety, car parking or highway capacity.

Trees

To allow space to site the proposed substation a tree will need to be removed however to offset the loss of the tree it is proposed that there will be replacement landscaping along the southern boundary of the car park.

The Councils Tree Officer has commented that surveys and protection measures will be required. It is recommended that it is conditioned for an arboricultural method statement and details on protection measures are submitted and approved in writing prior to commencement to ensure that there is minimal impact on the trees that are to be retained.

Conclusion :

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 trees.

Recommendation: - Grant Consent Conditionally

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.
3. This permission shall be read in accordance with the following plans:
 - Site Location Plan, Dwg No. 207GF-ADC-08-SS-DR-A-001Rev P03, received 22/05/2024
 - Site Block Plan as Existing, Dwg No. 1207GF-ADC-08-SS-DR-A-002 Rev P01, received 04/04/2024
 - Site Block Plan as Proposed, Dwg No. 1207GF-ADC-08-SS-DR-A-003 Rev P01, received 04/04/2024
 - Proposed Elevations and Floor Plans, received 04/04/2024
4. Prior to the commencement of the hereby approved development an arboricultural method statement and details of tree protection measures shall be submitted and approved in writing by the Local Planning Authority.
5. During the first period 1 October to 31 March inclusive following completion of the felling, replanting shall take place in the vicinity of the felled tree(s) using tree(s) of a size and species to be agreed with the Council prior to the commencement of felling.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. To ensure that the trees are satisfactorily protected during the period when construction works take place on the site.
5. To 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: 500
CREATED DATE: 03/06/2024

COMMITTEE DATE 12/06/2024 **WARD** Hucknall Central

APP REF V/2024/0099

APPLICANT Maria Mcculloch

PROPOSAL Outline Planning Permission With Some Matters Reserved For
1No Three Bedroom Detached Dwelling.

LOCATION Land Off, Munks Avenue, Hucknall, Notts

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

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

App Registered 28/02/2024 Expiry Date 23/04/2024

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

This application has been referred to Planning Committee by Cllr Waters to discuss resident concerns, overdevelopment of the site and impact on visual amenity.

The Application

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

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

Consultations

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

Residents

12 letters of objection have been received raising the following points:

Residential Amenity

- Loss of privacy with windows overlooking neighbouring gardens.
- Loss of light and overshadowing neighbouring gardens.
- Noise and disturbance during construction.
- Impact on mental health.

Highway Safety

- Increase in cars on overcrowded street and noise and pollution.
- The access is inadequate, cannot turn around and vehicles will reverse down the street on to busy road
- Residents cars may be damaged by construction vehicles.
- Children will not be able to play safely outside.

Other

Flooding

- Surface water runoff from neighbouring gardens into stream will be stopped.
- If stream cannot be accessed for maintenance the flooding will worsen.
- Adding a further property will increase flooding.
- Land is not big enough to provide mandatory 8m of hard-bound drives/parking to aid surface water run-off.
- Where will sewage go, drains already get blocked.

Ecology

- The boundary hedge and trees have diverse animal life (owls, foxes, hedgehogs, birds, insects, moths, butterflies etc) which will be destroyed.
- The hedge should be protected.
- previous reasons for refusal not addressed.
- It will remove access to rear of adjacent garden.
- Over intensive development and is not the answer to providing more housing.
- Previously advised that this land could not be built on.
- Money making initiative.

The Coal Authority

The site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make.

Environment Agency

The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

NCC Highways

The application states that the site formerly housed garages associated with allotments which have been developed.

Munks Avenue is a cul-de-sac which takes access from Garden Road. It currently serves 12 dwellings. The Highway Authority considers that the addition of a further dwelling to Munks Avenue will not give rise to a material impact on highway capacity or safety on Munks Avenue.

The 3 bedroom dwelling would require 2 parking spaces in accordance with the Local Planning Authority's car parking standards. 2 parking spaces are shown on site with one providing an electric vehicle charging point.

There is clear demarcation on Munks Avenue of the highway boundary. The access will not involve works within the highway and a dropped vehicular crossing already exists. The Highway Authority therefore has no objections and recommends planning conditions to require parking and turning to be provided in hard bound material with surface water restricted from discharging into the highway and secure cycle parking to be provided.

Local Lead Flood Authority

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

As a general guide 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 (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Policy

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

Ashfield Local Plan Review (ALPR) (2002)

ST1 – Development

ST2 – Main Urban Area

HG1 – Housing Land

HG5 – New Residential Development

National Planning Policy Framework (NPPF) (December 2023)

Part 2 – Achieving sustainable development

Part 5 – Delivering a sufficient supply of homes

Part 9 – Promoting sustainable transport
Part 11 – Making effective use of land
Part 12 – Achieving well designed and beautiful places

Supplementary Planning Documents (SPD)

Residential Design Guide
Residential Car Parking Standards

Relevant Planning History

V/2022/0729

Details: Outline application with some matters reserved for a dwelling

Decision: Withdrawn

V/2022/0888

Details: Outline application with some matters reserved for a dwelling

Decision: Refusal

Comment :

Main Considerations

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

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

Principle of Development

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

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

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

Since the previous refusal of planning permission the plans have been amended and now show the property meets the space between buildings standards as required in

the Council's Supplementary Planning Document, "Residential Design Guide (2014)". This was the main concern in the reason for refusal which has now been overcome. This is further explained in detail below.

Visual Amenity

The proposed dwelling will be a two storey detached dwelling with 3 bedrooms. The materials proposed are red multi-brick to match the street elevation and traditional rosemary grey roof tiles. Munks Avenue consists of red brick properties with what appears to be brown tiled roofs however there are variations in roof tile colours in the wider vicinity of the site.

