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

Membership

Chairman: Councillor Chris Baron
Vice-Chairman: Councillor Phil Rostance

Councillors:
Tim Brown  Cheryl Butler
David Griffiths  Rachel Madden
Keir Morrison  Helen-Ann Smith
Mike Smith  Sam Wilson
Jason Zadrozny

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 457316.

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.

R. Mitchell
Chief Executive
AGENDA

1. To receive apologies for absence, if any.

2. Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.

3. To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 12th April, 2018.

4. To receive and consider the attached planning applications.

5. Planning Appeal Decisions.


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PLANNING COMMITTEE

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

on Thursday, 12th April, 2018 at 6.30 pm

Present: Councillor David Griffiths in the Chair;
Councillors Lee Anderson, Chris Baron, Cheryl Butler, Tom Hollis, Cathy Mason, Glenys Maxwell, Keir Morrison, Kevin Rostance, Helen-Ann Smith, Mike Smith, Sam Wilson and Jason Zadrozny.

Apologies for Absence: Councillors Tim Brown and Rachel Madden.

Officers Present: Louise Ellis, Sarah Hall, Mick Morley, Julie Robinson and Christine Sarris.

In Attendance: Councillors Nicolle Ndiweni and Robert Sears-Piccavey.

PC.31 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

Councillors Cheryl Butler and David Griffiths declared Non Disclosable Pecuniary/Other Interests in respect of application V/2017/0645, Rippon Homes Skegby Ltd, variation of Condition 2 of Planning Application V/2015/0533 – substitute housing type to plots 14-19, Manorcroft, land between Pleasley Road and North of Mansfield Road, Skegby, Sutton in Ashfield. Their interests arose from the fact that they were known to the representative who had spoken on behalf of the Applicant at the Planning Committee held on 25th January, 2018.

PC.32 Minutes

RESOLVED that the minutes of the meeting of the Planning Committee held on 13th March, 2018 be received and approved as a correct record.

PC.33 Town and Country Planning Act 1990; Town Planning Applications Requiring Decisions

RESOLVED that
1. Application V/2017/0645, Rippon Homes Skegby Ltd, variation of Condition 2 of Planning Application V/2015/0533 – substitute house type to plots 14-19, Manorcroft, land between Pleasley Road and Mansfield Road, Skegby, Sutton in Ashfield.
(Councillors Cheryl Butler and David Griffiths had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this item. In view of the nature of their interest they remained in the meeting and took part in the discussion and voting thereon).

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

The neighbour had sent two e-mails to all Members of the Committee and these included a letter to the Secretary of State and a letter from the developer. The neighbour explained his concerns with plot 17 and why planning permission should be refused as already stated in the report. The letter from the developer explained their current position to the neighbour. The neighbour additionally points out that the previous owner always allowed them to maintain the boundary after asking permission and that Western Power have stated they cannot take away any soil for parking or alter the land because of the danger if cables are exposed.

Mr. R. Jordan, an objector to the application, took the opportunity to address the Committee in respect of this matter.

It was moved by Councillor Jason Zadrozny and seconded by Councillor Helen-Ann Smith that the recommendation contained within the report be rejected and that planning consent be refused for the reasons set out below:-

The proposed dwelling at plot 17 would have an unacceptable impact upon the living conditions of the neighbouring occupiers by way of it being overbearing and resulting in a loss of light to adjacent bedroom windows. The proposal is therefore considered contrary to Saved Policies ST1 (a and b) and HG5 (a) of the Ashfield Local Plan Review (2002); and the core planning principles contained within the NPPF (2012) which seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

For the motion:
Councillors Lee Anderson, Chris Baron, Cheryl Butler, David Griffiths, Tom Hollis, Cathy Mason, Glenys Maxwell, Keir Morrison, Kevin Rostance, Helen-Ann Smith, Mike Smith, Sam Wilson and Jason Zadrozny.

Against the motion:
None.

Abstention:
None.

Accordingly, the motion was duly carried.
2. Application V/2017/0329, Ainsworth HomeLife Supported Accommodation Ltd, two storey apartment block consisting of 14 apartments for supported living (Use Class C3b), land adjacent The Blue Bell, Carsic Lane, Sutton in Ashfield.

The Planning Officer advised the Committee that following the submission of a revised drawing to include 3 additional disabled parking spaces within the scheme Conditions Nos. 2 and 18 would need to be revised to reflect the amended drawing number.

It was moved and seconded that conditional consent be granted subject to the satisfactory completion of a Section 106 Agreement.

3. Application V/2017/0575, Mr. I. Glenn, outline application with all matters reserved for the demolition of existing buildings and erection of a maximum of 4 dwellings, Linby Boarding Kennels, Church Lane, Hucknall.

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

As requested, the Applicant had forwarded a Landscape Appraisal in support of the proposal to demonstrate that there will be no adverse impact on the openness of the Green Belt.

The ADC Landscape Team have considered this appraisal and notwithstanding it being deficient in certain areas, their conclusions are that whilst the revised layout is likely to have a greater visual impact than the existing buildings, this is not considered to be significant and is not likely to impact on the openness of the Green Belt.

It was moved and seconded that outline conditional consent be granted.

4. Application V/2018/0082, Gleesons regeneration Ltd, application to remove/vary Condition 13c of Planning Permission V/2016/0487, land to the rear of 249 and 251 Alfreton Road, Sutton in Ashfield.

In discussing the application Councillor Jason Zadrozny wished to place on record his thanks and appreciation to Ian Hewitt, Major Projects Officer, for the immense work he had undertaken in respect of this matter.

It was moved and seconded that planning permission be refused for the following reasons:-

1. The applicant has failed to demonstrate that the noise levels arising from the development will not be increased over and above the ambient levels, a situation which it is considered will cause undue harm to the residential amenities of the adjoining residential properties. The proposal is therefore considered contrary to Part 8 of the National Planning Policy Framework 2012; Ashfield Local
2. The applicant proposes a poorly designed, shorter length fencing solution offering no specific acoustic properties. The omission of a walled treatment to the boundaries of the access road, with acoustic properties or not, will severely compromise the visual and environmental characteristics of this locality resulting in material harm to the visual amenity of the street scene and entrance to the development site and to the residential amenities of the adjoining residents. Accordingly, the proposal is considered to be contrary to Parts 7 and 8 of the National Planning Policy Framework 2012; Ashfield Local Plan Review 2002 Policies ST1 and HG5 and the ADC Publication Local Plan 2016 Policies SD1, SD2 and SD13.

(Councillor Cathy Mason left the meeting at 8.03 p.m. and returned at 8.06 p.m. during consideration of the above item. Consequently, in accordance with the Code of Conduct and Procedures in respect of the Planning Service she was not permitted to vote on the application).

(Following consideration of the above item the meeting was adjourned at 8.10 pm and reconvened at 8.17 p.m.)


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

One further letter of objection had been received. This takes the total number of written objections received for this proposal from 3 to 4. The objection has been received on the grounds of noise, parking and increased traffic.

Objections on these grounds have already been raised within other written representations. As such, these issues were fully considered when forming the recommendation to approve the proposed change of use to a micro pub. An additional condition was therefore proposed to ensure cigarettes were disposed of appropriately.

Mrs A. Stevenson, an objector to the application, and Mr. M. Cully, on behalf of the applicant, took the opportunity to address the Committee in respect of this matter.

In accordance with paragraph 9.1(c) of the Code of Conduct and Procedures in respect of the Planning Services, Councillor Nicolle Ndiweni addressed the Committee in respect of this application.

It was moved and seconded that conditional consent be granted subject to the following additional conditions being attached to this permission:-
Condition 9
Prior to the commencement of the hereby approved use, details for the provision of a receptacle for the disposal of cigarettes and its siting should be submitted to and approved in writing by the Local Planning Authority and permanently retained as such thereafter.

Condition 10
No deliveries of any type shall take place outside the hours of 09:00am to 7:00pm.

(At this point in the proceedings and in accordance with Council Procedure Rule 23, a motion was moved and seconded to extend the conclusion of the meeting to 9.15 p.m. The motion was put to the vote and subsequently carried).

6. Application V/2018/0110, Mr. K. Quickfall, change of use from Post Office, Shop and Off Licence to Post Office, Shop and café/Micro Pub, Portland Road Post Office, 60 Portland Road, Selston.

Mr. K. Quickfall, the applicant, took the opportunity to address the Committee in respect of this matter.

In accordance with paragraph 9.1(c) of the Code of Conduct and Procedures in respect of the Planning Services, Councillor Robert Sears-Piccavey addressed the Committee in respect of this application.

It was moved by Councillor Jason Zadrozny and seconded by Councillor Sam Wilson that the recommendation contained within the report be rejected and that conditional planning consent be granted.

It was considered by the Planning Committee that the proposed development would not result in a significant impact on the amenities of neighbouring properties or parking in the area and would therefore accord with local plan and neighbourhood plan policies and support a local business.

It was consequently agreed that the applicant be requested to submit amended drawings (within 4 weeks of this meeting) to restrict access to the rear of the property for members of the public. Thereafter, delegated authority be granted to the Corporate Planning and Building Control Manager, in consultation with the Chairman of the Planning Committee, to determine the application and the schedule of conditions (the conditions proposed are similar to the conditions attached to planning application V/2018/0101).

In the event that the applicant does not agree with the proposed conditions the application be referred back to the Planning Committee for further consideration and determination.

The meeting closed at 9.15 p.m.

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

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.

If a member of the public wishes to view any Background Papers an appointment should be made (giving at least 48 hours notice) with the appropriate Officer in the Council’s Development Control Section.
Site Visits Planning Committee

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

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Interim Director – Place and Communities or the Corporate Manager by 4pm 11th May 2018.

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 and those Members attending site visits should meet at the Council Offices at Urban Road at 10am on the Wednesday before Planning Committee. If there is any difficulty in obtaining transport please make contact with the above named officers where alternative arrangements can be made.

