

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 17th March, 2021**

Time: **10.00 am**

Venue: **[Ashfield District Council's YouTube Channel](#)**

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

PLANNING COMMITTEE

Membership

Chairman: Councillor Sarah Madigan
Vice-Chairman: Councillor John Smallridge

Councillors:
Chris Baron
Samantha Deakin
Rachel Madden
Helen-Ann Smith
Jason Zadrozny

Kier Barsby
Arnie Hankin
Lauren Mitchell
Daniel Williamson

FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

SUMMONS

You are hereby requested to attend a meeting of the Planning Committee to be held at the time and on the date mentioned above for the purpose of transacting the business set out below.



Carol Cooper-Smith
Chief Executive

AGENDA

Page

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 Committee held on 17 February 2021. 5 - 8
4. To receive and consider the attached planning applications. 9 - 122
5. **Planning Appeal Decisions.** 123 - 126

This page is intentionally left blank

PLANNING COMMITTEE

Virtual Meeting held on Wednesday, 17th February, 2021 at 10.00 am

Present: Councillor Sarah Madigan in the Chair;

Councillors Kier Barsby, Samantha Deakin, Arnie Hankin, Rachel Madden, Lauren Mitchell, Kevin Rostance, John Smallridge, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

Apology for Absence: Councillor Chris Baron.

Officers Present: Lynn Cain, Carol Cooper-Smith, Louise Ellis, Mike Joy, Mick Morley, Christine Sarris, Sara Scott-Greene and Shane Wright.

In Attendance: Councillor Dale Grounds.

P.32 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

1. Councillor Lauren Mitchell declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2020/0778, Mr. J. Dawn, Installation of a Shed to be used as a Match Day Ticket Kiosk, Covered Spectator Stands and Privacy Screening Along the North and East Side of the Pitch Perimeter Fencing, Kingsway Park, Kingsway, Kirkby in Ashfield. Her interest arose from the fact that she had previously been contacted by residents living adjacent to Kingsway Park, in relation to this application.
2. Councillor Rachel Madden declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2020/0677, Mrs. E. Whiting, Change of Use of Land to Traveling Showpeople Yards Together with Drainage and Highway Infrastructure, Land to the West of Springmeadows, Park Lane, Kirkby in Ashfield. Her interest arose from the fact that she had met previously with the applicant on several occasions but in doing so had only ever offered advice in relation to procedure.

P.33 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 27 January 2021, be received and approved as a correct record.

**P.34 Town and Country Planning Act 1990:
Town Planning Applications Requiring Decisions**

1. V/2020/0872, Ashfield District Council, Demolition of Existing Garages and Erection of One Block of 4 Flats, Land Off Chatsworth Drive, 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), officers proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

A further letter of objection had been received from a resident who also submitted her apologies for not being able to attend the meeting and speak due to work commitments. All the issues raised in the letter had already been duly covered within the report.

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

2. V/2020/0778, Mr. J. Dawn, Installation of a Shed to be used as a Match Day Ticket Kiosk, Covered Spectator Stands and Privacy Screening Along the North and East Side of the Pitch Perimeter Fencing, Kingsway Park, Kingsway, Kirkby in Ashfield

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Lauren Mitchell had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this application. Her interest was such that she stayed in the meeting and took part in the discussion and voting thereon.)

Ms. Donna Gilbert, as an Objector, Mr. John Dawn, as the Applicant and Councillor Dale Grounds, as Ward Member and having called in the application, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

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

3. V/2020/0677, Mrs. E. Whiting, Change of Use of Land to Traveling Showpeople Yards Together with Drainage and Highway Infrastructure, Land to the West of Springmeadows, Park Lane, Kirkby in Ashfield

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Rachel Madden had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this application. Her interest was such that she stayed in the meeting and took part in the discussion and voting thereon.)

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

The meeting closed at 10.52 am

Chairman.

This page is intentionally left blank

BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

Due to Covid-19 Background Papers are only available to view online.

This page is intentionally left blank

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 Director – Place and Communities or the Assistant Director Planning and Regulatory Services by 5pm 11th March 2021.

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 **observe social distancing guidance** time and date to be arranged.

