V/2018/0106 Demolition of Existing Bungalow and Erection of 2 Dwellings
132 Wagstaff Lane
Jacksdale
Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

17 May 2018

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Ordnance Survey 100024849
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 Council's 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 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 demolitioncommencing.

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 site's 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 turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.