The street scene of Munks Avenue is made up of semi-detached properties. There are detached dwellings amongst other house types within the wider vicinity of the street. The property proposed is detached however it is considered that it would not look at odds or have an impact on the character of the street scene or area but instead will be a variation in the street scene.

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

Residential Amenity

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

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

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

- Over 21m between the proposed rear elevation and the rear elevation of properties on Hawthorne Avenue
- Over 21m between the proposed front elevation and the front elevation of No.12 Munks Avenue
- Varying distances of 12m+ between the blank side elevation of the proposed dwelling and rear elevations of properties on Linnet Way
- Approximately 2.5m between the blank side elevation of the proposed dwelling and the side elevation of No.11 Munks Avenue.

No.11 Munks Avenue has 2 windows and 1 door at ground floor and 1 window at first floor in the side elevation facing the blank side elevation of the proposed dwelling.

The windows and door with the exception of a hall window previously had obscure glazing. The first-floor window appears to serve a landing area and has recently been changed to not be obscure. None of the windows serve habitable rooms it is considered unlikely that any detrimental overlooking or loss of privacy would occur.

It is accepted that the windows serving the side of No.11 will be impacted to some extent in relation to a loss of light however as they are mostly obscure glazed and serve non-habitable rooms or are secondary windows It is considered that a refusal on this basis would not be warranted.

The proposal now meets the required separation distances set out within the Council's adopted supplementary planning document 'Residential Design Guide' therefore overcoming the policy reason for refusal in the previously refused application, as such no concerns are raised in relation to overlooking, overshadowing, overbearing or a loss of privacy on

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

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

A claim is made that the land could not be built on. It is unknown where this arose but each application is assessed based on its own merits.

Highway Safety

Nottinghamshire County Council Highways have raised no objections to the proposal stating the addition of a further dwelling to Munks Avenue will not give rise to a material impact on highway capacity or safety on Munks Avenue. The two parking spaces proposed accord with the local planning authority's standards and an electric vehicle charging point is included.

Residents have raised concerns in respect highway matters however this proposal is for 1 dwelling only on what was previously a parking /garage site, it therefore reduces the possible vehicles attracted to the site via Munks Avenue. It provides

adequate off street parking and it is unlikely that it would significantly increase any existing on street parking issues or increase any danger towards pedestrians and cars. The access to the site is as existing which provides sufficient space to access and egress from the site, there are therefore no concerns in relation to the access. The construction may have a limited impact for the short period of time it takes for the dwelling to be erected but this would not be excessive or warrant a refusal of planning permission. Noise, fumes and additional car movements from 1 dwelling will only result in a minimal impact and this is unlikely to have a detrimental impact on residents.

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

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

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

Overall, it is considered unlikely that the addition of 1 dwelling at the end of the cul-de-sac will give rise to any detrimental impacts on highway safety or highway capacity and was not a reason to refuse the proposal previously.

Other

Flooding

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

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

The Local Lead Flood Authority have also commented and do not provide any bespoke comments only a general guide for all developments.

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

on site commencing. Concerns in respect of flooding were not a reason planning permission was previously refused.

Ecology and Trees

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

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

It is recommended that conditions are attached to any forthcoming favourable decision requiring bee bricks, bat boxes and bird boxes to be installed in the interests of ecology. A condition is also recommended for details of boundary treatment to be submitted and for this to have holes within it for hedgehogs and other small mammals. Ecology and trees were not a reason planning permission was previously refused.

Conclusion :

Having reviewed the submitted information and comments received against all relevant policies and material considerations it is considered that the proposal is unlikely to have a detrimental impact on visual amenity, residential amenity and highway safety. The application is considered to have overcome the policy reasons for refusal set out within the previous decision by demonstrating adequate separation distances in line with the Council's adopted supplementary planning document. In addition to this it is also considered unlikely that the proposal would have a detrimental impact on ecology and the site is located within flood zone 1 so does not raise significant flood risk concerns.

Recommendation: - **Grant Consent Conditionally**

CONDITIONS

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - (a) Landscaping

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of 2 years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. This permission shall be read in accordance with the following plans:
 - Site Location Plan, Dwg No. (90)001, Rev 1, received 26/02/2024
 - Proposed Block Plan, Dwg No. (90)005, Rev 1, received 26/02/2024
 - Proposed Ground Site Plan, Dwg No. (90)002, Rev 2, received 26/02/2024
 - Proposed First Floor Site Plan, Dwg No. (90)003, Rev 1, received 26/02/2024
 - Proposed Roof Floor Site Plan, Dwg No. (90)004, Rev 1, received 26/02/2024
 - Proposed Elevations & Floor Plans, Dwg No. (20)001, Rev 1, received 26/02/2024
5. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted and approved prior to the commencement of the development and shall be implemented in accordance with the approved details before the development is first brought into use.
6. No development shall take place past slab level until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
7. No development shall take place past slab level until details of the proposed treatment of the sites boundaries have been submitted to and approved in writing by the Local Planning Authority. Any garden fence or other non-permeable structure (and/or railings and/or hedgerows) should be provided with small holes (gaps 130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed site. Such holes in the boundary treatments shall thereafter be retained in perpetuity.
8. Prior to the occupation of the hereby approved dwelling, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird and bat boxes/bricks and bee brick(s) which are to be installed within the fabric of the new dwelling. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
9. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8m behind the highway boundary. The