T. Hodgkinson

Service Director – Place and Communities

Tel: 01623 457365

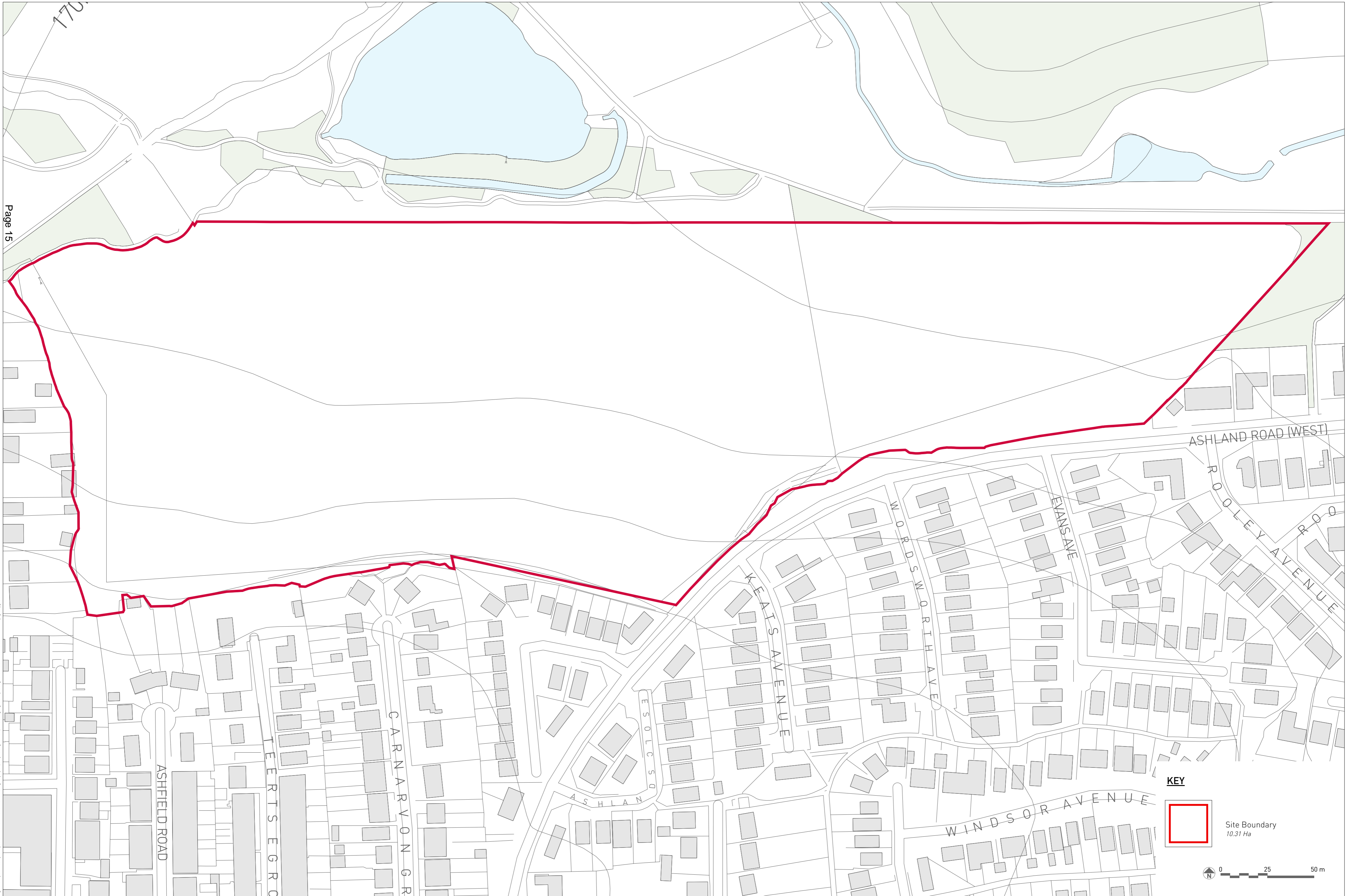
E-mail: t.hodgkinson@ashfield.gov.uk

This page is intentionally left blank

PLANNING COMMITTEE – 17th March 2021

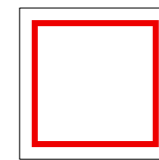
Page	App No	Applicant	Recommendation	Proposal	Location
Huthwaite & Brierley					
15-50	V/2020/0184	Bellway Homes Ltd	Approve	Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping.	Land Off Ashland Road West Sutton in Ashfield
51-60	V/2020/0647	Mr J Price	Approve	Change of Use From Derelict Land to Domestic with Vehicle Storage Shed, Grassed Recreation Area, Hard Standing for Vehicle Storage and Hard Surfacing for Access Road	Land Rear of 22A Back Lane Huthwaite
61-68	V/2020/0796	Mr J Price	Approve	Amenity Block	22A Back Lane Huthwaite
Hucknall Central					
69-78	V/2020/0867	Ashfield District Council	Approve	2 Dwellings	Land Off Hawthorne Avenue Hucknall
Hucknall South					
79-90	V/2020/0873	Ashfield District Council	Approve	Demolition of Existing Garage and Erection of 4 Dwellings	Land at Chestnut Grove Hucknall
Hucknall West					
91-122	V/2020/0306	Lidl GB Ltd C/O WSP	Approve	Demolition of Existing Building and Creation of Food Store (A1), Access, Landscaping and Associated Infrastructure	Hucknall Town Football Club Watnall Road Hucknall

This page is intentionally left blank



Copyright Pegasus Planning Group Ltd. Crown copyright. All rights reserved. Ordnance Survey Licence number 100020128. Pegasus Planning Group Ltd. is a registered provider of planning services. All other rights reserved. Pegasus Planning Group Ltd. is a registered provider of planning services. All other rights reserved.

KEY



Site Boundary
10.31 Ha



COMMITTEE DATE 17th March 2021 **WARD** Huthwaite and Brierley

APP REF V/2020/0184

APPLICANT Bellway Homes Ltd

PROPOSAL Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping.

LOCATION Land Off, Ashland Road West, Sutton in Ashfield, Nottinghamshire

WEB LINK <https://maps.google.co.uk/maps?q=Ashland+Rd+W,+Sutton-in-Ashfield+NG17+2HS,+UK&ll=53.131903,-1.285014&spn=0.010776,0.016286&fb=1&gl=uk&ftid=0x4879969f691cd8b7:0xf24eb726f139295a&hnear=Ashland+Rd+W,+Sutton-in-Ashfield+NG17+2HS,+United+Kingdom&t=h&z=16>

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

App Registered 17/03/2020

Expiry Date 16/06/2020

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

This application has been referred to Planning Committee by Councillor Tom Hollis on policy grounds, implications to highways, the environment and education.

The Application

This is an application for outline planning permission (with all matters reserved except access) for a residential development of up to 300 dwellings, with associated infrastructure and landscaping. This includes two points of vehicular access from Ashland Road West.

The application site extends to approximately 10.31ha and is located on the western edge of Sutton-in-Ashfield. The site is currently a greenfield agricultural site, formed of two large fields. It is surrounded by existing residential development on three sides to the east, west and south. The former restored colliery site at Brierley Forest Park is to the north, with Ashland Road West running along the site's southern boundary.

Mature hedgerows form the majority of the site's boundaries, with a further field hedgerow that runs north-south across the middle of the site, dividing the two field parcels. The highest point of the site is to the south-west, reaching approximately 180m AOD, from there

the land falls in a northerly direction towards Rooley Brook, which lies within Brierley Forest Park. The lowest part of the site lies on the north-eastern boundary, at approximately 160m AOD.

The application site was the subject of a previous planning application in 1988 for residential development. This was refused and subsequently dismissed at appeal. A further application was refused in September 2016, however that application was never subject to an appeal. Although the sites history is a material planning consideration, the current proposal is required to be considered against current national, local planning policies and guidance.

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

- Site Location Plan (ref. P19-1014 002 Rev B);
- Topographical Survey (ref. S672/01 Rev C);
- Topographical Survey (ref. S672/02 Rev C);
- Illustrative Masterplan (ref. P19-1014 007 Rev F);
- Access Junction Layouts (Drawing Ref No. ADC1032-DR-001-P10);
- Proposed Pedestrian Improvements B6026 Huthwaite Road (Drawing Ref ADC1032-DR-002 Rev P1)

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

- Planning Statement (by DLP Planning Ltd);
- Design and Access Statement (by Pegasus Group);
- Arboricultural Assessment (by FPCR dated Feb 2020);
- Archaeological Desk Based Assessment (by University of Leicester Archaeological Services dated March 2020);
- Flood Risk Assessment and Drainage Strategy Rev D (by EWE Associates dated Nov 2020);
- Ecological Appraisal (by FPCR dated Feb 2020);
- FPCR letter in response to Delta Simons Consultation response, including Metric Exercise (dated August 2020);
- Ground Investigation Phase II Site Appraisal (by GRM Development Solutions);
- Gas Completion Letter dated 7 January 2013 (by GRM Development Solutions);
- Letter of Reliance dated 20 December 2018 (by GRM Development Solutions);
- Review of Ground Investigation Phase II Site Appraisal Letter dated 4 March 2020 (by GRM Development Solutions);
- Landscape and Visual Assessment (by Golby + Luck dated Feb 2020);
- Statement of Community involvement (by The Community Communication Partnership);
- Minerals Resource Assessment (by GRM dated May 2020);
- Transport Assessment (by ADC Infrastructure dated March 2020);
- Transport Assessment Addendum (by ADC October 2020);
- Technical Note H – Junction Capacity Analysis (by ADC February 2021);
- Travel Plan (by ADC Infrastructure dated March 2020);

- Noise Assessment (by M-EC Acoustic Air dated Feb 2020); and
- Air Quality Assessment (by M-EC Acoustic Air dated Feb 2020).