C. Cooper-Smith
Interim Director – Place and Communities
Tel: 01623 457365
E-mail: c.cooper-smith@ashfield.gov.uk
### PLANNING COMMITTEE – 17 MAY, 2018

<table>
<thead>
<tr>
<th>App No</th>
<th>Location</th>
<th>Proposal</th>
<th>Recommendation</th>
<th>Applicant</th>
<th>Applicant ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>V/2018/0186</td>
<td>Abbey Hill</td>
<td>Detached Garage</td>
<td>Approve</td>
<td>Mr C Berridge</td>
<td></td>
</tr>
<tr>
<td>V/2018/0021</td>
<td>Selston</td>
<td>Change of use of existing dwelling to a Day Nursery (D1) for use by members of the public</td>
<td>Refuse</td>
<td>Mrs A Astle</td>
<td></td>
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<tr>
<td>V/2018/0092</td>
<td>Skegby</td>
<td>Variation of Condition 2 of Planning Permission V/2015/0533 - Substitute House Type to Plots 5-9</td>
<td>Approve</td>
<td>Rippon Homes Ltd</td>
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S:\planning\Committee\CommitteeMeetings\2018\May
## PLANNING COMMITTEE – 17 MAY, 2018

<table>
<thead>
<tr>
<th>Jacksdale</th>
<th>V/2018/0106</th>
<th>Derbyshire Properties</th>
<th>Approve</th>
<th>Demolition of Existing Bungalow and Erection of 2 Dwellings</th>
<th>132 Wagstaff Lane Jacksdale</th>
</tr>
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<tbody>
<tr>
<td>49-58</td>
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</table>
Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Jason Zadrozny on the grounds of policy implications and Councillor Jackie James on the grounds of inaccurate plans.

The Application
This is an application for Detached Garage.

Consultations
Individual notifications to surrounding residents has been sent.

The following consultation responses have been received:

ADC Environmental Health:
While no comments have been received as part of this application, the informatives originally requested during the previous approval (V/2017/0682) are still considered applicable, which are;
The garage shall be offered adequate protection from any harmful ground gas which may be present, and;
If un-natural ground or odour is encountered during construction works, the developer should contact the Council’s Environmental Health team at the earliest opportunity.

8 objections have been received in writing by the local residents in respect of the application, which raise the following concerns:

- Building works should not happen on land not owned by the applicant.
- Should have been built as originally approved, and not 2m wider.
- The design of the building looks industrial, and not in keeping with the area.
- The garage is overbearing in nature and out of keeping.
- Garage will have an impact on property value.
- Believe the garage is to be used for commercial gain.
- The roof is higher than originally proposed.
- Concerns the house extension already approved will be built bigger.
- Footing for the proposal had already been laid prior to the approval being issued.
- Garage reduced levels of sunlight and affects the view of nearby properties.
- The garage will overshadow nearby properties.

**Policy**

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

**Ashfield Local Plan Review (ALPR) (2002):**
ST1 – Development.
ST3 – Main Urban Area.

**National Planning Policy Framework (NPPF) (2012):**
Part 7 – Requiring Good Design.

**Emerging Ashfield Publication Local Plan (2016):**
SD1 – Good Design Considerations for Development.
SD2 – Amenity.

**Supplementary Planning Document:**

**Relevant Planning History**


Comment:

The site is located within the main urban area of Kirkby in Ashfield, where the principle of development is acceptable under policy ST2 of the ALPR (2002).

The application seeks consent for the retention of the existing garage erected within the residential curtilage of 2 Lodge Lane. 2 Lodge Lane is a larger modern two storey detached property, with a large frontage, which currently consists of two detached garages, with one of those being subject to this application.

The garage which is subject to this application benefited from a previous approval under application V/2017/0682. The garage is contemporary in character and incorporates a pitched roof in its design. The garage has however, been built approximately 2m wider than that originally approved.

A previous application (V/2017/0265) for a detached annex with linked double garage (which included the garage subject to this application) was refused on the basis that the proposal would form an independent residential unit. The application was therefore revised under application V/2017/0682, which was subsequently granted approval.

Visual Amenity:

The garage is in a relatively enclosed position, with only the roof of the garage being visible over the current boundary treatment. The proposal itself is not visible from the main public highway of Diamond Avenue, nor is it visible from the gated entrance onto Lodge Lane.

The garage is contemporary in design, incorporating grey garage doors, facia’s, and roof lights, with grey slate tiles and a proposed white render and grey stonework finish to the elevations. The design and materials are considered to be in keeping with the existing character and design of the host property.

A number of concerns have been raised relating to the development being out of character with surrounding properties, particularly those on Thoresby Avenue which are predominantly red brick properties. The Part 7 of the NPPF highlights how planning decisions should not attempt to impose architectural styles or particular tastes, while also not preventing or discouraging appropriate innovation. Taking this into account, it is considered that the overall design of the proposal would not result in significant harm to the character and appearance of the area.
Residential Amenity:
A number of concerns have also raised objection to the development being overbearing, overshadowing and resulting in a loss of light.

The rear elevation of the garage is set approximately 2m off the boundary line of No.11 Thoresby Avenue as identified on the plans provided, although it is noted that there is a land dispute in this area. This measurement has also been checked on site. The garage is situated at the end of the residential gardens for Thoresby Avenue.

The garage incorporates a pitched roof into its design which slopes away from the boundary line. The garage will reach a maximum eaves and ridge height of approximately 2.6m and 4.9m respectfully. There are no significant land level differences between the application site and surrounding properties, and the nearest residential property to the development (12 Ruby Gardens) is located approximately 19m away, with the closest on Thoresby Avenue (No.9) being located approximately 28.5m away. Taking the above factors into account, it is considered that the garage would not result in any overbearing or overshadowing impact, nor would it result in any unacceptable levels of loss of light to these properties, albeit it being 2m wider than originally approved.

Concerns have been raised relating to the intended use of the garage, which include the possibility for it being associated with a commercial use. A condition is therefore suggested which would require the garage to be used solely for residential purposes only.

The impact upon property value is not a material planning consideration, and works commencing on site prior to the issuing of a decision is done so at the risk of the owner applicant, and leaves the applicant open to potential enforcement action should the authority consider it expedient.

Disputed land:
A number of concerns have raised the observation that the garage is built on land not owned by the applicant. Land ownership disputes are not material planning considerations, and are therefore a civil matter. However having assessed the submitted details, including the plans application form, this illustrates that the strip of ‘disputed land’ is approximately 2m wide, which is the remaining distance from the rear of the garage to the boundary. The applicant has also signed ‘Certificate A’ within the application form, which certifies they are the owner of the land in which this application relates.

Highways:
Adequate visibility splays are maintained at the entrance to the site, in addition to the site also conforming to the Residential Car Parking Standards SPD with regards to suitable space being provided to accommodate off-street parking. Therefore there are no highway safety concerns associated with this proposal.
Conclusion:

Having reviewed all the submitted information, and assessing this against all relevant policies and material planning considerations, conditional consent is recommended for this application.

Recommendation: - Full Application Conditional Consent.

CONDITIONS

1. This permission shall be read in accordance with the following plans: Proposed Site Plan and Elevations, Drawing No.T904-PL32 Rev.A, Received 26/04/2018. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

2. The hereby permitted garage shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms and their visitors, and for no other purpose and permanently retained as such thereafter.

REASONS

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

2. To safeguard the amenities of residents living in the vicinity of the application site.

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. The garage shall be offered adequate protection from any harmful ground gas which may be present.

3. If un-natural ground or odour is encountered during construction works, the developer should contact the Council’s Environmental Health team at the earliest opportunity.
V/2018/0021 Change of use of existing dwelling to a Day Nursery (D1) for use by members of the public
Wren Hall Nursing Home 234 Nottingham Road

Map sheet: SK4752NW

17 May 2018

Scale: 1 to 1250

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Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA
Committee Date: 17/05/2018

Applicant: Anita Astle

Proposal: Change of use of existing dwelling to a Care Home (D1) and Day Nursery (D1) for use by members of the public

Location: Wren Hall Nursing Home, 234 Nottingham Road, Selston Nottingham, NG16 6AB

Web Link: [https://www.google.co.uk/maps/place/Wren+Hall+Nursing+Home/@53.0688366,-1.2971309,17z/data=!3m1!4b1!4m5!3m4!1s0x4879949b17ccba33:0x7d24e3703ff4e354!8m2!3d53.0688366!4d-1.2949422](https://www.google.co.uk/maps/place/Wren+Hall+Nursing+Home/@53.0688366,-1.2971309,17z/data=!3m1!4b1!4m5!3m4!1s0x4879949b17ccba33:0x7d24e3703ff4e354!8m2!3d53.0688366!4d-1.2949422)

Background Papers

App Registered: 11/01/2018
Expiry Date: 07/03/2018

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

This application has been referred to Planning Committee by Councillor Sam Wilson to discuss policy implications.

The Application

This is an application for the change of use of an existing building to a Day Nursery (D1) and Care Home (D1).

Consultations

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

1 Letter of support has been received from a local business stating the company provides a friendly atmosphere for staff and residents.

A.D.C Land Contamination – The application being a change of use does not require a contamination condition.

A.D.C Environmental Health – No objection in principle, however the developer should ensure that suitable noise mitigation measures are considered to reflect the adjacent premises.
**NCC Highways** - Taking certain factors into account including:

- The development’s exact nature and likely use;
- Its geographical location;
- How accessible the development is using other methods of transport, including public transport, walking or cycling.

The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway.

**Selston Parish Council** – Support the application.

**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 (2002)**
ST1 – Development
ST3 – Named Settlement

**National Planning Policy Framework (2012)**
Part 1 – Building a strong, competitive economy
Part 4 – Promoting sustainable transport

**Ashfield Local Plan Publication (2016)**
S1 – Sustainable development principles
S2 – Overall strategy for growth
SD9 – Traffic Management and Highway Safety
SD10 – Parking

**(Just) Neighbourhood Plan 2017 – 2032 Jacksdale, Underwood and Selston**
NP1 – Sustainable development

**Relevant Planning History**

**V/2017/0653** – Extension to rear of existing care home and additional car parking to the north west of the site. Withdrawn.

**V/2010/0273** – Extensions and alterations to existing care home to include ancillary day care centre. Granted. 13/07/2010.
Comment:

This application was originally submitted seeking a change of use of an existing dwelling on the site to a care home and nursery to be used by children of the nursing homes staff only.

The application now seeks consent for a change of use of the building to a day nursery to be used by members of the public. The proposal would cater for up to 30 children and employ 7 members of staff with opening hours between 0700 and 1800. The application also proposes additional care home facilities on the first floor, including one bedroom and office space.

The Site

The application site is Wren Hall Care home located on Nottingham Road within the named settlement of Selston. The application site consists of an existing building and parking area, located to the front of the Wren Hall Care home site. The main issues to consider in this application are parking, highway safety and residential amenity.