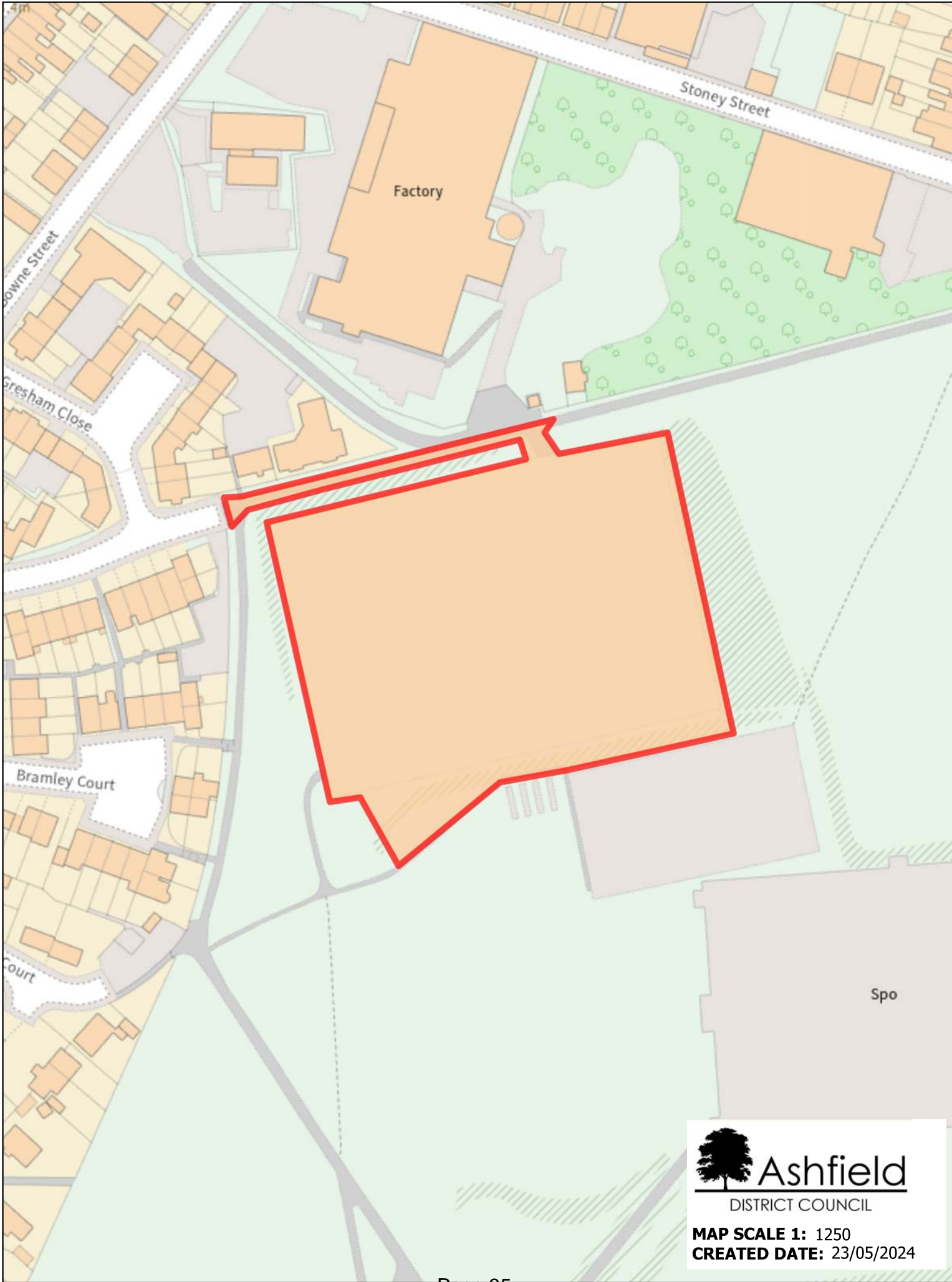
- surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
10. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
 11. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure parking of cycles, provision of secure cycle equipment storage facilities and electric vehicle charging 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.
 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 windows shall be formed on the side elevation(s) of the hereby approved dwelling without the prior written approval of the Local Planning Authority.
 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development relating to Classes A - E of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.
 14. Potential Land Contamination
 - a) If during the construction works any potential land contamination or unusual odour is encountered, all construction works shall cease immediately and not resume until either:
 - i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
 - or
 - ii. The timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.
 - b) If potential contamination is identified pursuant to part (a) of this condition, the development shall not be occupied until land contamination is fully remedied in accordance with a remediation scheme submitted to and approved in writing by the Local Planning Authority and a post completion verification report, including results of sampling and monitoring carried out, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the site remediation criteria have been met.

REASONS

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
4. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
5. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
6. To ensure the satisfactory appearance of the development.
7. In the interests of residential amenity and enhancing local ecology.
8. In the interests of enhancing local ecology.
9. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
10. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
11. In the interest of promoting sustainable transport.
12. To safeguard the amenities of residents living in the vicinity of the application site.
13. To safeguard the amenities of residents living in the vicinity of the application site.
14. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with NPPF paragraphs 183 and 184.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 23/05/2024

COMMITTEE DATE 12/06/2024 **WARD** Sutton Central and
New Cross

APP REF V/2024/0155

APPLICANT Ashfield District Council

PROPOSAL Conversion of Derelict Shale Pitch into Football Grass
Pitch.

LOCATION Sutton Lawn, Lawn Lane, Sutton in Ashfield,
Nottinghamshire, NG17 5GP.

WEB-LINK [https://www.google.com/maps/@53.1270913,-
1.2542941,333m/data=!3m1!1e3?entry=ttu](https://www.google.com/maps/@53.1270913,-1.2542941,333m/data=!3m1!1e3?entry=ttu)

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

App Registered: 28/03/2024 **Expiry Date:** 22/05/2024

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

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

The Application

This is a full planning application for the conversion of an existing derelict shale pitch in to a grass 11v11 football pitch at Sutton Lawn. The existing shale pitch is located in the north-west corner of the Lawn, and forms part of a wider Sports Hub Project at Sutton Lawn which has been awarded Government funding through the Towns Fund and Future High Streets Fund.

A demand for additional football facilities has been identified through consultation, as set out in the submitted 'Design & Access Statement' and it is stated that the grass football pitch will be managed by Sutton Academy in partnership with the council, as is the current arrangement.