Consultations

Site Notices have been posted together with individual notification of surrounding residents. The proposal has also been advertised in the local press.

During the course of the application an amended indicative Masterplan and Site Location plan were received. The revision to the location plan simply clarified the site area, whilst the indicative Masterplan changes were also considered to be minor. As the indicative Masterplan is not recommended as an approved plan, an additional round of re-consultation with residents was considered to be unnecessary.

Revised technical information was also submitted in respect of drainage, highways and ecology matters. The relevant consultees were consulted on this information, as considered appropriate. The following comments are summarised versions of each consultees latest position on the information submitted:

A.D.C Planning Policy

Policy Summary

The proposed development would be contrary to policies ST2, ST3 and ST4 of the Ashfield Local Plan Review (ALPR), which seek to prioritise development within the existing main urban areas and named settlements. There would also be conflict with Policy EV2 'Countryside'.

Based on the Housing Land Monitoring Report 2020, adjusting for a 20% buffer, the district has a 2.21 year housing land supply. The Housing Delivery Test 2020 indicates the delivery of housing in Ashfield is substantially below (less than 75%) the housing requirements over the past three years. Therefore, under NPPF Paragraph 11, footnote 7, the policies which are most important for determining the application are deemed to be out-of-date. The balance is therefore tilted in favour of the grant of planning permission, except where the benefits are 'significantly and demonstrably' outweighed by the adverse effects, or where 'specific policies' indicate otherwise¹.

The ALPR plan period was to 2011. However, this does not mean that existing policies are out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight must be given to them according to their degree of consistency with the NPPF. (NPPF para. 213).

It is considered that ALPR policies ST2, ST3 and ST4 are inconsistent with the NPPF, as they are not providing sufficient housing to meet the requirements for the districts housing

¹ Hopkins Homes Ltd v SSCLG UKSC 37 2017 (Para 54).

need. Paragraph 73 requires local planning authorities to identify a minimum of five years' deliverable housing sites against the local housing requirement with a buffer, which for Ashfield is 20%. The ALPR strategic policies also run counter to the NPPF objective, to significantly boosting the supply of homes (NPPF paragraph 59).

The NPPF sets out that the planning system performing various roles, including an environmental one. Planning should contribute to conserving and enhancing the natural environment including recognising the intrinsic character and beauty of the countryside. (Paragraph 170). It also seeks to promote sustainable transport and give people a choice about how they travel. (NPPF Part 9). In this context, Policy EV2 is broadly consistent with the aims of the NPPF. However, the NPPF takes a more positive attitude to sustainable development in rural locations reflected in paragraph 77, 78 and 83. Consequently, whilst it remains legitimate to consider the impacts of development on the character and appearance of the countryside, Policy EV2 more restrictive approach to development in the countryside is at odds with the provisions of the NPPF.

In addition, the ALPR (para 3.26) identifies that EV2 complements strategic policies ST2 – ST4, which aim to concentrate development in the Main Urban Area and Named Settlements. Taken in conjunction with these policies, it limits the opportunity for the ALPR to meet future housing needs. As such, it also lacks the balance required by the NPPF. Therefore, it is considered that Policies ST2, ST3, ST4 and EV2 are inconsistent with the NPPF and consideration should be given to what weight can be carried by these policies.

Other Matters

- The impact upon ecology and Brierly Forest Park LWS should be considered in relation to ALPR policy EV6, the NPPF and Planning Practice Guidance (PPG). The protection of trees and hedgerows should be considered in accordance with Policy EV8.
- The site is not covered in the ALPR by any landscape designation and there appears to be no evidence that it would fall within a valued landscape as set out in the Stroud case.
- No designated, or non-designated, heritage assets have been identified on or adjacent to the site.
- The site is located in Flood Zone 1. It is noted that a site specific flood risk assessment has been submitted which address the issues from flooding from local watercourses.
- Design is of key importance reflecting the provisions of NPPF, supporting PPG and the ALPR policies ST1, HG3, HG5, TR2 and TR3.

- Consideration must also be given to NPPF Part 8, which emphasises the importance of planning positively for community facilities, ensuring sufficient choice of school places, and access to high quality open spaces.

A.D.C Environmental Health (Land Contamination)

Are satisfied that the Phase 1 and Phase 2 site investigation reports demonstrate there are no land contamination issues. However, an informative note should be added to the decision for the applicant to contact Environmental Health should any unexpected contaminated ground be discovered during the works.

A.D.C Environmental Health (Air Quality)

The Air Quality Assessment submitted by MEC in February 2020 Reference 25412-04-AQA-01 REV B concludes that the site is suitable for a residential development and does not predict that the development will not lead to an exceedance of the Air Quality Objectives as formulated by the Air Quality (England) Regulations 2000 (AQR) (as amended).

A.D.C Environmental Health (General)

Recommend that conditions should be applied for the submission of a construction management plan, construction hours and a noise impact assessment. It is also recommended that all legislation with respect to noise and dust is complied with.

A.D.C Landscaping

The developer has provided a landscape visual impact assessment which generally provides a balanced approach of the developments impact.

A focus should be put on the visual impacts from the south along Ashland Road through appropriate landscaping. The visual impact from the north (Brierley Forest park) can also be reduced by maintaining an open aspect and development frontage facing the park, complemented by landscape boundary improvements. These should be captured in a detailed landscape plan of the site and submitted for approval. Specific comments are also provided in respect of a future landscape scheme and each of the sites boundaries.

The proposed surface water drainage system will require a detailed landscape plan to ensure the space seamlessly integrates with the overall site landscaping and provides amenity benefits.

Section 106 Contributions are required in the form of £600,000 for off-site public open space, £134,300 for biodiversity offsetting and a leisure contribution of £258,000.

A.D.C Drainage

No formal comments to add to the standard advice provided by the Local Lead Flood Authority. Also advise that ADC are riparian owner of the watercourse and an agreement is required between ADC and the developer.