Highways Safety and Parking

The proposal is located along the busy B600 and directly opposite a ‘T-junction’ shared between Nottingham Road and Annesley Lane. The road is subject to a 30 mph speed restriction outside the access. Within the red boundary of site the applicant has shown 8 existing spaces; a further 11 are provided in an adjacent car park within the wider boundary of the care home. This takes the total to 19 spaces serving the wider site.

The applicant has submitted a Travel Plan to support the proposals. The following table taken from this plan shows the maximum numbers of people expected across the site as a whole:

<table>
<thead>
<tr>
<th></th>
<th>Nursing Home</th>
<th>Nursery</th>
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<tbody>
<tr>
<td></td>
<td>Nursing Times</td>
<td>Staff</td>
</tr>
<tr>
<td>Morning</td>
<td>07.10 - 14.00</td>
<td>35</td>
</tr>
<tr>
<td>Afternoon</td>
<td>14.00 - 21.00</td>
<td>31</td>
</tr>
<tr>
<td>Night</td>
<td>20.45 - 07.15</td>
<td>10</td>
</tr>
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The plan identifies that from a staff survey approximately 55% of these staff travel by car to the site, and this could be reduced to 50% if the steps identified within the Travel Plan were followed.
The Travel Plan provides a useful indicator when assessing parking requirements for the proposal and the Council considers the following additional parking spaces would be required:

- 2 Spaces for staff of the nursing home
- 3 Spaces for staff of the day nursery
- 6 Spaces for drop off + pick up of children
- 1 Space for deliveries (larger good vehicles)

The proposed use would therefore require an additional 12 car parking spaces - however none have been provided. The applicant has shown parking for 8 vehicles within the boundary of site, however this parking area is currently used by the existing Wren Hall Care home. There are also 11 existing spaces in the adjacent car park, again, however these are used by the Care home and if this proposal went ahead, it is likely around 39 spaces would be needed to serve the whole site – as opposed to the 19 provided.

At present parking provision is wholly insufficient. This was evident from a site inspection, where it was identified that both car parking areas were full and cars were using the adjacent public house car park. There were also cars parked on grass verges outside the site. This is also exacerbated by the fact there are parking restrictions on Annesley Lane, and due to double white centre line road markings on Nottingham Road.

The proposed development would intensify the use of the site, increase demand and significantly exacerbate the existing parking problem. The Highways Authority have commented that taking a number of factors into account, including the nature of the proposal, its geographical location and its accessibility by other methods of transport - the proposal would fail to make adequate provision for the parking of vehicles within the curtilage of the site, and that there would be an increase in the likelihood of dangers to highway users through vehicles being parked on the public highway.

It is therefore considered the cumulative impact of the proposal would, in this case, lead to sporadic, inconsiderate and opportunistic parking directly outside the access, which would prejudice highways safety on a busy road. The proposal would therefore be contrary to Saved Policy ST1 (b and c) of the Ashfield Local Plan Review and Part 4, paragraph 32 of the National Planning Policy Framework.

**Residential Amenity**

The building subject to this application is located approximately 30m from the nearest neighbouring property to the north east. The Councils Environmental Health team have raised no objection to the granting of planning permission; however due to its proximity to commercial properties had requested the applicant consider noise mitigation measures.
Given the distance to neighbouring properties and the existing use of the site as a care home; it is considered that neither the proposed increase in comings and goings nor additional noise from the intended use would significantly harm the living conditions of neighbouring occupiers.

**Visual Amenity**

The proposal includes internal alterations only and therefore the impact upon the character and appearance of the area is limited. However, with there being the likelihood of cars parked sporadically outside the access, this would result in a small degree of harm to the visual amenity of the area at this location.

**Conclusion:**

The proposal would provide some economic and social benefit through the creation of a day nursery and additional employment in accordance with paragraph 28 of the NPPF. Any benefits are however outweighed by a significant shortfall in parking provision on the site and the consequent increased likelihood of danger to other users of the highway through the likelihood of vehicles being parked on the highway. This would be contrary to paragraph 32 of the NPPF.

The submitted Travel Plan is welcomed, however it identifies that its current situation could be slightly improved, but this does not account for the existing lack of parking provision on the site and the further increase in demand that is required.

**Recommendation:** - Refuse

**REASON**

1. The proposed development fails to provide adequate off-street parking provision at a location where there is a high demand for parking. The proposal would therefore likely lead to inconsiderate, sporadic and opportunistic parking, which would be a source of danger and inconvenience to users of the highway. It is therefore considered that this proposal is contrary to Saved Policies ST1 (b and c) of the Ashfield Local Plan Review (2002) and Part 4, paragraph 32 of the National Planning Policy Framework (2012).
Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Helen-Ann Smith to discuss highways issues and intensification. It has also been referred by Councillor Paul Roberts.

The Application
This application is seeking to vary the approved plans (condition 2) of Reserved Matters planning approval - V/2015/0533. This application was approved, on appeal, following an outline permission up to 37 dwellings at this site.

The proposal has arisen following negotiations between developers and residents and seeks to alter the house types to plots 5 – 9.

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

1 x Letter of support has been received from a local resident stating that negotiation has taken place to formulate a design, which is more sympathetic to their property.

1 X Letter of objection has also been received from a local resident raising concerns over the access, highways safety and parking to the development as a whole.
Policy
Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

The National Planning Police Framework (NPPF)
Paragraphs 7-9 – Achieving sustainable development
Paragraphs 11-17 – The presumption in favour of sustainable development
Part 4 – Promoting sustainable transport
Part 6 – Delivering a wide choice of high quality homes
Part 7 – Requiring good design
Part 8 – Promoting healthy communities
Paragraphs 186-206 – Decision-taking

The Ashfield Local Plan Review 2002 (ALPR)
ST1 – Development
ST4 – The remainder of the District
EV2 – The countryside
HG3 – Housing density
HG5 – New residential development
HG6 – Public Open Space in new residential developments

Ashfield Publication Local Plan (2016)
S1 – Sustainable Development Principles
S2 – Overall Strategy for Growth
SKA3 – Sutton & Kirkby Housing Allocations
HG4 – Housing Mix
HG5 – Housing Density

Teversal, Stanton Hill and Skegby Neighbourhood Plan 2016 – 2031
NP1 - Sustainable Development
NP2 - Design Principles for Residential Development
NP3 - Housing Type


Relevant Planning History

V/2012/0556 - Outline Application for residential development for a maximum of 37 dwellings – Approved on Appeal

V/2015/0533 - Application for the approval of reserved matters (following the grant of outline approval - V/2012/0556) for 36 dwellings with associated access, appearance, landscaping, layout and scale. Approved on Appeal.

V/2016/0462 - Application For Approval of Reserved Matters Application V/2012/0556 For Residential Development. Approved.
V/2017/0134 - Application for Approval of Details Reserved by Conditions 3, 4, 5, 6, 7, 8, 9 10 and 11 of Planning Permission V/2015/0533


Comment:

The table below provides an overview of the intended changes to plots 5 – 9.

<table>
<thead>
<tr>
<th>Plot Number</th>
<th>Approved House Type</th>
<th>Substitute House Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>3S24 – 3 Bedroom Terrace</td>
<td>L2 – 2 Bedroom Semi</td>
</tr>
<tr>
<td>6</td>
<td>3S25 – 3 Bedroom Terrace</td>
<td>L2 – 2 Bedroom Semi</td>
</tr>
<tr>
<td>7</td>
<td>3S24 – 3 Bedroom Terrace</td>
<td>3S24 – 3 Bedroom Terrace</td>
</tr>
<tr>
<td>8</td>
<td>L2 – 2 Bedroom Semi</td>
<td>3S25 – 3 Bedroom Terrace</td>
</tr>
<tr>
<td>9</td>
<td>L2 – 2 Bedroom Semi</td>
<td>3S24 – 3 Bedroom Terrace</td>
</tr>
</tbody>
</table>

House type L2 is an affordable unit; however, as identified above, the amount of affordable units will remain the same.

The main considerations in the determination of this application are the impact upon the character and appearance of the area, residential amenity and highway safety. These are discussed in turn below.

Residential Amenity

Existing Residents

The developer (Rippon Homes) has been in negotiations with the neighbouring residents on Eyres Close to assist in the formulation of a scheme, which is more sympathetic to their properties.

The change in house type involves swapping a row of three terraced properties with two semi-detached dwellings. As a result plot 6 would be located at a greater distance from numbers 2 and 4 Eyres Close. There is now a separation distance of approximately 14m between the side elevation of the dwelling at plot 6 and the rear of No.4. As with the previously approve scheme, this distance complies with the Councils Residential Design Guide SPD (2014) minimum separation distance of 12m between side and rear elevations.
The dwellings at plot 6 and 7 have also been amended to include a hipped roof which reduces their massing; the applicant is also to provide a 2.4m boundary fence to adjacent properties on Eyres Close – to improve privacy.

Consequently, due to the separation distance, design and boundary treatments it is considered there would be no adverse impacts to No. 2 and 4 Eyres Close by way of the development being overbearing, overshadowing or through loss of privacy.

Following concerns raised by the case officer, the terraced row at plots 7-9 has been reconfigured to provide a minimum separation distance of approx. 19.4m from plot No. 7 and approx. 19.6 from plot No. 8 - to the rear of 6 Eyres close. The dwellings have also been angled to help reduce any overlooking impacts and the roof of plot No. 7 has been hipped. Although the separation distance would fall marginally below the Councils minimum required standard, it is similar to that already approved and it is considered that the distance would be sufficient to ensure there would be no significant loss of light, overbearing impacts or loss of privacy - which would significantly worsen the living conditions of the occupants at 6 Eyres Close.

**Future Residents**

In terms of living conditions of future occupants, these would be consistent with the other housing across the site, which were approved by the Planning Inspectorate. As such these are considered to provide a good standard of living for any future occupants.

**Character and Appearance**

The newly proposed terraced row features a design containing a mixture of a gable end and hipped roof, with an extended gable section to the front. The semi-detached properties have also been altered to have a hipped roof. Overall the modern design of the proposals are considered acceptable and would be in keeping with others at the site.

The alterations to the parking arrangements and layout to accommodate the changes would result in no harm to the character and appearance of the area and proposal is therefore considered to accord with NPPF Part 7, which places an emphasis on achieving an attractive design.