Consultations

A site notice has been posted together with individual notifications to nearby properties, in addition to a notice being published in the local press.

The following responses have been received:

Ashfield District Council Ecology:

There are no protected species issues and it should result in a measurable biodiversity net gain.

Ashfield District Council Conservation Officer:

Proposal results in an enhancement to the character and appearance of the non-designated heritage asset (Sutton Lawn).

Ashfield District Council Environmental Health – Contaminated Land:

No adverse comments to make on the proposal.

Local Lead Flood Authority:

No bespoke comments to make. Advised of suggested Informatives.

Nottinghamshire County Council Highways:

It is considered that this is an additional facility and not a replacement therefore sufficient parking should be available and the expected usage of the pitch should be explained.

Sport England:

Do not objection and suggest conditions/informatives are added to any permission. It is considered the proposal involves the conversion of an existing derelict shale pitch into a grass football pitch which is part of a wider Sutton Lawn Sports Hub project. The Football Foundation are satisfied with the plans and the pitches should be constructed in accordance with the standards and methodologies set out in our guidance note 'Natural Turf for Sport'. The proposal provides an improvement on the derelict shale pitch with the same management arrangements as the existing playing field. Because the existing pitch is derelict there will not be any displacement of existing users while the works take place.

6 written representations have been received from residents, 2 supporting the proposal, 3 objecting, and 1 neither supporting nor objecting, making the following comments:

Support:

- Great idea turning shale pitch into a football pitch.
- Will keep motorbikes away.
- Will prevent fly tipping.

Object:

- Increase in litter.
- Damage to property from footballs.
- Noise.

- Lighting.
- Parking issues.
 - People will use Gresham Close and Penn Street to park instead of the new car park also proposed.
 - Damage to vehicles.
 - Block driveways.
- Antisocial behaviour.

Policy

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

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

Ashfield Local Plan Review (ALPR) (2002) as amended by ‘saved policies’ 2007:

ST1 – Development.

ST2 – Main Urban Area.

RC3 – Formal Open Space.

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

Part 2 – Achieving sustainable development.

Part 8 – Promoting healthy and safe communities.

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.

Part 15 – Conserving and enhancing the natural environment.

Part 16 – Conserving and enhancing the historic environment.

Relevant Planning History

Application Site:

V/1997/0475 - Site for Athletics Track; Cricket/Football/Rugby & Synthetic Pitches; Security/Bdry Fencing; F/Lights; Changing Fac; C/Parking & Minor Road - Outline Reg 3 Ashfield Conditional Consent.

V/2004/0350 - Conversion of an Existing Previously Floodlit Hard Porous Area to a Fenced Floodlit Synthetic Pitch - Reg 3 Notts CC Conditional Consent.

Wider Site:

V/2024/0156 - Improvements/Extension of Existing Changing Room Facility and Car Park and Access Road Resurfacing Works – PENDING.

Material Considerations:

- Principle of Development.
- Visual Amenity.
- Historic Environment.
- Residential Amenity.
- Natural Environment.
- Highway Safety & Transport.
- Other.

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. Sutton Lawn is also the largest 'formal open space' in the vicinity and provides a central role in providing recreational facilities for the community.

The creation of a Sports Hub at Sutton Lawn is one of the projects awarded funding and to be delivered through the Towns Fund / Future High Streets Programmes. In addition to this application for a new grass football pitch, there are also aspirations to deliver enhancements to the existing sport facilities across the wider Sutton Lawn Site, which includes new parking, improvements to the existing sports pavilion (such as new/enhancements to changing rooms, welfare facilities etc), new 3G pitch, and general improvements to the drainage and access road. Some of these works (new car park, extension/alteration to the existing pavilion building, access road resurfacing etc) are captured by a currently pending planning application under reference V/2024/0156.

The projects' goal is to meet the demand for higher quality facilities and increase the usage. The project is being developed in partnership with Sutton Community Academy and the Football Foundation.

The application site is allocated as 'formal open space' under Policy RC3 within the ALPR (2002). Policy RC3 identifies that development which will lead to the loss of formal open space will only be permitted where:

- a) It is ancillary to the recreational use, or
- b) It would assist in the retention and enhancement of the recreational use of the site, or
- c) Adequate replacement provision is provided, or
- d) A significant improvement to the overall quality of recreational provision is proposed, or
- e) In the case of school playing fields, the development is required for educational purposes.

The proposed development is considered to be compliant with saved policy RC3 insofar as the development: would remain ancillary to the wider recreational use of Sutton Lawn, and it would retain and enhance an area for recreational use resulting in an improvement to the overall quality of recreational provision.

Some concerns which have been raised by residents during the consultation process relate to an increase in litter and antisocial behaviour, and damage to property from footballs. The application site is currently fully accessible to members of the public and previously used for sport and recreation. This is not altering the use or the siting of the pitch and there is nothing to suggest that changing it to a grass football pitch would create and/or exacerbate issues. Litter and anti-social behaviour would be controlled through the appropriate management of the site. The distance of the pitch to neighbouring properties is no closer than previously existed when the pitch was

used and had flood lighting. Other concerns raised by residents will be addressed throughout the report in the most appropriate sections.

Visual Amenity:

The surrounding location to the north and west comprises of residential dwellings with some commercial premises also visible. To the east and south is the remainder of the Sutton Lawn recreation ground, with additional residential dwellings to the east.

The form and function of the wider recreation ground can be easily understood, with existing grass football pitches, an enclosed 3G pitch, car parking, pavilion building, skate park, children's play park, cafe etc.

The application site is an existing hard-surfaced shale pitch, which could be regarded as an anomaly to the other facilities available at the site. The condition of the existing shale pitch has deteriorated due to it being generally unused. Grass now covers the shale pitch in parts, with a 'desire line' visible across the shale pitch connecting Sutton in Ashfield footpaths 130 and 131.