(Officer Note: This element has been clarified by the Councils legal team. Once Bellway acquire the site, they will have rights to enter into a culvert, which runs through the north-eastern corner of the site. As such no agreement from ADC is required).

Bolsover District Council and Derbyshire County Council (Highways Authority)

No comments.

Coal Authority

The application does not fall within the defined development high risk area and is instead located within a low risk area.

Clinical Commissioning Group

A development of this nature would result in increased service demand and all practices in the area are working at capacity. Accordingly, the proposal would trigger the need to provide health related section 106 funding amounting to £162,562 which is proportionate to the housing development size. The contribution would be invested in enhancing infrastructure capacity. The plans will include either reconfiguration, or extension of existing premises, or a new build that the S106 money will contribute towards.

Environment Agency

The application site is located on the Cadeby Formation, which is classified as a principal aquifer. The Phase 1 and 2 appraisal reports, included in the application, demonstrate there is no obvious contamination. A condition is recommended in case any unidentified contamination is discovered.

Independent Ecologist (Delta Simons)

The Site falls within the SSSI impact risk zones (IRZ) for Dovetail Wood SSSI and Teversal Pastures SSSI. These are both partially designated for the presence of wetland habitats. Further information should be provided to ensure there would be no adverse effects on the SSSIs.

There will be an expected increase in visitor pressure on the Brierley Forest Park LWS from informal recreational use. Consideration should be given to reducing the number of proposed access to two in order to reduce anthropogenic disturbances. A scrub planting buffer should also be created and biodiversity enhancements included.

No justification has been provided for the level of survey undertaken for the bats. However, based on the results of the survey works undertaken, the mitigation proposed is considered appropriate.

The survey indicated that a five-hole active badger sett exists on the southern boundary of the site, however, no attempt was undertaken to classify the sett type through a survey of the wider area. Additional information is therefore required.

Advice has also been provided in respect of protecting Reptiles, Great Crested Newts and Hedgehogs. In particular, that management must be considered during the interim period between granting outline permission and commencing construction.

The recommendations for all other protected/notable species are considered appropriate. However, priority should be given to the eradication of Japanese knotweed from the Site at the commencement of works.

(Officer Note: Where necessary the applicant has submitted additional information and survey work to address the issues raised. This is addressed in the analysis section of the report).

Nottinghamshire County Council Highways Authority

No objections - subject to section 106 contributions, conditions and informative notes being included on the decision notice.

(Officer Note: The Highways Authority position is detailed further within the analysis section of the report)

Natural England

No comments to make on the application.

Nottinghamshire County Council Local Lead Flood Authority

No objections, subject to the implementation of a standard surface water drainage condition.

Nottinghamshire County Council Minerals and Waste

The entirety of the proposed site lies within the Minerals Safeguarding and Consultation Area (MSA/MCA) for limestone. However, the development will not sterilise a viable mineral resource.

From a waste perspective, the County Council would be keen to see the best practice of waste management for the development.

Nottinghamshire County Council Strategic Highways

No observations

Nottinghamshire County Council Education

To mitigate the impact that the proposed development of 300 homes would have on the existing schools in the planning area, an education contribution is required:

- Primary 63 additional places @ £1,297,296 (63 places x£20,592 per place).
- Secondary 48 additional pupils @ £1,146,000 (48 places x£23,875 per place).

Nottinghamshire County Council Libraries

In respect of libraries, it is confirmed that the contribution towards stock would be £10,571.00. This figure is arrived at from the formula 690 (new population) x 1,532 (items) x £10.00 (cost per item). The stock would be allocated to Sutton in Ashfield where there is space capacity to house the additional stock.

Nottinghamshire County Council Rights of Way

No objections, as the nearest public footpaths (No. 47, 39 and 144) all fall outside the application site.

Nottinghamshire County Council Travel and Transport

The following contributions are requested:

- £90,000 for a bus service contribution - to provide improvements to the local bus services to serve the site.
- £28,000 for bus stop infrastructure at stops on Rooley Avenue, Norwood Close, George Street and Siddalls Drive.
- £20,000 sustainable transport contribution to provide each household with up to 2-month equivalent bus pass.

Sport England

Support the proposals. A contribution to indoor sports facilities at the Lammas LC has been negotiated, which should meet the demand generated by this development.

The sites for off-site investment are supported and we would generally encourage any investment which improves POS from an active recreation perspective. Opportunities for matched funding should also be explored.

They would support the further work on Active Environments and Active Travel and would be happy to comment further.

Local Community

64 individual households have written a total of 69 letters of objection, their comments have been summarised below:

Impact on the Environment (Biodiversity, Pollution, Loss of Green Space)

- Loss of green space and damage to the nature reserve;
- Picturesque Green Belt land with lots of wildlife that should not be disturbed;
- Any surface water may include garden chemicals and cleaning agents that may impact on wildlife;
- Pollution from the mass increase of cars in the development will have a detrimental impact on wildlife;
- Noise and air pollution from vehicles coming to and from the estate;
- Bats, Deer, Tawny, Barn owl & other predatory birds, foxes and species of newt are located on the site who will experience significant impact on the development;
- In times of global climate change we should be protecting our environment;
- Financial contributions for improvements of Brierley Park, Riley Recreation Ground & Huthwaite Welfare Park will not make up for the loss of green belt land;
- Planting trees and hedges will only encourage nesting birds and small mammals, not animals such as deer, foxes or pheasants;
- Brierley Park has been awarded the green flag award, the development may deter any future rewards;
- Multiple Flora, Fauna and habitats rely on the land and the adjoining Brierley Park, the development will destroy this and have a considerable impact on the biodiversity of the area;
- Future generations won't be able to experience green open space;
- Loss of agricultural land;

Impact on the character and appearance of the area

- Destroy the open character of the area and destroy the view for current residents;
- The development will build two storey houses next to bungalows, which will look out of character;
- The density of the development is too high, many houses proposed resulting in a horrible cramped character;
- The land provides a buffer zone between Brierley Park and suburban Sutton;
- 2 & 3 storey buildings will not be in keeping with the existing character of the area;

Flooding and Drainage

- The development will add strain to the sewage system;

- Large overflow of water during heavy rainfall;
- Flooding will make the park inaccessible;
- Flooding will cause a great impact on the sewage system;
- There are already problems with flooding, the development will add to this;
- Who would be responsible for the upkeep of the surface water and drainage;

Impact on footpaths

- Sutton in Ashfield Footpaths 47, 39 and 144 border this development;
- Lots of nature footpaths and walks in the area, will these be kept or destroyed by the development;

Highways Safety and Access

- Lots of speeding cars and hit & run incidents on Ashland Road;
- The increase in traffic on an already congested road, making it difficult to get from existing streets off Ashland Road and onto Huthwaite Road;
- Increased strain on the A38 and M1;
- The roads will not be able to cope with the new excess of vehicular traffic;
- The access to the new estate will not be able to cope with the influx of traffic.