**Highways**

The proposal would not increase the number of bedrooms within the dwellings and as such there would be no intensification in the use of the sites access. The creation of the new site access off Mansfield Road is a major concern to local residents, however this has been thoroughly assessed by the Planning Inspectorate in two appeal decisions and found to be acceptable. Consequently, this is not a factor that could amount to a reason for a refusal of planning permission.
The new layout would provide sufficient off street parking to accord with the Councils Residential Car Parking Standards (2014) and it is considered this current application would result in no material harm to highways safety at this location.

**Foot Path**

There is a footpath which crosses the site, connecting Back Lane and Mansfield Road. The proposed change in house type means that the built form of the properties no longer intersects the footpath, rather it would now run adjacent to the side of plot 5. The footpath is to be subject to a diversion order and an appropriate condition has been applied.

**Section 106 undertaking**

The applicant has agreed to enter into a legal undertaking, which is to be made under section 106 of the 1990 Act. This is required to ensure the application would tie into the original Unilateral Undertaking, which addressed the issue of affordable housing and secured contributions towards open space, education and transport improvements.

**Conclusion**

In conclusion, the proposed substitution of house types is considered to be acceptable. The proposal would not result in a significant detrimental impact upon the living conditions of neighbouring residents, highways safety or the character and appearance of the area. In light of the above the application is recommended for approval, subject to a satisfactory completion of a legal agreement.

**Recommendation:** Approve subject to the satisfactory completion of a S106 legal agreement.

**CONDITIONS**

1. No development shall take place until samples of the materials and finishes to be used for the external elevations and roofs of the development 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.

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turving indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the...
next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

3. No development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:
   A. Full details of the proposed treatment of the site’s boundaries.
   B. A phasing scheme for the implementation of the agreed boundary treatment.
   The boundary treatment shall be undertaken in accordance with the agreed details.

4. No part of the development hereby permitted shall be brought into use until details of the new internal roads and associated infrastructure have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross section gradients, parking provision, turning facilities, access widths, visibility splays (including pedestrian, junction and forward visibilities), street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. All details submitted to the Local Planning Authority shall comply with the County Council’s current Highway Design & Parking Guides and shall be implemented as approved. Any visibility splays shall be kept clear of any obstruction to visibility over 0.6m high for the life of the development.

5. Before the development is brought into use the off-site traffic management works comprising a Traffic Regulation Order to provide enforceable double yellow lines on the junction of the site access with Mansfield Road will be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

6. The development will require the diversion of a public right of way and no part of the development hereby permitted or any temporary works or structures shall obstruct the right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification first submitted to and approved by the Local Planning Authority.

7. No part of the development shall be occupied until all noise mitigation measures shown to be necessary with the Noise Impact Assessment by Kirby Charles Associates Ltd Reference KCA261112/2400 have been installed and a validation report submitted to and approved in writing by the local planning authority.

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a landscaping scheme which should include details of all trees and hedgerows on the site to be retained together with measures for their protection during the course of the development.

9. Drawing 181.06.110 Rev F. House types: 3D6, 3D7, 3S6 Semi, 3S6 - 3S27, 3S22 - Semi, 3S24 - 3S25 Terrace Alt Format, 3S27 Detached, 4Bl Spec, 4D29, 4D32, 4D36 Standard, 4D36 - Special, 4D44X, L2 - Semi Rev F; Garages: GS5F, GD7F AND GD8H.
REASONS

1. In the interests of visual amenity.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In the interests of highways safety.
5. In the interests of highways safety.
6. To protect the integrity of the public footpath.
7. In the interests of residential amenity.
8. In the interests of visual amenity.
9. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

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).
V/2018/0035 Construction of 34 Space Car Parking Spaces
Including 2 Dedicated Disabled Parking Spaces. Construction of Weir within Reservoir, Selective Dredging of Sediment and Creation of Wetlands Receptors to Deposit Dredged Material.

Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

Kingsmill Reservoir Sherwood Way South
Sutton Junction and Harlow Wood

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Scale: 1 to 10000

17 May 2018
Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee as it is a proposal by the Ashfield District Council.

THE SITE

The site is situated to the east of Sutton in Ashfield on the border with Mansfield District. Primary vehicular access to the site is from Sherwood Way South providing a wide carriageway with a designated turning lane into the site for the north west bound traffic. The entrance provides good visibility for vehicles entering and leaving the site. There is a secondary vehicular access point to the north east of the site off Kings Mill Lane however, this is a farm access only. With no off road parking areas at the north east end of the site, on street parking is having an adverse effect on the residents in the vicinity.

The site is a designated nature reserve supporting a diverse range of wildlife including flora and fauna species. The reservoir comprises the main waterbody (approx. 22ha) which is fed by, and drains to, the River Maun. Habitats surrounding the waterbody include woodland, scrub, tall ruderal and grassland. To the south of the lake is the existing visitor centre and associated infrastructure.
The Hermitage Ponds are situated downstream of the reservoir, beyond the viaduct. The ponds are surrounded by woodland and are bisected by an active railway line.

The application site is located within the countryside where permissions will only be granted for appropriate development which protects the openness and character of the countryside as set out in the Ashfield Local Plan Review 2002. The site is also located within a mature landscape area and is a nature conservation site. Policies ST1; ST4; EV2; EV4 and EV6 of the local plan and Part 11 of the National Planning Policy guidance 2012 – Conserving & Enhancing the Natural Environment, are material considerations in the determination of the application.

THE APPLICATION

The development forms part of a Heritage Lottery bid to secure funding to improve the sustainability of the reservoir site and enhance the recreation infrastructure.

The planning application includes the proposal to extend the car park at the site to accommodate the increasing numbers of visitors, and to construct a sediment control weir at the main inlet of the reservoir and to implement selective dredging of the water body and the creation of wetlands receptors to deposit dredged material.

Car Park Extension
The site currently has a 43 space capacity car park for recreation visitors accessed off Sherwood Way South. The car park regularly reaches capacity and is currently operating at 98% capacity at peak hours which contributes to congestion on the access road and displacement of vehicles to side roads on the north east boundary of the reservoir (Kings Mill Lane). Further investment and promotion at the site will mean the site is unable to cater for increasing visitor numbers which may have an effect on surrounding infrastructure and residential areas.

The proposal seeks to redevelop part of the grazing land to the south west of the car park to accommodate 38 additional parking spaces including two dedicated disabled spaces and establish a native hedgerow to formalise the boundary of the car park.

Dredging Plan
In order to facilitate the construction of a sediment containment weir and maximise the efficiency of sediment disposition, it is proposed to undertake dredging within the main inlet to the reservoir. The sediment that is to be dredged from the inlet is to be reused to form a berm [raised platform] along the northern shoreline which is to be reed planted to increase the margin habitat at the site. Further sediment remodelling is proposed around the jetties which will entail sediment being pushed from the shallows and remodelled in the south east corner to form a wetland.
Weir Construction
The weir construction has been developed to form a means of controlling sediment disposition into the wider reaches of the reservoir to focus and improve the efficiency of future dredging operations and maintain the continuity of activities at the site. The weir will be constructed from clean granular fill to form the core of the structure with rock armour built up on the up and downstream profiles to prevent erosion. The finished height of the weir will be 100mm - 200mm below the water level creating no visual impact to the site and providing fish passage between the up and downstream elevations of the weir.

CONSULTATIONS
Site Notices have been posted but with the site being remote from residential areas, no individual notification of surrounding residential properties has been undertaken.

ADC Environmental Protection [ Contamination & Land Stability ]
Not necessary to require a land contamination condition of any permission issued.

ADC Landscaping
Certain revisions to the proposals were suggested in relation to car park markings; fencing; surfacing; pedestrian crossing treatments; and planting. All elements have been addressed and amendments incorporated into revised drawings.

Nottinghamshire County Council Flood Risk Management Team
No objections.

Nottinghamshire County Council Planning Strategy
Concerns raised regarding waste disposal and ecology. These were addressed by the applicant and NCC Planning Strategy further confirmed that the approach to waste is a suitable approach and that the use of an Ecological Clerk to oversee specific areas of work, as suggested by the applicant, would be useful. The specific areas of work ought to be identified in advance by way of a condition.

Nottinghamshire County Council Highways Authority
No adverse impacts on the adjacent public highways and therefore no objections to the development.

Natural England
No objection, unlikely to affect any statutorily protected sites or landscapes.

Environment Agency
Discussions between the applicant and the Environment Agency have been ongoing concurrent to the processing of the application, in particular, regarding the impact of mobilizing phosphorous rich sediment during desilting works.
The Environment Agency have now confirmed that, providing the recommendations for mitigation for wildlife included within the Ecology Survey are followed, they have no objections to the development.

**Sutton-in-Ashfield Sailing Club**
Required assurance that their site access would not be affected; their sailing area would not be reduced; & that the existing & proposed car parking areas would be lit. Confirmation has been issued that their access is unaffected; the works will improve the water depth and thus benefit sailing; and that there are no plans within this proposal to install lighting to the car parks, principally due to the potential for pollution and effect on local wildlife.

**The Mill Adventure Base**
No response received.

**POLICY**

**National Planning Policy Framework 2012**
Part 11 – Conserving & Enhancing the Natural Environment

**Ashfield Local Plan Review 2002**
ST1 – Development
ST4 – Remainder of the District
EV2 – Countryside
EV4 – Mature Landscape Areas
EV6 – Local Nature Reserves & Sites of Importance for Conservation & Geological Significance.

**Ashfield Publication Local Plan 2016**
EV2 – Countryside
EV4 – Green Infrastructure, Biodiversity & Geodiversity.
EV5 – Protection of Green Spaces and Recreation Facilities
EV6 – Trees, Woodland & Hedgerows
SD1 – Good Design Principles for Development

**RELEVANT PLANNING HISTORY**

- **V/2006/1001** - Vehicle height barriers; bollards; & boulders to car park. CA 21/12/2006
- **V/2007/0445** - Installation of geothermal scheme to provide heat exchange for Kings Mill Hospital. CA 05/09/2007
ASSESSMENT

In the determination of the application, the main considerations include the principle of the development; layout and design; ecology and environmental impact; and impact on local amenity. These are considered below.

Principle
The Local Plan Review 2002 land designation is Countryside, Policy EV2 which constrains development to appropriate uses, which includes outdoor sport, recreational and tourism uses and ancillary element to support these uses. The proposed developments are seen as important to maintain and enhance the attractiveness, convenience and use of the site as a recreation / tourism facility and also to alleviate some off-site concerns and impacts of overspill parking.