A visual change would be apparent for nearby residents and users of the recreation ground, in that the shale pitch will be converted to a grass pitch. No fencing or lighting is proposed as part of this application. It is considered that the proposed change would help to assimilate the site back into the wider recreation ground, and result in an overall enhancement to the character of the area.

Overall it is considered that the proposed would create an enhanced area of public open space, improving the overall quality of recreational facilities.

Historic Environment:

Sutton Lawn is identified as being a non-designated heritage asset (NDHA) (Ref: 874), listed as such for its historic and aesthetic significance.

Paragraph 209 of the NPPF (December 2023) identifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Sutton Lawn is the original 18th century garden of the Unwin family, whose mansion once stood on Station Road. The Lawn Pleasure Grounds encompass the grounds of the former Sutton Hall, built as the residence of Samuel Unwin, a merchant hosier, and the land associated with his nearby Cotton Spinning Mill and Mill Lake. Sutton

Hall and most of the Mill complex no longer exist, but the Mill ruins and adjacent lake form the focal feature of the park today.

A number of elements from the original landscape remain, for example the dam and dam wall. The ruins of some of the original mill remain, which have been developed into residential properties and parts of the boundary wall still show the larger structures and the location of the mill.

Paragraph 203 of the NPPF (December 2023) requires Local Planning Authorities to take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The proposed development is considered to represent an enhancement to the significance of Sutton Lawn as a NDHA, ensuring the application site remains in a use consistent with its conservation. The enhancement will also make a positive contribution to communities by providing improved facilities and make a positive contribution to the character of the area.

To the south-west of the application site, on the corner junction of High Pavement and Forest Street, is the Roman Catholic Church of St Joseph the Worker, which is also identified as a NDHA (Ref: 744). The church was designed in a Romanesque style with a bell tower 71 feet high. The church was completed in 1961. It was blessed and opened on 11th October 1961.

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.

There are limited views of the church tower from the application site, with views of the wider church building being unobtainable. Views towards the church are largely obscured by intervening development.

Overall, it is considered that the development would enhance Sutton Lawn as a NDHA, and would have a neutral effect on the significance of other nearby heritage assets through development within the wider setting.

Consultation comments received from the Council's Conservation Officer concur that the proposal would result in an enhancement to the character and appearance of Sutton Lawn as a NDHA.

Residential Amenity:

The proposed grass pitch will be managed by Sutton Community Academy and used for school PE activities during school hours. In the evenings and weekends, it would be available for use by community football organisations, with bookings and operations managed by the Academy. As the site is not proposed to be fenced, then some degree of casual use by members of the public may be experienced, but as no lighting is proposed the use of the pitch for all users would be governed to an extent by the level of daylight available.

The proposal generating an increase in noise has been raised as a concern by residents. Sutton Lawn is a recreation ground which is used by the community/organisations for a variety of uses, and it is not unreasonable to suggest that a degree of noise is to be expected when being within proximity to the recreation ground.

Sutton Lawn has existing football pitches/facilities on site. The existing shale pitch area could be used now which could generate a degree of noise. The areas of open space around the nearby/proposed pitch(es) could also be utilised on an informal basis by members of the community for a variety of reasons.

Whilst the new pitch may generate some noise by bringing a current 'vacant' area back in to use, it is considered that this would not detrimentally affect the living conditions of nearby residents when considering its scale and intended use within the context of the wider site.

Highway Safety:

A concern which has been raised by residents is that the proposal will result in further on-street parking on the nearby highway network, such as on Penn Street and Gresham Close, which are to the north-west of the application site.

A second application has been submitted to the Council (planning application reference V/2024/0156) which includes the creation of a new car park. The second application is still currently under consideration at this time. These applications have been submitted separately as further works are required under the second application (V/2024/0156) in respect of the presence of bats.

Under the second application (V/2024/0156) a 'Transport Assessment' (Dated 25/03/2024, Report Ref: GB01T24B31) has been submitted which identifies the level of need for parking within the wider Sutton Lawn site following surveys of parking demand. The surveys identified that the main car park adjacent to the pavilion building was in greatest demand, with demand being highest at weekends when sporting events are taking place.

A need for an additional 48 parking spaces has been identified, and 58 new parking spaces are proposed under the second application. The existing main car park,

adjacent to the pavilion building, currently has 46 spaces available. When combined with the proposed car park extension, this would provide a capacity of 104 spaces. It is also proposed as part of the second application to increase the number of accessible spaces in the main car park from 4 to 6. Overall, this level of parking is considered to be appropriate to help meet current and future demands associated with the conversion of the shale pitch, in addition to creating additional parking in the area where parking is in the greatest demand.

Car parking is currently restricted along the access to Sutton Lawn, along Lawn Lane, and is subject to parking restrictions in the form of double yellow lines and resident permit holder parking. Officers acknowledge that high levels of on-street parking on residential streets can be a cause of frustration for residents, and it is anticipated that the proposed car park extension under the second application can assist with alleviating some of this. However, should residents still feel as though more needs to be done about on-street parking within their area, they may wish to contact Nottinghamshire County Council as the Highway Authority to discuss possible options to address on-street visitor parking.

New cycle parking is also proposed under the second application within the main car park area. This new cycle parking is in addition to that already available at the café.

It is acknowledged that these two applications are linked, even though they have been submitted separately. It is therefore considered that the use of a 'grampian condition' could allow the Council to determine this application but prevent the new grass pitch from being brought in to use until parking has been made available within the wider locality to help with likely demand.

Two Public Rights of Way run near to the site. Based on the submitted details the development is unlikely to affect these, although an informative is advised to make the applicant/developer aware to ensure the footpaths remain unobstructed, or suitable diversions are in place following correspondence with Nottinghamshire County Council's Rights of Way Team.