Impact of the development on infrastructure and services

- Residents have long waiting times for doctors and children's places in schools are already full;
- Doctors surgery's already have a 2 week waiting list for non-urgent appointments, a further 600 people will add to this strain as will an additional 120 children for education;
- Impact on the current local bus services from the increased residents;
- Police, hospital and fire services will experience a significant strain from the development;
- Shops such as ASDA are already busy and this will increase if the development is built;
- Loss of open space that is used for socializing and exercising and general mental wellbeing;
- The developer is proposing contributions to expand local medical facilities and schools, who will provide the doctors, nurses, teachers and all other staff needed.

Other Comments

- Due to the COVID-19 pandemic it has been hard to contact the local planning authority to discuss any details of the application and has been difficult to provide comments during the consultation period;
- There are multiple derelict sites in the area that could be developed for housing;
- What is to stop the developer taking more and more land after this development;
- A large loss of visitors to the park;

- Brownfield sites will be more viable for this type of development;
- The people of Ashfield do not want this development to go ahead;
- The development will increase problems with antisocial behavior;
- Why was the developer allowed to submit an application of this scale when the country is going through a distressing time;
- Additional entrances to the park from the development will be used by criminals to get away from police;
- Some people were unaware of the proposed application due to lockdown;
- An application was submitted previously to develop the land and this was refused;
- Disruption caused by building work;
- Potential increase in fly-tipping;
- Quality of life for existing residents will be affected;
- Development is contrary to the Local Plan;
- A previous viability assessment showed that the development was unviable;
- Devaluation of property prices.

Policy

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

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

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

- Policy ST1: Development.
- Policy ST2: Main Urban Areas.
- Policy ST4: Remainder of the District.
- Policy EV2: Countryside.
- Policy EV6: Sites of Importance for Nature Conservation.
- Policy EV8: Trees and woodlands.
- Policy HG3: Housing density.
- Policy HG4: Affordable Housing.
- Policy HG5: New residential development.
- Policy HG6: Open space in residential developments.
- Policy TR2: Cycling provisions in new development
- Policy TR6: Developer contributions to transport improvements

Material considerations

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

- Para 11: Sustainable Development.
- Part 5: Delivering a sufficient supply of homes.
- Part 8: Promoting healthy and safe communities
- Part 9: Promoting sustainable transport.
- Part 10: Supporting high quality communications.
- Part 11: Making effective use of land.
- Part 12: Achieving well designed places.
- Part 14: Meeting the challenge of climate change, flooding and coastal change
- Part 15: Conserving and enhancing the natural environment.

Together with supporting Planning Practice Guidance.

Supplementary Planning Documents

- Residential Design Guide SPD 2014
- Residential Car Parking Standards 2014

Relevant Planning History

V/1988/0990

Proposal: Residential Development

Decision: Refuse

Decision Date: 16/02/1989

Appeal Decision: The appeal was dismissed.

V/2014/0658

Proposal: Residential Development of 201 Dwellings, Comprising of 2, 3, 4 & 5 Bedroom Units. Creation of Vehicular Access, Pedestrian Links, Public Open Space, Car Parking, Landscaping and Drainage.

Decision: Refuse

Decision Date: 20/09/2016

Appeal Decision: Application not appealed.

The reasons for refusal of this application are summarised as follows:

- 1) Conflict with policies ST1(a), ST1(b), ST1(c), ST1(e), EV2, EV4, EV5, EV6 of the Ashfield Local Plan Review (2002);
- 2) The site is prone to flooding and in accordance with the NPPF inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where necessary, making it safe without increasing flood risk elsewhere.

Comment :

1. The principle of development;
2. Landscape and Visual Impact Appraisal;
3. Conservation and Ecology;
4. Flooding and Drainage
5. Housing Density and the Masterplan
6. Residential amenity;
7. Highway Safety;
8. Developer Contributions;
9. Other Issues;
10. Planning Balance and Overall Conclusions.

1. The principle of development;

Legislation requires that the application be determined in accordance with the statutory development plan, unless material planning considerations indicate otherwise. The statutory development plan comprises the Ashfield Local Plan Review (ALPR) adopted in 2002.

The NPPF sets out the governments planning policies and is a material consideration in planning decisions. The NPPF does not change the statutory status of the development plan for decision-making, but provides guidance for decision takers in determining planning applications.

Policies ST1, ST2, ST3 and ST4 of the Local Plan, amongst others, need to be considered. Policy ST1 seeks to ensure a good fit for development with regard to: amenity, highway safety & capacity and compatibility across local plan policies. Policy ST2 focuses development within the main urban areas including Sutton-in-Ashfield. Policy ST3 allows for limited development within named settlements. Policy ST4 sets out that development outside main urban areas will be on allocated sites. The proposed development would be contrary to these policies, in so much as they seek to restrict development to within defined settlement boundaries.

The application site is located on the edge of the urban fringe within land designated as Countryside under policy EV2 of the Ashfield Local Plan Review 2002 (ALPR). Development in the Countryside is not permitted except for appropriate development that does not adversely affect openness. The proposal is not appropriate development and therefore does not meet the criteria of this policy.

The ALPR plan period was to 2011. However, this does not mean that existing policies are out-of-date simply because they were adopted or made prior to the publication of the NPPF. They must be considered against their consistency with the NPPF (NPPF para. 213):

In this regard, as policies ST2 – ST4 are restrictive of development outside the main urban areas and named settlement they lack the balancing exercise required by the NPPF. These policies are therefore considered to be inconsistent with the NPPF. Policy EV2 has some consistency with the NPPF's requirement to recognise the intrinsic beauty and character of

the countryside. However, it is highly restrictive of development in the countryside, and again lacks the balancing exercise required. It is also clear, that these policies are not providing for sufficient housing for the district. The basket of policies for determining the application are therefore considered to be out of date.

In addition, the district currently has a 2.21 year housing land supply (out of 5 years). The Housing Delivery Test 2020 also indicates the delivery of housing in Ashfield is substantially below the housing requirements over the past three years. As a result, the tilted balance of paragraph 11 is engaged. This is a case where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

However, as was recently confirmed by the Court of Appeal in *Gladman vs SSCLG* [2021] EWCA Civ 104, the triggering of the tilted balance neither automatically determines a planning application nor allows for the primacy of the development plan to be circumvented and disregarded. There is still a requirement to carry out a full 'balancing exercise' of the adverse impacts and benefits of a proposal.