Layout & Design
The existing 43 space car park, accessed off Sherwood Way South, regularly reaches capacity and is currently operating at 98% capacity at peak hours which contributes to congestion on the access road and displacement of vehicles on and around Kings Mill Lane to the north east of the reservoir.

The proposal seeks to redevelop part of the grazing land to the south west of the existing car park to accommodate 38 additional parking spaces including two disabled spaces. Vehicular access will be taken via the existing field entrance, widened out to 6.5m and receiving a tarmac ‘wearing’ finish. The car park will bestoned and the surrounding land seeded over. Existing hedgerow boundaries will be retained but pruned and a segregated pedestrian link provided through to the existing car park.

The balance of the grazing land to the south west up to the site boundary will receive a significant amount of tree planting, interspersed with native wild flower zones and connected by new linking footpath routes. Existing shed and stables will be removed from the land.

It is considered that the proposal car park ensures a sympathetic approach to the development of the site through the retention, management and supplementation of hedgerows; the use of the existing access to the site; and the tree planting and wild flower zones proposed. The car park construction has a permeable surface to prevent surface water runoff from impacting the drainage ditches to the north and east of the proposed carpark.

The dredging and weir construction works will be temporary and a compound is proposed utilising the car park extension access and siting for the period of works. This zone will then be reinstated, part as car park, the remainder tree and wild flower planting areas.
There will therefore be no remaining legacy of these construction works. The balance of the proposed works, dredging and construction of the weir, are equally innocuous in so much as once completed, there are no visible remains of the activity / installation.

Accordingly, the development is considered to meet the policy requirements of the National Planning Policy Framework and the current and emerging local plans.

**Ecology & Environmental Impact**

The site is a designated nature reserve supporting a diverse range of wildlife including flora and fauna species. The reservoir comprises the main waterbody (approx. 22ha) which is fed by, and drains to, the River Maun. Habitats surrounding the waterbody include woodland, scrub, tall ruderal and grassland. The Hermitage Ponds are situated downstream of the reservoir, beyond the viaduct. The ponds are surrounded by woodland and are bisected by an active railway line.

Ecology has been addressed within the application, which is supported by surveys considering:

- Preliminary Ecological Appraisal & Impact Assessment Sept. 2015
- Ecological Surveys & Mitigation Nov. 2017
- Construction Ecological Management Plan Nov. 2017
- Water Vole Survey May 2014
- Aquatic Invertebrate Survey Sept. 2012

The Environment Agency and Nottinghamshire County Council Strategic Planning have vetted the submitted documentation. The Environment Agency raised the issue regarding the mitigation strategy for water voles in relation to the de-silting and works around the banks of the reservoir. As the proposed works are not within 5metres of the water voles, a species specific mitigation strategy was not deemed appropriate. The Environment Agency have accepted this on the basis that the mitigation recommendations stipulated within Section 6 of the Ecological Surveys & Mitigation Report, Nov. 2017, relating to habitats; floral species; invasive floral species; common amphibians; large mammals; bats; nesting birds; water voles; white-clawed crayfish & fish, are adhered to.

Nottinghamshire County Council Strategic Planning also suggest that marginal reed bed planting; restriction of works within the bird nesting season; and the mitigation measures for the protection of water voles be secured by condition. Furthermore, all works should be similarly controlled by a condition ensuring compliance with the submitted ecological and environmental reports in terms of recommendations, mitigation and protection. The Construction Phase Ecology Management Plan in particular will inform the delivery of the proposal, overseen as appropriate by an Ecological Clerk of Works.
Whilst there are elements of the proposals that involve temporary disruption to the local ecology, the mitigation measures identified will ensure the resultant impact is marginal and that the completed works will bring enhancement and preservation of habitats.

Environmental issues have been addressed within the application, which is supported by surveys considering:

- Environmental Assessment of the Ditch at Kings Mill Reservoir June 2006
- Kings Mill Reservoir Bed Sediment Sampling Nov. 2015
- Kings Mill Reservoir Sediment Management System Nov. 2017

In order to facilitate the construction of a sediment containment weir and maximise the efficiency of sediment disposition, it is proposed to undertake dredging within the main inlet to the reservoir. The sediment that is to be dredged from the inlet is to be reused to form a berm along the northern shoreline and reed planted to increase the margin habitat at the site. Advice has been obtained from the Environment Agency and no exemptions or permits are required where the sediment material is to be retained within the extent of the water body. Further sediment remodelling is proposed around the jetties which will entail sediment being pushed from the shallows and remodelled in the south east corner to form a wetland.

Nottinghamshire County Council Strategic Planning were concerned over the potential release of phosphorous within the sediments during dredging and whilst this seems inevitable, appropriate pollution control measures, as discussed and agreed with the Environment Agency will be in place.

The weir will be a means of controlling sediment disposition into the wider reaches of the reservoir, to focus and improve the efficiency of future dredging operations and maintain the continuity of activities at the site.

Crucially, the finished height of the weir will be 100mm - 200mm below the water level, thereby creating no visual impact to the site and providing fish passage between the up and down stream elevations of the weir.

Nottinghamshire County Council Strategic Planning queried the waste element of the development. Confirmation has been given that excavated waste from the car park zone will be re-used to grade out the adjacent tree and wild flowers areas and the dredged materials provide an opportunity to form a wetland berm along the northern perimeter of the site providing additional habitat for a wide selection of species including birds, water voles and invertebrates to support a balanced ecology. Operational/general waste will be managed through a waste audit with disposal likely through a suitably licensed waste management contractor.
The ecological and environmental facets of the development are therefore deemed compliant with the stated policies of the current and emerging local plans and in particular, Policies EV6 of the 2002 Plan and EV4 of the Emerging Plan 2016 are respected.

**Impact on Local Amenity**
The reservoir forms part of a valuable green corridor linking Ashfield and Mansfield. The site offers multiple opportunities for resident, community groups and the education sector to experience outdoor activities.

The proposed development seeks to address emerging impacts which may result in the reduction or loss of these activities and seeks to enhance the site to support increasing numbers of visitors.

Much of the development will be unseen once completed and hence there will be no impact on the local amenity. The provision of the car park extension will have an impact as it replaces open grazing land. Notwithstanding, without this provision, the opportunity for increasing visitor numbers to the facility will be curtailed and there will be increased pressure on surrounding residential streets with on-street parking. On balance therefore, it is considered that the significant benefits will outweigh the marginal loss of amenity, in the short term and the proposed tree and wild flower planting around the car park will further mitigate against this impact, whilst providing longer term benefits.

**CONCLUSION**

The reservoir site provides a valuable green space resource contributing to healthier, more engaged communities. The development is seeking to protect the public open space from progressive environmental impact (sedimentation) and ensure the site remains able to sustain the diversity of activities.

The expansion of the car park will seek to support a growth in visitor numbers at the site which will have added benefits through supporting the visitors centre and engagement in site volunteering activities.

**RECOMMENDATION** : Conditional Approval

**CONDITIONS**

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

2. The development hereby permitted shall be carried out only in accordance with the details and specifications included in the submitted application form and shown on the submitted drawings, as follows : -
3. Trees and shrubs shall be planted in accordance with the landscaping scheme submitted to the Local Planning Authority on drawings Nos. LCE/HLF/CP/M/2017, Rev. LCE-1.0 - Car Park Layout 1.0 and LCE/HLF/CP/M/2017, Rev. LCE-1.0 - Car Park Layout 2.0. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the car park, and any trees or plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning authority gives written consent to any variation.
4. There shall be no storage of any items, or parking of machinery, under the crowns of the trees during the construction process.

5. There shall be no raising or lowering of the existing ground levels, or disturbance of soil, under the crowns of the trees.

6. The development hereby approved shall be carried out in accordance with the Sediment Management System Report LCE-HLF-SM-2017 by JBA Consulting, dated November 2017 and in particular, the crest height of the proposed weir shall not exceed 131.64 metres above Ordnance Datum. All mitigation measures shall be fully implemented prior to occupation and be in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

7. Detailed design of the reed bed system to be deployed together with a construction phase sequencing plan should be submitted to and approved by the Local Planning Authority prior to the commencement of works. Details shall include plant species, layout, planting density and containment system.

8. Prior to the commencement of works, confirmation of the appointment of an Ecological Clerk of Works to oversee the dredging works phase shall have been submitted to and approved by the Local Planning Authority. The applicant shall thereafter retain validation / site records prepared by the Clerk of Works during the dredging works phase and submit these to the Local Planning Authority upon completion, for completeness.

9. The applicant and the Environment Agency acknowledge the potential for increasing the level of phosphorus into the water during the works. To ensure that such effects are minimised and that there are improvements to the ecology and resilience of the site for the future, details of the means of mitigation of pollution and water body control measures shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. Such measures should include but not necessarily exclusively :-
   - Undertaking the work during the winter season
   - Stopping work during storm events / high flows
   - Use of silt curtains to control suspended solids and silt displacement.
   - Minimise movement of the sediment
   - Monitor dissolved oxygen levels
   - Minimising the area of dredging (total area to be dredged is estimated to be 8 -10 % of the total bed area of the reservoir)
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 overall appearance of the completed development and to help assimilate the new development into its surroundings.
4. The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site.
5. The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site.
6. To prevent flooding by maintaining the capacity of the reservoir.
7. To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of development.
8. To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the dwellings in question.
9. To prevent pollution of the water environment.

INFORMATIVES

1. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent mud from transferring from the site.
2. In order to avoid impacts to nesting birds we also request that 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.
For further information please contact Rachel Hoskin at Natural England
Telephone 0300 0602343 or rachel.hoskin@naturalengland.org.uk

3. Bats and owls are protected under the Wildlife and Countryside Act, 1981. Bats and/or owls often use old buildings for roosting. If there is any reason to believe that bats or owls are present, English Nature should be informed immediately. English Nature’s address is The Maltings, Wharf Road, Grantham, Lincs NG31 6BH Tel: 01476 584800.

4. The applicant is advised that the demolition and clearance works associated with the site shall ensure that there is NO on site burning and that all materials are taken away.