Natural Environment:

A 'Preliminary Ecological Appraisal and Daytime Bat Walkover Report' (Dated March 2024, Report Ref: 1539a, prepared by 'EMEC Ecology') has been submitted with the application.

Areas of grassland and bare ground were identified within the report with limited plant species present.

The shale pitch site was assessed as being of Low suitability for foraging and commuting bats, and no features were identified on Site to support roosting bats. No trees, buildings, or structures were located on Site. Habitats on site, and their connectivity, were considered to be sub-optimal for other protected species.

The creation of the new pitch was considered to reduce foraging habitat for swifts. As such the creation of an area of wildflower planting is recommended to be implemented either around the perimeter of the new pitch or in an alternative location within the wider Sutton Lawn Park, to increase foraging opportunities for swift.

Part 5 of the submitted Ecological Appraisal sets out further enhancement measures, in addition to the wildflower planting, which could be implemented in suitable locations across the wider Sutton Lawn, which includes:

- The installation of bat and bird boxes, and 'invertebrate Hotels', on trees within the wider site.
- New native tree planting.

These enhancement measures would help to deliver a measurable gain for biodiversity, as advocated by the NPPF (December 2023), and as such are proposed to be secured by condition(s).

Other:

Ground Investigations:

Some ground investigations have taken place at the shale pitch, which identified some areas of made ground to depths of between 0.3m and 1.25m. The made ground has been tested and is uncontaminated. The Council's Environmental Health Team raise no concerns in regard to contaminated land.

Drainage:

A 'Drainage Statement' (Dated 02/05/2024, Report Ref: 23-0255, Prepared by BSP Consulting) has been submitted with the application, which identifies that the entire site is at a very low risk of surface water flooding.

At present surface water naturally drains into the ground at natural greenfield rates. However, a separate geotechnical report has been undertaken for the site which has ruled out the use of formal infiltration-based measures to deal with surface water due to poor on-site infiltration rates. As the proposed football pitch is required to be kept as dry as possible, and the indicated geology on-site would potentially result in large amounts of standing water, the discharge of surface water runoff by infiltration-based systems has been ruled out.

As such a series of land drains underneath the proposed football pitch will be utilised which will connect to a proposed filter strip to the south of the pitch. The filter strip will act as a source of a water quality treatment before unrestricted discharge, mimicking natural greenfield rates, to the 675mm diameter STW combined sewer located to the east of the site.

Conclusion:

The proposed development seeks to convert the existing derelict shale pitch into an 11v11 grass football pitch. The proposal forms part of a wider Sports Hub Project at Sutton Lawn which has been awarded Government funding through the Towns Fund and Future High Streets Fund.

The principle of development is considered to be acceptable, and compliant with ALPR (2002 saved policy RC3 (Formal Open Space)).

It is considered that the proposed change would help to assimilate the site back into the wider recreation ground, and result in an overall enhancement to the character of the area. The development is also considered to enhance the significance of Sutton Lawn as a non-designated heritage asset.

It is considered that the creation of a grass football pitch would not detrimentally affect the living conditions of nearby residents when considering its scale and intended use within the context of the wider recreation ground.

Residents are concerned about an increase in parking on nearby local streets, whilst this is acknowledged, an additional area of parking is currently being considered under a separate planning application (V/2024/0156). Condition(s) are proposed accordingly to address this.

Measures are to be implemented to achieve a measurable gain for biodiversity, as advocated by the NPPF (December 2023), and as such are proposed to be secured by condition(s).

No on-site contamination has been identified, and a proposed surface water drainage strategy has been developed.

Therefore based on the above, it is recommended that this application be granted planning permission, subject to the below conditions:

Recommendation: Grant planning permission, subject to the below conditions:

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - a. Site Location Plan, Drawing No.23015-00-003_P5, Received 04/04/2024.

- b. Proposed Layout Plans, Drawing No.23015-00-004_P5 (Received 04/04/2024), and (08)002 Rev.B (Received 05/04/2024).

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

- 3. Prior to the commencement of development, an area to increase parking capacity within the wider Sutton Lawn site should be identified. Such additional parking provision should be implemented and made available for use prior to the hereby approved grass football pitch being brought in to use.
- 4. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to:
 - a. How construction traffic and deliveries will access the site (including routing).
 - b. Proposed hours and days of working at the site.
 - c. Proposed hours and days for receipt of deliveries at the site.
 - d. The parking of vehicles of site personnel, operatives and visitors.
 - e. Location of site storage areas and compounds.
 - f. Wheel washing facilities, including type and location.
 - g. A strategy for the minimisation of noise, vibration and dust.
 - h. Site contact detail in case of complaints.

Such agreed Construction Management Plan shall be adhered to throughout the construction period.

- 5. Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - a. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - i. Where the results of the assessment to be carried out pursuant to (a) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints should also be submitted and approved in writing by the Local Planning Authority. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment along with a programme of implementation.
 - b. A schedule of playing field maintenance, including a programme for implementation, for a minimum period of five years following the commencement of use of the hereby permitted development. Following the commencement of use of the development the approved schedule shall be complied with in full.

The approved schemes pursuant to points (a), (a)(i), and (b) shall be carried out in full and in accordance with the approved details. The land shall thereafter be maintained in accordance with the schemes.

6. Prior to the hereby approved development being brought in to use, 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, and 'invertebrate Hotels' which are to be installed on trees within the wider Sutton Lawn site. The boxes shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
7. Prior to the hereby approved development being brought in to use, details shall be submitted to the Local Planning Authority and approved in writing in relation to:
 - a. The type, number and standard of trees which are to be planted within the wider Sutton Lawn site.
 - b. The area and plant mix to be used for the creation of an area of wildflower planting within the wider Sutton Lawn site.