2. Landscape Visual Impact Appraisal

Paragraph 170 the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognizing the intrinsic character and beauty of the countryside. Policy EV2 of the Ashfield Local Plan Review sets out protection for the character of the countryside and its openness.

The Nottinghamshire Landscape Character Assessment (LCA) 2009 effectively supersedes ALPR policy EV4 and is a material consideration. This study was carried out for the whole of Nottinghamshire as a result of increased emphasis on the use of LCAs to inform policy in Local Development documents. The LCA identifies the site as part of Character Area ML021 which comprises the man-made landform of a restored former colliery with a raised woodland covered mound comprising 'engineered' slopes of even gradient. Views are enclosed by woodland on low ground with panoramic views from the top of the colliery mound across urban areas to the south, and open countryside and high ground at the former Silver Hill colliery to the north.

The application site is located at the southern part of this area and is situated lower than its surroundings. More importantly, the application site is enclosed by existing residential development on 3 sides. The overall landscape condition and strength is 'Moderate', with an overall strategy to 'enhance'. The site is heavily influenced by the urban fringe and for this reason the site is considered not to be a valued landscape for the purposes of the NPPF.

A Landscape and Visual Assessment forms part of the application. It concludes that the site and proposed development are set within an established envelope of built-form that is already a key characteristic of this landscape setting. The assessment highlights that the

development of the site is unlikely to result in any adverse effect to the wider character of the Brierley Forest Park landscape area, or the main urban area, that would be of significance to the planning decision making process. The only notable effect would be the loss of the open farmland setting of the site.

The Councils Landscaping Officer has advised that the assessment generally provides a balanced approach of the development impacts. He notes that focus should be put on the visual impacts from the south along Ashland Road through appropriate landscaping along the boundary. The visual impact from the north (Brierley Forest park) can also be reduced by maintaining an open aspect with development frontage facing the park and complemented by landscape boundary improvements. These points will be taken into account at Reserved Matters stage and the formulation of a landscaping plan.

There would be some harmful effects on the character and appearance of the area through the loss of the greenfield and replacement with built form. To this extent there would be some conflict with the NPPF, which recognises the intrinsic character and beauty of the countryside and to ensure decisions contribution to and enhance the natural environment. There would also be conflict with Policy EV2 and its protection of the character of the countryside. However, on the basis of the evidence submitted and advice received from the Councils landscaping officer, a refusal on the grounds of landscape impact would be difficult to substantiate.

3. Conservation and Ecology

The Council is under a duty under section 40 of the Natural Environment and Rural Communities Act 2006 “to have regard” to the conservation of biodiversity in England, when carrying out their normal functions. The ALPR sets out policy protection for ecological sites in Policy EV6, which relates to both Local Nature Reserves and Local Wildlife Sites. Trees and woodlands are protected in accordance with Policy EV8.

The NPPF para 170 stresses that planning policies and decisions should contribute to and enhance the natural and local environment by a variety of measures including minimising impacts on and providing net gains for biodiversity. An Ecological Assessment and Biodiversity Metric have been submitted as part of the application.

Natural England have declined to make any comments and although this does not imply that there are no impacts on the natural environment, it means the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. Nottinghamshire Wildlife Trust have been consulted, but no response received. The Council therefore commissioned an Independent ecologist to review the submitted Ecological Assessment. The developer funded this independent review, with the Independent Ecologist selected by the Council. The comments from these are summarised earlier in the report. The developer has submitted additional information to address all points raised. A commentary of the key aspects is set out below:

Habitats

In terms of onsite habitats, the Ecological Assessment concludes that the site predominantly consists of arable land and poor semi-improved grassland which are of low ecological value. Other habitats onsite include tall ruderal vegetation around the site boundaries (most of which will be lost) dense and scattered scrub, semi-mature and mature trees and hedgerows. None of the trees are covered by a preservation order. The applicant has submitted a Tree Survey, which shows that all of the trees can be retained as these are found on the sites boundaries.

None of the hedgerows were assessed as being important under the Hedgerow Regulations criteria. However all three scored as being of moderate ecological value under the HEGS assessment and each qualified as a Habitat of Principal Importance as described in Section 41 of the Natural Environment and Rural Communities Act 2006. The schemes indicative proposals show the retention of hedgerows H1 and H2 along the northern and eastern boundaries, but will require the removal of a central section of hedgerow H3 to facilitate the construction of a main access route.

Designated Sites

The application site is not subject to any environmental designations. However, Brierley Forest Park LNR/LWS, a statutory site of local conservation importance, is located directly adjacent to the northern boundary. The ecological report identifies that an increase in formal visitor pressure is expected to result in a localised minor impact on the woodland. However, the independent ecologist notes that such anthropogenic disturbances would be significant and recommends that the number of accesses is reduced to two points. It is also recommended that a buffer area consisting of densely packed native species scrub such as blackthorn is planted, along with signage and bins. These would need to be shown on a detailed application.

The application site falls within the outer Impact Risk Zones (IRZ) for Dovetail Wood SSSI and Teversal Pastures SSSI. The applicants ecologist notes that the hydrological regime will not be affected due to the provision of the formal surface water drainage system and SuDs feature, which regulate the flows and filter pollutants. No comments have been received from Natural England in regards to impact on statutorily designated sites.

Protected Species

Bats

Onsite hedgerows and dense scrub provided foraging habitat for bats – this habitat will largely be retained. Four onsite trees have low bat roosting potential, these will also be retained. To mitigate for the loss of any foraging resources the enhancement of hedgerow H2 is recommended in the form of gapping up of the current structure with native hedgerow. Other mitigation measures include a site-specific sensitive lighting scheme, new areas of wildlife habitat and the provision of bat boxes.

Badger

During the site survey in July 2019 an active badger sett was recorded along the southern boundary. The Independent ecologist identified that the survey was inadequate. So, an updated badger survey was undertaken on 27th July 2020 where a thorough search of all areas of the site and accessible areas within 30m of the site boundary was completed. The updated survey demonstrated that the previously identified potential main sett was inactive and as such, its closure is not deemed likely to have a significant effect on the local badger clan. No additional active setts were identified within the site. The applicants ecologist recommends that a pre-commencement check is carried out prior to undertaking works. It is also noted that a licence would be required from Natural England for any closure of the set.

Hedgehog

No field signs were observed during the field surveys for hedgehog, however the habitats are suitable for foraging, commuting and hibernating. A large proportion of suitable hedgehog shelter and foraging habitat will be retained at the site peripheries. It is also recommended that any losses of hedgehog habitat be mitigated for via incorporating log piles and provision of hedgehog access points within perimeter garden fences and hedgerows.