5. With regards to fish passage and fish within the lake, the Environment Agency are happy that the weir will not prevent passage of fish through the lake due to it being sub surface. However they do recommend that a fish rescue is undertaken as per discussions with the applicant. This is to prevent fish becoming entrained on any pumps used for the desilting or any other reason. If fish are seen in distress then activities should cease and the Environment Agency Emergency Hotline (Telephone: 0800 80 70 60) should be called and the incident reported.

6. The proposed activity poses a risk of pollution of the River Maun, ponds and fishing ponds downstream of Kingsmill Reservoir. The applicant should be aware that to cause pollution is an offence under the Environmental Permitting (England and Wales) Regulations 2010.

7. If it is intended to impound a watercourse, ditch or stream then it is likely that an impounding licence will be required from the Environment Agency. An impoundment is a structure within inland waters that can permanently or temporarily change the water level or flow. This includes the proposed new weir. The applicant must have an impoundment licence before work is started on an impoundment structure, even in an emergency, unless an exemptions applies. Further details regarding impoundment licensing is available on the .GOV website: https://www.gov.uk/topic/environmental-management/water.
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Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Christian Chapman to discuss the implications on a local heritage asset.

The Application
This is a full planning application for the demolition of one bungalow and the erection of two dwellings.

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

A.D.C Conservation Officer – The site is considered to be a local (non-designated) heritage asset, however it is considered that a strong conservation objection to the demolition could not be sustained in this case.

A.D.C Landscaping – The applicant should provide detail showing how that the loss of the hedgerow to the front would be minimised and protected during construction.

A.D.C Drainage – No known drainage issues with the site.

A.D.C Environmental Health – Request a 4 stage contamination condition.

NCC Highways – Standing advice
The Coal Authority – The site falls within a high risk area and therefore Coal mining features and hazards need to be considered. The submitted Coal Mining Risk Assessment is appropriate and identifies the relevant risks.

A scheme of intrusive site investigations are therefore required prior to development, the exact nature of which should be agreed with the Coal Authority Licensing and Permitting Department as part of their permit application.

NCC Archaeology – No comments received during the course of this application.

Severn Trent – No comments received during the course of this application

Selston Parish Council - No comments received during the course of this application.

1 X Resident Comment has been received, which expresses concerns surrounding maintenance of boundary fence.

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 (2002)
ST1 – Development
ST3 – Named Settlement
HG5 – New Residential Development

Part 6 – Delivering a wide choice of quality homes
Part 7 – Requiring good design
Part 12 – Conserving and enhancing the historic environment

Ashfield Local Plan Publication (2016)
S1 – Sustainable Development Principles
EV10 – The Historic Environment
SD2 – Amenity
SD10 – Parking

(Just) Neighbourhood Plan 2017 – 2032 Jacksdale, Underwood and Selston
NP1 – Sustainable development
NP2 – Design principles

Supplementary Planning Guidance
• Residential Design Guide SPD (2014)
• Residential Car Parking SPD (2014)
Historic Environment Guidance


Relevant Planning History

V/2017/0581 – Demolition of existing bungalow and erection of 3 dwellings. Refused on 11/12/2017

The previous application was refused on the following three grounds:

1. Lack of Coal Mining Risk Assessment
2. Lack of Tree Survey
3. Poor design and failing to respect the building line along Wagstaff Lane.

Comment:

A Coal Mining Risk Assessment, Tree Survey and amended layout plan have now been submitted to support this application. The new layout has reduced the number of dwellings and repositioned them within the plot.

The most salient material planning considerations in the determination of this application are the impact upon a local heritage asset, visual amenity, residential amenity, highways safety, land stability and the impact upon trees. These are discussed in turn below:

The Site

The dwelling is set in a rectangular shaped plot and fronts onto the highway. It is single storey and built from stone, brick and render with modern artificial slate roof and UPVC windows, doors and rainwater goods throughout. The site is located approximately 0.5m higher than Wagstaff Lane.

Heritage

The building is considered to be a non-designated heritage asset - as identified by Ashfield District Councils adopted criteria for identifying assets. It pre-dates all buildings along Wagstaff Lane and formed part of the early 19th century industrial landscape associated with the Portland Railway/Tramway and collieries. It is understood to be part of a former Brake House Complex and may have been the Engine Tenter’s dwelling.

Paragraph 131 of the NPPF requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 135 of the NPPF expects a balanced judgement to be taken, having regard to the scale of any harm or loss and the significance of a local (non-designated) heritage asset.
The building appears to have been constructed in two phases. The original and earlier stone building, probably early 19th century and a later, 20th century, brick and render extension. The later alterations means the building holds very little aesthetic value and has lost much of its architectural significance. There has also been an erosion of the archaeological significance due to the loss of its historic context from the demolition of associated structures and the extent of 20th century housing development along Wagstaff Lane.

The building is also not statutorily protected and an application could be submitted for its demolition using permitted development rights; in this event the Council would have little recourse to prohibit its loss. Taking the above factors into account and on balance the Councils Conservation Officer has advised that a strong conservation objection to the demolition could not be sustained.

This is however not to say that the loss of the building should result in total loss of the significance of the site and its story and role as part of Portland railway. Conditions have been recommended relating to the recording of historic features and an historic interpretation to be provided, which would complement the existing Portland Path Tramway Trail (this is most likely to take the form of a brass plaque). It is also appropriate for an archaeological watching brief to be carried out at the site, in order to record and recover any surviving remains of the rails themselves.

**Visual Amenity**

The immediate street scene of Wagstaff Lane features a mixture of two and single storey brick built properties. The proposal would provide two single storey brick built bungalows constructed with hipped roofs and integral garages. The overall design of the properties is acceptable and would be in keeping with others along street.

The dwellings would be roughly in line with the neighboring bungalow to the north east and consequently they would respect the linear building line along Wagstaff Lane. Overall, the proposal are considered to result in no significant degree of harm to the residential character and appearance of Wagstaff Lane. A condition has however been recommended for the applicant to submit a landscaping scheme and finished floor levels on site - to ensure a harmonious integration with the street scene.

**Residential Amenity**

*Existing Occupiers*

The proposed building are single storey, with sufficient separation distance from neighbouring properties so as not to unduly impact them by way of being overbearing, overshadowing or through a loss of light. A fence along the rear boundary would also be sufficient to ensure there would be no loss of privacy.
Future Occupiers

The proposed bungalows would each meet the minimum required standards for room sizes and amenity space as set out within the Councils Residential Design Guide SPD (2014). Consequently the bungalows would provide a good standard of living for any future occupiers.

Highways Safety

The layout indicates that two off street spaces would be provided for each of the bungalows and as such the development would comply with the Councils Residential Car Parking SPD (2014). The proposal would provide adequate visibility from each of the driveways and the introduction of two new dwellings on this residential street is unlikely to adversely affect Highways Safety.

Other Considerations

Land Stability

The site falls within an area defined by the Coal Authority as high risk. A Coal Mining Risk assessment has therefore been submitted and found to be appropriate by the Coal Authority. In accordance with their advice conditions have been recommended for a scheme of intrusive site investigations to take place, prior to work commencing on site.

Trees

Previously there was insufficient information with regards to trees on the site. A tree survey has now been submitted and a condition has been recommended for a scheme of planting commensurate with the trees that have been removed.

Conclusion:

The proposal would result in the loss of a local heritage asset, however in this case it is considered a strong objection to its removal could not be upheld on conservation grounds. A number of conditions have been recommended to ensure that the proposal would not result in in the total loss of the significance of the site and its story as part of the Portland Railway.

There are no visual amenity, residential amenity or highway safety concerns arising from this proposal and on balance, it is recommended that this application is approved, subject to the conditions outlined below.

Recommendation: - Approval subject to conditions
CONDITIONS

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

2. A programme of historic building recording to Level 1 in accordance with Historic England's 'Understanding Historic Buildings - A guide to Good Recording Practice' shall be submitted to and agreed in writing by the Local Planning Authority Prior to demolition commencing.

3. Details for a scheme of historical interpretation to be displayed at the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed interpretation shall be affixed or erected within 6 month of completion of the scheme.

4. No development shall take place within the application site until details of a scheme for an archaeological watching brief have been submitted to an agreed in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

5. Prior to commencement of development a scheme of intrusive site investigations in respect of the sites Coal Mining Legacy shall be submitted to the Local Planning Authority for approval. A report detailing the findings of these investigations and a scheme of remedial works shall be submitted to and agreed in writing. The agreed remedial works shall then be implemented in accordance with the agreed details.

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. The scheme of tree planting shall be commensurate with those previously removed from the site. All planting, seeding or turfiging indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

7. No development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:
   (a) Full details of the proposed treatment of the site's boundaries.
   (b) A phasing scheme for the implementation of the agreed boundary treatment.
   The boundary treatment shall be undertaken in accordance with the agreed details.

8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

9. No development shall take place 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.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development relating to Class A of Part 1 of Schedule 2 (Erection of Extensions) shall be undertaken without the prior written approval of the Local Planning Authority.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development relating to Class E of Part 1 of Schedule 2 (Erection of buildings incidental to the enjoyment of the dwelling house such as greenhouses, sunhouses, garden sheds) shall be undertaken without the prior written approval of the Local Planning Authority.

12. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority (LPA):

I. A Desktop Study/Phase I Report documenting the historical use(s) of the site and its immediate environs. This shall include a conceptual site model indicating all potential pollutant linkages.

II. A Site Investigation/Phase II Report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site Investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the LPA.

III. A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the LPA, in advance of works being undertaken. All remediation should be carried out safely, ensuring that no significant risk(s) remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional contamination. Where additional contamination is found the applicant must submit in writing, details of the contingency plan for written approval by the LPA.

On completion of remedial works and prior to the occupation/use of the development, the applicant must submit to the LPA:

IV. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation
Report must be submitted for the written approval of the LPA prior to the development being put to its intended use.

13. No work shall commence until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the agreed levels.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.
3. To ensure that information about the historic significance of the site is made publically accessible.
4. To ensure that any features of archaeological interest are protected or recorded.
5. To ensure the ground is stable and suitable for development.
6. In the interests of visual amenity.
7. In the interests of visual amenity.
8. To ensure the development has provision for adequate facilities to dispose surface and foul water.
9. In the interests of visual amenity.
10. In the interests of residential amenity.
11. In the interests of residential amenity.
12. To ensure that the site, when developed, is free from contamination, in the interests of safety.
13. No work shall commence until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the agreed levels.