Once approved the trees and wildflowers shall be planted in the first available planting and seeding season following the pitch being brought in to use or the completion of the development, whichever is the sooner; and any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

8. The surface water drainage for the development shall be carried out in accordance with the details contained within the submitted 'Drainage Statement' (Dated 02/05/2024, Report Ref: 23-0255, Prepared by BSP Consulting), including the 'Shale Pitch Drainage Strategy' Plan (Drawing No.SLAC-BSP-XX-XX-D-C-0240 P03) at Appendix C of the Drainage Statement. These details shall be implemented prior to the hereby approved grass football pitch being brought in to use.

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 interest of highway safety.

4. To reduce the impact on the amenity of neighbours from the construction of the development.
5. To ensure that the playing field is prepared to an adequate standard, is fit for purpose, and is established as a functional playing field.
6. To enhance local biodiversity.
7. To enhance local biodiversity.
8. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.

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. The development should not increase flood risk to existing properties or put the development at risk of flooding.
3. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
4. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
5. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
6. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England

and National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

7. It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.
8. Two Public Rights of Way run near to the application site, Sutton in Ashfield Footpaths 130 and 131. The applicant/developer should be aware of their responsibility to ensure these footpaths remain unobstructed during development, or to ensure that suitable diversions are in place following correspondence with Nottinghamshire County Council's Rights of Way Team.



Report To:	PLANNING COMMITTEE
Date:	12TH JUNE 2024
Heading:	ENFORCEMENT & AGRICULTURAL PERMITTED DEVELOPMENT CHANGES
Executive Lead Member:	EXECUTIVE LEAD MEMBER FOR GROWTH, REGENERATION AND LOCAL PLANNING
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To summarise the recent changes to the planning system, specifically changes to Planning Enforcement, and to permitted development (PD) rights relating to agricultural developments.

Recommendation(s)

To note the content of the report.

Reasons for Recommendation(s)

For information in relation to changes to the planning system

Alternative Options Considered

None

Detailed Information

Enforcement Changes:

From Thursday 25 April, changes to enforcement and lawful development certificate (LDC) appeals came into effect as a result of the Levelling Up and Regeneration Act (LURA). The main changes are summarised below.

Time Limits:

- The four-year time limit for bringing enforcement action against building or engineering operations and changes of use to a single dwelling-house will be removed.
- A single 10-year period will apply to all breaches of planning controls.
- Transitional Provisions – These changes will not apply where the operational development or change of use to a dwelling was substantially completed before 25 April 2024.
- Duration of Temporary Stop Notices: From 25 April 2024, the duration of temporary stop notices in England increased from 28 days to 56 days.

Enforcement Warning Notices (EWN):

EWNs constitute the taking of enforcement action and allow councils to invite regularisation applications when it appears that a development has taken place in breach of planning control.

The intention is that the EWN can be issued where a planning breach is not sufficiently egregious to require immediate enforcement action.

Restriction on appeals against enforcement notices

Changes to when a ground (a) (an application for retrospective planning permission) will limit circumstances in which an appeal against an enforcement notice can be brought on ground (a).

This will apply in circumstances where an application for planning permission has already been made to regularise the breach. These amendments do not apply to appeals against enforcement notices that were issued, and have not been withdrawn, before 25 April 2024.

This stops a second bite where a decision has been made and is used as a delaying tactic.

Undue Delays in Appeals:

s.119 of LURA gives the Planning Inspectorate the ability to dismiss appeals against enforcement notices and certificates of lawfulness on the grounds of undue delay by the appellant in progressing the appeal.

Heritage:

s.103 grants LPAs the power to issue temporary stop notices where they believe works are being carried out to a listed building without listed building consent, or in breach of a condition set out on a listed building consent.

Agricultural Development PD Changes:

From the 21 May 2024 changes were made to permitted development rights which the government notes are designed to offer flexibility and support the agricultural sector. The main changes are summarised below.

Changes of use under Class Q and Class R will still be subject to the prior approval process, requiring the developer to submit details to the Council for approval before carrying out any work.

Class Q – Agricultural to Dwelling:

- It will now allow the creation of up to ten dwellings with a maximum cumulative floor space of 1,000m² (previously the number of dwellings was limited to five with a maximum floor space of 865m²).
- There has been a reduction in the maximum floor space for any one property. Previously, it had been possible to have one property with a floor space of up to 465m², but a maximum limit of 150m² has been introduced for any of the houses created.
- A single-storey rear extension of up to 4m height and length to be added to a building as part of the change of use, providing it is located on any hard surface already present.
- Class Q will now also cover former agricultural buildings which are no longer part of an established agricultural unit.
- The new rules also make it clear that they prohibit the conversion of a building without an existing suitable access to a public highway.

Class R – Agricultural to Flexible Commercial Use:

- This has been extended to allow for a change of agricultural to Use Class B2 (General industrial), Use Class F2(c) (Outdoor sport and recreation) or the provision of agricultural training. This is in addition to B8 (Storage & distribution), C1 (Hotels) or Use Class E (Commercial, business or service), which was already allowed.
- The limit on floor space that can be changed has been increased from 500m² to 1,000m².

Changes to agricultural buildings

- The size limit for new agricultural buildings has been increased. For farms over 5ha (where Class A PD rights apply) then the size limit has been increased from 1,000m² to 1,500 m².
- For farms of less than 5ha (covered by Class B) then the size limit has been increased to 1,250m².

Implications

Corporate Plan:

Legal:

As the report is for noting, there are no legal issues associated with the recommendation in the report.

Finance:

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

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

Risk:

Risk	Mitigation
No risk arises from the report.	

Human Resources:

There are no direct HR implications contained within this report.

Environmental/Sustainability

There are no environmental/sustainability implications from the report.

Equalities:

There are no diversity or equality implications from the report.