Birds

The proposals will result in the loss of grassland, arable land and tall ruderal vegetation, habitats which provide nesting and foraging opportunities for birds. However, these habitats are widespread and well represented in the wider local area. Bird nesting and foraging habitats at the site peripheries, consisting of dense scrub, trees (of semi-mature age and older) and majority of all three hedgerows, will be retained and enhanced.

Reptile and Great Crested Newts (GCN)

Small areas of suitable habitat are present at the peripheries of the site to support GCN and native reptile species. There are two ponds within 500m of the site, with one shown to have good suitability for GCN. The independent ecologist raised concerns that should the site be left unmanaged, there is potential for these species to be harmed during site clearance works.

The applicant has confirmed that between the sale of the site and commencement of construction agricultural practices will continue. Though, if management were to cease additional surveys would be required. This would need to include an eDNA survey of GCN. A pre-commencement condition is therefore recommended for the submission of an Ecological Management Strategy, that would include any necessary updated protected species.

Finally, the applicant ecologist has confirmed that works are to be carried out following the precautionary methods outlined within the Ecological Appraisal Report in order to minimise

the risk of harm. Habitat features are also to be created, such as log piles adjacent to the SuDs, which will create foraging and sheltering opportunities for those species.

Biodiversity Net-Gain

Paragraph 174 of the NPPF (Feb, 2019) confirms the aspiration that development should ‘...*identify and pursue opportunities for securing measurable net gains*’. The Draft Environment Bill, although currently not mandated, is likely to set a mandatory net gain requirement of 10%. The applicant has submitted a Biodiversity Impact Assessment using the DEFRA metric, this identifies that the proposal would result in the loss of 11.10 biodiversity units, although a net gain of 0.55 linear units is shown.

In this circumstance, it is considered that provision of offsite compensation – through a Section 106 Agreement – is considered to be appropriate. Although, the Environment Bill does not place a monetary value on units, the Biodiversity net gain and local nature recovery strategies Impact Assessment by DEFRA assumed a cost of £11,000 per unit. A contribution of £134,300 is sought. This calculation is on the basis of 11.1 units + 10% net gain = 12.21 units. at £11,000 per unit. It will be used towards potential ecological enhancement schemes at Brierley Park, Sutton Lawn, Healdswood Rec, Stoneyford Rec, Quarrydale Rec and tree planting in Sutton Town Centre.

Summary

The NPPF, at paragraph 175, states that if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The applicant has supplied an Ecological Assessment of the impact of the proposed development on designated sites, habitats and relevant fauna. It includes mitigation and enhancement measures. The report has also been assessed by independent ecologist and additional information provided. On the basis of the evidence supplied, it is considered the ecological impacts - comparative to a development site of this size – are fairly limited and can be adequately mitigated.

It is acknowledged that the proposal would result in a net loss of biodiversity on site. However, a contribution will be secured towards off-site improvements. Overall, it is considered that the proposals would not merit a refusal in accordance with paragraph 175 of the NPPF.

4. Flooding and Drainage

The applicant has provided a Flood Risk Assessment (FRA). This identifies that the site is elevated sufficiently above the nearest Main River watercourse and lies within Flood Zone 1 (Low Risk of Flooding, 1 in 1000 years) . The FRA does, however, note that there is a local water course to the north of the site which is controlled by a culvert under a large soil heap,

which, if it became blocked could result in localised flooding to the north of the site. To mitigate against this, the report recommends certain minimum ground and internal floor levels.

The FRA highlights that the existing site is considered to be 100% permeable. Following the proposed development, the impermeable area will be significantly increased to approximately 41% of the total site area. The FRA therefore proposes Sustainable Urban Drainage techniques, in the form of a balancing pond in the north eastern corner of the site. A hydro-brake will be provided to restrict flows from the site and reduce runoff from the development during higher periods of rainfall. This will need to be reduced to green-field run off rate.

The site will discharge into an existing culvert, which runs through the north eastern corner of the site. The applicant has confirmed they have legal rights to enter into the culvert. This has been assessed by the Councils legal team, who are satisfied that once Bellway are in control of the land they would be entitled to connect into the culvert. The Councils Local Lead Flood Authority have been consulted with the proposals and raise no objections. Likewise, no objections have been received from the Environment Agency, nor the Councils Drainage Officer. Conditions are recommended in relation to the requirement of details for a surface water drainage scheme based on Sustainable Urban Drainage Principles, and for details of foul sewage to be agreed.

Based on the technical evidence supplied by the applicant and comments from consultees, it would be difficult – without a requisite evidence base – to justify a reason for refusal on the grounds of increased flood risk.

5. Housing Density and the Masterplan

Saved policy HG3 sets out a minimum net density requirement of 30 dwellings per hectare for a site in this location. This policy sets out that net density is measured as the individual dwelling units per hectare of land developed specifically for housing and directly associated uses. The application site is Greenfield and measures approximately 10.31ha. The submitted Masterplan sets out indicative development parcels of c.8.49 ha, resulting in a density of 34 dwellings per hectare. This includes access roads within the site, private gardens, car parking areas, and areas of incidental space.

The master plan shows an area of SUDs to be formed in the north eastern corner, along with the retention of existing vegetation and a central green walk through to Brierly Forest park. However, it shows the fairly extensive use of privates and these maybe be unacceptable in some cases. The Nottinghamshire Highways Design Guide identifies that private drives should serve no more than 5 dwellings. Whilst, there are sites where this number has been exceed, subject to sensitive design considerations, it would not be prudent to approve such matters at a high level at outline stage. The consultation responses have also identified requirements for a scrub planting buffer, which is not shown on the plan. As such, it is considered that the Masterplan would not form an approved plan document.

The density of the site is considered to be medium density and relatively consistent with the surrounding development, which ranges from anywhere between 20 and 37 dwellings per hectare. Although, the density of development would be higher than that considered under the previous planning refusal at the site (V/2014/0658), it will be incumbent on the developer to propose, a detailed scheme of high quality design, that meets the Councils relevant standards as set out in the Councils Residential Design Guide Supplementary Planning Document (2014) and Residential Car Parking SPD (2014).

The density of the proposed development accords with the minimum net density requirements of 30 dwellings per hectare set out in the ALPR. It also falls within the recommended 30 – 50 dwellings per hectare, for a suburban location, in the draft National Model Design Guide. The proposals will be carefully examined, at detailed application stage, to ensure a high quality development is achieved. A condition is recommended for the submission of a Design Code at reserved matters stage. Additionally, an informative note has also been recommended advising the applicant of the Councils standards, and that an independent design assessment of a future reserved matters scheme should be provided.