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. Level 1 historic building recording is generally a photographic record of the building(s) and site. Understanding Historic Buildings - A Guide to Good Recording Practice is available at www.historicengland.org.uk. Historical interpretation at the site may include a plaque on the front boundary wall for example that simply states the former use at the site and when.
3. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authorities website.
Report To: PLANNING COMMITTEE  
Date: 17 MAY 2018

Heading: PLANNING APPEAL DECISIONS

Portfolio Holder: LEADER OF THE COUNCIL

Ward/s: SUMMIT, CENTRAL AND NEW CROSS, LEAMINGTON, SKEGBY AND HUTHWAITE AND BRIERLEY

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

Appeal Decisions
Planning Application - V/2017/0285
Site – Waverley House, The Hill, Kirkby in Ashfield, NG17 8JT
Proposal – Proposed change of use from A1 (Shops) to A5 (Hot Food Takeaway) incorporating partial demolition and alterations to elevations and installation of extractor flue.

Appeal Decision – Dismissed.

The application was refused by the Council on the grounds that the proposed development would result in an increased likelihood of sporadic and opportunistic parking directly outside the site, resulting in a detrimental impact on the free and safe movement of traffic and pedestrians within the locality to the detriment of highway safety.

The Inspector deemed that the applicant had failed to provide adequate off-street car parking spaces for the proposed take-away, leading to an increase in sporadic and opportunistic on-street parking.

The Inspector noted that an increase in on-street parking on Greenwood Drive would obstruct or delay traffic turning into and exiting Greenwood Drive from and on to The Hill, which would have a knock on effect impeding the free flow and safety of traffic on The Hill.

The Inspector concluded that the proposal would adversely affect the free flow and safety of vehicles on the public highway and lead to vehicular and pedestrian conflict to the detriment of the free and safe movement of both.
Planning Application - V/2017/0512
Site – Chiltern Mills, 11 – 13 Station Road, Sutton in Ashfield
Proposal – Two Illuminated Signs
Appeal Decision – Dismissed.
This application sought consent for two large illuminated signs facing onto Station Road. The Inspector considered that the proposed displays were unduly prominent and visually harmful to the site and its surroundings, due to a combination of their positioning and overall height and size. The proposed illumination was also considered to add to their prominence and domineering effect on the site and frontage. For these reasons, the Inspector considered that the proposal would be unacceptably harmful to the appearance of the streetscene.

Planning Application – V/2017/0400
Site – 4 The Twitchell, Sutton in Ashfield.
Proposal – Replace Existing with 1 Illuminated 48 Sheet LED Advertising Display
Appeal Decision – Dismissed
This was an advertisement application seeking consent to replace an existing sign attached to the gable end of a property. Although it would replace an existing advertisement, the Inspector considered that the LED display and constantly changing images would draw undue attention and result in a conspicuous and discordant intrusion within the streetscene. The Inspector also considered that the proposal was out of character with the existing area and would be harmful to the setting of the Grade II Listed Church located directly opposite; consequently the appeal was dismissed.

Planning Application - V/2017/0328
Site – B & Q Warehouse, Mansfield Road, Sutton in Ashfield
Proposal – 2 Illuminated Totem Signs, 3 Advertising Banners and 1 Non Illuminated Sign.
Appeal Decision – Dismissed
This was a retrospective application seeking express consent for signage around the B & Q Warehouse. At the main entrance two banner signs were proposed; the Inspector considered that these would appear as inharmonious and incongruous assertions into the landscaping and would result in a discordant and cluttered arrangement to the entrance. A totem sign and banner were also proposed on the corner of the A38/B6023; these were considered to be in a prominent position and not readily identifiable as being connected to the retail building. Consequently the signs would appear isolated and incongruous against the natural back drop of perimeter trees. An additional totem sign was proposed to the rear, however this was isolated from the main entrance and retail frontage and would appear discordant within the perimeter planning.
The Inspector concluded that in each location and overall, the advertisements would have a harmful effect on amenity. Consequently, the appeal was dismissed.

Planning Application – V/2017/0537
Site – 57 Common Road, Huthwaite, Sutton in Ashfield
Proposal – Single and Two Storey Rear Extension
Appeal Decision – Allowed
The Council refused permission for the extension due to an unacceptable overbearing and overshadowing impact on the neighbouring property. The Inspector however disagreed and considered that although there would be some loss of light to a neighbouring conservatory; it contains large areas of glazing on its rear and side elevations. Consequently the Inspector was not persuaded that the loss of light and visual impact of the proposal would be unacceptable harmful to the neighbouring occupants.
**Corporate Plan:**
Reporting these decisions ensures we are open and transparent in our decision making processes.

**Legal:**
Legal issues relating to the 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:**
None.

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**Risk:**
N/A

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**Human Resources / Equality and Diversity:**
No implications

**Other Implications:**
None

**Reason(s) for Urgency (if applicable):**
N/A

**Background Papers**
None

**Report Author and Contact Officer**
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Carol Cooper-Smith
INTERIM DIRECTOR – PLACE AND COMMUNITIES
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<tr>
<th>Report To:</th>
<th>PLANNING COMMITTEE</th>
<th>Date:</th>
<th>17TH MAY 2018</th>
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<tr>
<td>Heading:</td>
<td>PERMISSION IN PRINCIPLE</td>
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<td>Key Decision:</td>
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<td>Subject to Call-In:</td>
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**Purpose of Report**

To inform Members of the introduction of permission in principle for small sites, which is introduced on the 1st June 2018.

**Recommendation(s)**

The Committee notes the contents of the Report.

**Reasons for Recommendation(s)**

To bring to Members’ attention the introduction of permission in principle for small housing-led development sites.

**Alternative Options Considered**

Not applicable.

**Detailed Information**

Permission in Principle

The Town and Country Planning Act 1990 (as amended by the Housing and Planning Act 2016) sets out powers to grant permission in principle (PiP). Permission in principle is designed to separate decision making on ‘in principle’ issues addressing land use, location, and amount of development from matters of technical detail, such as what the buildings will look like.
The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to get into matters that are more technical. It will also ensure that the principle of development only needs to be established once in the process.

PiP in itself is not a planning permission. Effectively to obtain planning permission is a 2 stages process:

a) the first stage (or permission in principle stage) establishes whether a site is suitable in-principle for residential development (i.e. development in which the residential use occupies the majority of the floorspace), and

b) the second (‘technical details consent’) stage is when the detailed development proposals are assessed.

PiP + Technical detail approval = Planning permission.

Permission in Principle for small sites
From 1st June 2018, Regulations allow an application to be made for Permission in Principle for small-scale sites. Small scale means developments of nine residential units or less, with less than 1000 sq m of commercial floorspace, and/or on a site of less than 1ha. The ‘main purpose’ of the application must be housing development.

The PiP application
The PiP application includes limited information consisting of:

- Location – site plan;
- Land use - Description of the development that covers the proposed use;
- Amount of development - the minimum and maximum ranges of dwellings.

The local planning authority cannot ask for more information to support the application although the developer can volunteer additional information. There is a more limited consultation period of 14 days including statutory consultees, parish councils and neighbourhood forums.

Decisions are made in accordance with the development plan (local plan and neighbourhood plans) and other material considerations (including NPPF). The PiP cannot be refused on issues of detail, which would be considered at the Technical Detail stage. However, if the site is unacceptable for residential development this may be grounds for refusal.

If a decision is not made within 5 weeks of receipt of a valid application, and no extension of time has been agreed, the applicant may appeal to the Secretary of State for non-determination.

Technical details approval
A PiP must be followed by an application for technical details approval for planning permission to be granted. The numbers of dwellings must be within the range identified in the PiP.

The application must specify all matters necessary to enable full planning permission to be granted for the whole of the site. As part of the Technical details approval consideration of all the usual aspects will be undertaken such as detailed design, mitigation, impacts etc. Technical details consent can be refused if the detail is not acceptable. However, the local planning authority will not be able to revisit the decision on the fundamental principles of development as this has been settled at the permission in principle stage.
The determination period is five weeks and, where appropriate, conditions or a S106 can be attached. There is a right of appeal against non-determination, refusal or against a condition.

The introduction of PiP for small sites reflects one of the objectives of the Housing White Paper to back small and medium sized builders. It is anticipated that this helps to improve the supply of housing land by reducing risks to small builders in relation to costs of initially applying for planning permission.

It is anticipated that an application for PiP could be made where:

- There is an element of doubt about whether a proposal for small-scale residential development would not be acceptable in principle.

- An applicant wants the greater certainty a PiP will give compared to an informal opinion from the Council in response to a request for pre-application advice. For example, a small builder requires greater certainty to reassure lenders knowing that the planning risk is mitigated to some extent having secured a PiP.

However, it is unclear at this time whether many applications for PiP will be submitted. Small builders may not be aware of the introduction of these changes to the planning system and much will depend on whether they see the system as beneficial in bring residential sites forward.

Implications

Corporate Plan: There are no direct implications in relation to the Corporate Plan.

Legal: The Housing and Planning Act 2016 amended the Town and Country Planning Act 1990 introducing Permission in Principle. The statutory details for the operation of Permission in Principle are set out in the following:

- The Town and Country Planning (Permission in Principle) Order 2017;
- The Town and Country Planning (Local Authority Consultations etc.)(England) Order 2018.

The legal implications are summaries within the report.

Finance: There are no direct financial implication in relation to the consultation.

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<td>None</td>
</tr>
<tr>
<td>Housing Revenue Account – Capital Programme</td>
<td>None</td>
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</table>
Human Resources: There are no direct HR implications contained within this report.

Equalities: There are no equalities issues relating to the report.

Other Implications:

Reason(s) for Urgency

Reason(s) for Exemption

Background Papers

Report Author and Contact Officer
Neil Oxby
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01623 457381
Report To: PLANNING COMMITTEE  DATE: 17TH MAY 2018

Heading: NATIONAL PLANNING POLICY FRAMEWORK & OTHER CONSULTATION

Portfolio Holder: LEADER OF THE COUNCIL

Ward/s: ALL ASHFIELD

Key Decision: NO

Subject To Call-In: NO

Purpose Of Report

To inform Members of the possible implications set out in the draft NPPF consultation and association consultations and documents.

Recommendation(s)

The Committee notes the contents of the Report.

Reasons For Recommendation(s)

To bring to Members’ attention the proposals for amending the National Planning Policy Framework, as set out in the NPPF consultation.