Other Implications:

None

Reason(s) for Urgency

Not applicable.

Reason(s) for Exemption

Not applicable.

Background Papers

- Levelling Up & Regeneration Act, available on Parliament's website
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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Report To:	Planning Committee
Date:	12 June 2024
Heading:	PLANNING APPEAL DECISIONS
Executive Lead Member:	COUNCILLOR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR REGENERATION AND PLANNING
Ward/s:	GREENWOOD & SUMMIT, HUCKNALL NORTH, HUTHWAITE & BRIERLEY, STANTON HILL & TEVERSAL
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Detailed Information

Planning Application – Appeal Decisions

Greenwood and Summit

Planning Application	V/2023/0681
Site	19A Hampden Street, Kirkby in Ashfield, NG17 8DQ
Proposal	Convert Existing Garden to Car Parking and Boundary Fencing
Appeal Decision	Appeal Dismissed

The Inspector disagreed with the Council and Highway Authority and considered that the scheme would provide sufficient off-street parking provision within the curtilage of the property and there would subsequently be no unacceptable harm to highway safety.

However, the Inspector agreed that the close boarded fencing would materially harm the character and appearance of the street scene and concluded that the visual impact arising from the scheme was the overriding concern.

Hucknall North

Planning Application V/2023/0252
Site 172 Moor Road, Papplewick, NG15 8EQ
Proposal Extensions and Alterations to Existing Dwelling
Appeal Decision Appeal Dismissed

The Inspector concluded that the extent of the proposed changes would alter the form and materials of the dwelling to such a degree that that the proposal would be detrimental to the character and appearance of the area, due to the prominence of the building. Further, the proposed access gates would appear incongruous in the street scene due to its height and materials. The Inspector also agreed with the Council that the proposed first floor balcony would cause an unacceptable overlooking of the neighbouring property, to the detriment of their amenity.

Huthwaite and Brierley

Planning Application V/2022/0601
Site Land adjacent to Trevelyan, Blackwell Road, Huthwaite, NG17 2RG
Proposal Construction of 9 Residential Dwellings
Appeal Decision Appeal Allowed
Costs Decision Appellant Full Award of Costs Allowed

Planning Decision

Whilst the Inspector agreed with the Council that the scheme would have some conflict with Policy EV2 of the Local Plan, this was afforded limited weight. The Inspector disagreed with the Council and considered that the development of the nine dwellings would not lead to piecemeal or premature development and would not prejudice the possible development of the wider proposed housing allocation, and any development within the wider proposed housing allocation could contribute to any required infrastructure improvements in the area.

The Inspector found that the Council's claim that the proposal would fail to deliver a functional, safe, or an accessible built environment was not substantiated. In concluding the appeal, the Inspector was content that several matters raised by the Council and third parties could be adequately controlled through the imposition of planning conditions.

Cost Decision

An application for a full award of costs was made against the Council by the appellant. Although the Inspector recognised that members of the planning committee were entitled to reach a decision that was contrary to that in the officer report which recommended approval of the application, the reason for refusal, which refers specifically to conflict with Policy ST1 (d) – which seeks to restrict development which would prejudice the comprehensive development of the area – had not been adequately substantiated through reasonable evidence as part of the appeal process and the Council afforded unacceptable weight to a perceived conflict with this policy. Further, no objective evidence had been provided by the Council to substantiate its claim that the proposal would be unacceptable from a functional,

safe, and accessible point of view. The Inspector subsequently concluded that the Council has displayed unreasonable behaviour

Stanton Hill and Teversal

Planning Application	V/2023/0088
Site	Land South of Tibshelf Road, Fackley
Proposal	Outline Application for Nine Dwellings
Appeal Decision	Appeal Dismissed

The Inspector considered that although the site was not isolated, physically separated or remote from housing within the village of Fackley, it was nevertheless within the Countryside and the Inspector was not convinced that the site could appropriately accommodate nine dwellings in a form and layout which would respect the existing character and built form to allow the site to integrate into the existing settlement due to site constraints. In addition, the development of the undeveloped site would adversely affect the intrinsic character and appearance of the site and was considered not to amount to 'infill' development in the Countryside. The Inspector also considered that the location was inappropriate having regard to the accessibility of the site to services and facilities, encouraging the use of the private car.

Planning Application	V/2023/0524
Site	Whiteborough Cottage, 261 Wild Hill, Teversal
Proposal	Application to Vary Condition 2 - Approved Plans to change Materials and Finishes, of Planning Permission V/2021/0756
Appeal Decision	Appeal Allowed
Costs Decision	Appellant Full Award of Costs Refused

Planning Decision

This was an appeal against non-determination within the statutory time period. The Inspector considered that the proposed change to the roof materials, from profile grey metal or fibre cement roof sheets to clay roof tiles, would not have an adverse effect on the character and appearance of the area as the building would still exhibit an agricultural form within an area which displays a mixed agricultural and domestic character. The appeal was therefore allowed.

Cost Decision

The Inspector acknowledged that the Council would likely have granted planning permission, had it been in a position to determine the application. The appellants costs claim related to their dissatisfaction at the length of time taken to reach a decision on the application.

The Inspectorate recognised that the Council explained the delays to the applicant on several occasions, and set out a plan of action and timeframe for determining the application as soon as it was legally allowed to do so following consultations. However the appellant did not allow the process to run its course to a conclusion, but elected to appeal.

The appeal was made by the appellant under the mistaken belief that it could run concurrently with the Council's ongoing assessment of the application, which was a fundamental misunderstanding of the appeal process by the appellant, for which the Council cannot be held responsible.

The Inspector concluded that the Council did not act unreasonably during the application period, and there was no evidence of the Council failing to adhere to any procedural requirements at the appeal stage. The appellants application for costs was therefore not justified, and was refused.

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	Costs awarded against the Council
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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