Alternative Options Considered (With Reasons Why Not Adopted)

Not applicable.

Detailed Information

The Ministry for Housing, Communities and Local Government (MHCLG) published its draft revisions to the National Planning Policy Framework (NPPF) for consultation, on 5 March 2018.

The draft revised NPPF incorporates policy proposals previously consulted on in the Housing White Paper and the Planning for the right homes in the right places consultation, as well as changes to planning policy implemented through Written Ministerial Statements since the NPPF was published in 2012. The consultation also seeks views on additional proposals to change planning policy and legislation announced at Budget 2017. The key changes are set out below.
Chapter 1: Introduction

- Clarification that recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications.

Chapter 2 Achieving sustainable development

Sustainable development:

- As a minimum, Strategic plans should provide for objectively assessed needs for housing and other development unless there are strong reasons not to. This includes any unmet needs that cannot be met by neighbour areas.

- The current document includes examples of policies which provide a specific reason for restricting development. This is proposed to be changed to a defined list and includes SSSI, Green Belt, ancient woodland, designated heritage assets, and areas at risk of flooding.

- Neighbourhood Plans which are less than 2yrs old and contain policies and allocations to meet identified housing requirement will be the primary consideration in decision making where they have:
  - at least a three year supply of deliverable housing sites, and
  - its housing delivery was at least 45% of that required over the previous three years.

- It is proposed that the ‘core planning principles’ section is deleted, to remove duplication with other chapters. Where necessary additional text has been included in the relevant topic chapters.

Chapter 3: Plan-making

Strategic Priorities: As a minimum, authorities must ensure that there is a plan which addresses the strategic priorities for their area. A Strategic Plan should cover a minimum of 15 years ahead and can be produced by local planning authorities working together or independently, or by an elected Mayor or combined authority. The draft NPPF also enables spatial development strategies (produced by elected Mayors or combined authorities) to allocate sites where there is agreement.

Local Policies: Local, more detailed policies can be brought forward through either a Local Plan or a Neighbourhood Plan.

Statement of Common Ground: Authorities will be required to prepare and maintain a Statement of Common Ground, as evidence of the statutory duty to cooperate

Review: A new legal requirement to review plan policies at least once every five years following the date of adoption.

Viability: Plans will be required to set out the developer contributions expected in association with particular sites and types of development. This includes level of affordable housing and other infrastructure requirements such as education, health, transport, green and digital infrastructure.

Chapter 4: Decision-taking

Planning Tools: Local planning authorities should use the full range of planning tools available, including Brownfield Registers and Permission in Principle to secure development.
Prematurity: Refusal of a planning application on the grounds of prematurity will rarely be justified.

Site Specific Viability: Where a proposed development accords with all relevant policies in the plan there is no need for a viability assessment to accompany the planning application. If a viability assessment is needed, this should reflect the standardised approach in national planning guidance and should be made publicly available.

Chapter 5: Delivering a wide choice of high quality homes

Standard Method of Identifying Housing Needs: A new standard method for the calculation of local housing need is set out in draft revised National Planning Guidance published alongside the draft NPPF.

Housing sites: Strategic Plans should identify specific deliverable housing sites over 1 to 5 years and specific developable sites or broad locations for growth for years 6 to 10 and where, possible for 11-15 years of the plan.

Housing delivery test: A housing delivery test will impose sanctions on councils failing to meet housebuilding targets in their plans. From 2020, the presumption in favour of sustainable development will apply where delivery is below 75 per cent of the authority’s housing requirement. Councils can consider imposing planning conditions requiring development to be brought forward within two years. Local planning authorities are encouraged to consider why major sites have not been built out when considering subsequent planning applications.

Affordable Housing:
- States that provision of affordable housing contributions should not be sought for developments of less than 10 dwellings or 0.5 ha. (other than in designated rural areas).
- It identifies that 10% of homes on major sites should be available for affordable home ownership (with certain exceptions).
- The definition of affordable housing has been amended to include:
  - Affordable housing for rent;
  - Starter homes;
  - Discounted market sales housing: is that sold at a discount of at least 20% below local market;
  - Other affordable routes to home ownership. It includes shared ownership, relevant equity loans, other low cost homes for sale and rent to buy (which includes a period of intermediate rent).

Small sites: Requirement to ensure that at least 20% of sites allocated for housing in plans are of half a hectare or less.

Presumption in favour of sustainable development: This would be triggered where a council cannot demonstrate a five-year housing supply or where delivery of housing has been substantially below the housing requirement over the previous three years (under the Housing Delivery Test), unless in a Neighbourhood Planning Area.

Countryside and housing:

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1 Draft Planning Practice Guidance on viability (issued on the same date as the draft NPPF) sets out that policy requirements, particularly for affordable housing, should be set at a level that allows for sites allocated in the plan to be delivered without the use of further viability assessment at the decision making stage.
The draft NPPF provides for development of exception sites for entry-level homes (suitable for first-time buyers or those looking to rent their first home) on sites outside existing settlements, on land not already allocated for housing – unless the need for such homes is already being met within the local planning authorities area.

**Neighbourhood Plans:** Local authorities should provide a housing requirement figure for designated neighbourhood areas.

**Chapter 6: Building a strong, competitive economy**

**Rural Economy:** Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found outside existing settlements, and in locations that are not well served by public transport.

**Chapter 7: Ensuring the vitality of town centres**

**Policy period:** When allocating sites for town centres, policies should look at least ten years ahead.

**Sequential approach:** Amends the ‘sequential approach’ to planning applications, so that out of centre sites should only be considered if suitable town centre sites, or then edge of centre sites are unavailable or not expected to become available within a reasonable period.

**Impact Assessment:** Office development outside town centres is no longer subject to an impact assessment where the development is over 2,500 sq m.

**Chapter 8: Promoting healthy and safe communities**

**Schools:** Maintains that great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

**Estate Regeneration:** Policies and decisions should consider the social and economic benefits of estate regeneration. Authorities should use their planning powers to help deliver estate regeneration to a high standard.

**Public Safety:** Policies and decisions should promote public safety and take into account wider security and defence requirements.

**Chapter 9: Promoting sustainable transport**

**Cleaner Transport:** Designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport, as well as reflecting the importance of creating well-designed places. Policies should also take into account the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

**Town Centre Parking:** Removal of section that says councils should set appropriate parking charges that do not undermine the vitality of town centres.

**Parking Standards:** Maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.
Chapter 10: Supporting high quality communications

Digital infrastructure: Plan policies should set out expectations to the delivery of high quality digital infrastructure, including the next generation mobile technology (such as 5G) and full fibre broadband connections.

Chapter 11: Making effective use of land

Brownfield Land: Substantial weight should be given to the use of suitable brownfield land within settlements for homes.

Intensive land use: Making more intensive use of existing land and buildings.

Housing Density: Avoiding building homes at low densities in areas of high demand, and pursuing higher-density housing in accessible locations (town and city centres and around transport hubs), while reflecting the character and infrastructure capacity of each area.

Flexible approach: Taking a flexible approach to policies or guidance that could inhibit making effective use of a site, such as policies or guidance relating to daylight and sunlight.

Use of existing land and buildings: Promote and support development of under-utilised land and buildings e.g. empty space above shops, building on or above services yards, car parks and railway infrastructure.

Reallocating land: Where there is no reasonable prospect of an application coming forward for the allocated use, sites (as part of plan reviews) should be reallocated for a more deliverable use that can help address identified needs.

Conversion: Making it easier to convert retail and employment land to housing where this would be a more effective use.

Failure to make effective use of land: Applications should be refused where they fail to make effective use of land, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

Chapter 12: Achieving well-designed places

Design:
• Plans should, at the most appropriate level, set out a clear design vision and expectations, supported by visual tools such as design guides and codes. Design should not be used as a reason to object to development where the scheme complies with local design policies.

Chapter 13: Protecting the Green Belt

Exceptional Circumstances:
• Maintains that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or updating plans. Strategic plans should establish the need for any change to boundaries, which could be achieved through a local plan or a neighbourhood plan.
• Before concluding that exceptional circumstances exist to change Green Belt boundaries, the strategic plan making authority should have fully explored all other reasonable options for meeting its identified development needs.

• Where release of Green Belt land is necessary, the first consideration should be previously developed land or land well served by public transport.

New Buildings: A change has been made to the construction of new buildings in the Green Belt in relation to brownfield land, where development would contribute to meeting an identified local affordable housing need, and there is no substantial harm to openness.

Change of Use: A material change of use that preserve openness is not inappropriate development in the Green Belt. For example, the changes of use from agriculture to equestrian. (Currently this would require the demonstration of very special circumstances).

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Wind Energy: Proposals for wind energy development should not be considered acceptable unless in an area identified as suitable in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

Flood Risk:
• Plans should have regard to the cumulative impacts of flood risk, rather than just to or from individual development sites;

• Paragraph added which requires sustainable drainage systems (SuDS) in major developments, unless there is clear evidence that this would be inappropriate.

Chapter 15: Conserving and enhancing the natural environment

Irreplaceable Habitats: Protection for ancient woodland and other irreplaceable habitats.

Nuisance: Existing business should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In respect of new development the applicant should be required to secure suitable mitigating before the development has been completed.

Air Quality: Increased emphasis on taking air quality into account in planning policies and decisions.

Chapter 16: Conserving and enhancing the historic environment

Historic Environment: Revised to clarify that when considering the impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset’s conservation irrespective the degree of potential harm to its significance.

Transitional arrangements and consequential changes

• Plans submitted the Secretary of State up to six months after the publication date of the revised NPPF will be examined under the provisions of the 2012 NPPF policy.
- It is proposed there will not be a transitional period for the introduction of the Statement of Common Ground.

- The Housing Delivery Test will apply from November 2018 on a sliding scale which gradually increases from a delivery requirement of 25% in 2018 to 75% in 2020.

**Implications**

**Corporate Plan:** There are no direct implications in relation to the Corporate Plan at this time.

**Legal:** There are no Legal implications contained within the Report.

**Finance:** There are no direct financial implication in relation to the consultation.

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<td>General Fund – Revenue Budget</td>
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**Risk:**
N/A

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**Human Resources / Equality and Diversity:**

There are no direct HR implications contained within this report.

**Other Implications:**

No other implications have been identified
Reason(s) for Urgency (if applicable):

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Background Papers

The consultation and draft NPPF is available on the Government’s website at:


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