6. Residential Amenity

This is an outline application, with all matters reserved, except access. However, the applicant has submitted an indicative master plan, which shows that sufficient separation distances could be provided, so that the development would not adversely impact upon existing residential dwellings privacy and light.

Details of the design, layout and appearance will form part of a future reserved matters application. These will be carefully assessed, in accordance with Councils ALPR policies, supplementary planning guidance, as well as the NPPF and other relevant national guidance. This would ensure that future development does not result in any undue harm to the living conditions of neighbouring occupiers; as well as the development providing a good standard of living for future occupiers.

Some residents have voiced concern surrounding disruption during the construction phase of the development. To overcome this, a Construction Management Plan condition is proposed this will govern matters such as working hours, vehicle parking, wheel washing, emission of noise/dust/dirt etc.

7. Highways Safety

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

Traffic Flows

The Highways Authority (HA) have advised that the agreed study area has been adequately assessed and mitigation suggested at a number of junctions. However, during the assessment process, a number of the junctions did not have current traffic count data and due to the current Covid-19 pandemic, the applicant carried out counts when the overall traffic flows returned to around 90% of pre-lockdown levels and factored them up using these percentages. The HA therefore have reservations about the data, as it is known that whilst levels increased, journey purpose changed which could affect turning movements at junctions. However, in such unprecedented times the HA have accepted the assessments based on this data as the best available at the time.

The HA also disagree with the generalisation made in the latest Technical Note H regarding dissipation. As, in many instances there is no viable/shorter alternative to reach the destination - so to suggest that this is the case, would mean that the agreed distribution and assignment of vehicles is incorrect. Therefore, further subsequent junction assessments could be required.

A number of junctions were assessed as part the Transport Assessment work, many of these were demonstrated to operate within capacity and therefore no mitigation is required. This includes the junction of Huthwaite Road and Ashland Road West. A summary of those junctions requiring improvements, as detailed in the comments from the HA, is set out below:

- **Blackwell Road / Common Road (Junction 2)**
The development is forecast to significantly reduce capacity at this junction. The junction is already equipped with MOVA but installation of on-crossing and kerbside detection, which generally allows more green time to vehicles is considered to be an acceptable mitigation proportionate to the development.
- **Lammas Road / Hack Lane (Junction 6)**
The junction is due to be refurbished out of the Local Transport Plan budget, however the development is demonstrated to have a significant impact. Even with the improvements, the development traffic degrades the performance, taking it from around practical reserve capacity to absolute capacity . Accordingly, to make the development acceptable, the HA require a contribution to sustainable transport measures with the aim of reducing the number of vehicles utilising the junction.

Nottinghamshire County Council have identified a Strategic Cycle Network extending west of Sutton Town Centre along Huthwaite Road for the proposed contribution. The route will actively encourage cycling as a sustainable alternative to the car from this development. The development needs to provide a contribution of £120,000 which is equal to the cost of the junction upgrade.

- **A38 Kings Mill Road / Station Road (Junction 9)**

The HA do not agree that as the development is some distance from the junction, vehicles are likely to disperse along minor roads. Though, they agree that there is no mitigation available proportionate to the development; however, as the development does have a notable impact a Section 106 contribution is required to support the sustainable transport measures. A contribution of £10,000 is considered to be reasonable.

- **Mansfield Road/Stoneyford Road & Mansfield Road/Dalestorth Street (Junctions 10 & 11)**

The HA disagree with conclusions drawn from the modelling that the development only has a small impact. However, MOVA signal upgrades and CCTV are considered as proportionate and reasonable mitigation at both junctions.

Access

The application proposes two points of vehicular access off Ashland's Road West to serve the development. The HA have confirmed acceptability of the proposed access junction layout (drawing number ADC1032-DR-001 Rev P10). This layout drawing identifies the over-engineered layout required to offset the single point of access, which serves the majority of the development.

Other Improvements

Details have been submitted showing the provision of a pedestrian crossing point on Huthwaite Road (drawing number ADC1032-DR-002 Rev P1). The HA have noted that the proposed pedestrian improvements support sustainability of the site by providing safe access to and from the westbound bus stop on Huthwaite Road, providing wider community benefits. However, whilst, the principle of the crossing point is acceptable, amendments to the design would be necessary. A condition is therefore recommended requiring details to be submitted and the works carried out.

Summary

A number of local residents have raised concerns about the increased traffic generated from the development. A development of this size would inevitably result in some detriment to traffic flows; however, a robust scheme of mitigation is proposed, along with Section 106 contributions to improve sustainable transport measures. The Highways Authority have raised no objections to the development and it is therefore considered a reason for refusal could not be substantiated on the basis of highways safety concerns.

8. Developer Contributions

The requirements of the CIL regulations are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably

related in scale and kind to the development. Set out below are each of the contributions required for the proposed development:

Healthcare - £162,562

Current capacity at GP surgeries local to the development would not be capable of accommodating the associated increase in population, as is made clear from the letter NHS Clinical Commissioning Group.

The CCG has provided its standard formula for the cost of extensions as identified by a quantity surveyor experienced in health care projects, which equates to a total contribution of £162,562. This formula has been devised by a suitably qualified expert and is therefore fairly and reasonably related in scale and kind to the development. The proposal would generate a requirement for healthcare provision for residents and is therefore directly related and necessary to make the development acceptable. This contribution satisfies the CIL tests.

Public Open Space – £600,000

Policy HG6 of the Local Plan sets out that residential development will only be permitted where open space is provided to meet certain requirements. This sets out that in sites of two hectares and above a minimum of 10% of the gross housing area will be provided as open space. It also states that where it is not appropriate to provide open space within a site boundary, a planning obligation will be negotiated. The Councils Places and Localities Team have set out that a S106 contribution of £600K is required for one of the following:

- Riley Recreation Ground
- Huthwaite Welfare Park
- Brierley Forest Park

This is to include maintenance payment of 2.5% of £600k = £15,000 per year, at a total £225,000 over 15 years. The contribution is sought on the basis of £2,000 per dwelling, which is the standardised approach Ashfield takes to securing contribution towards off-site open space.

The indicative masterplan shows little in the way usable recreation open space and therefore this development will inevitably lead to pressures on recreation grounds elsewhere in the vicinity. The contribution is therefore necessary to make the development acceptable in planning terms, directly related and reasonable in kind and scale.

Built Sport Facilities - £258,000

Sport England's Sports Facilities Calculator (SFC) provides an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of around 700 new residents in this local authority area will generate a demand for, an additional 57 visits per week to sports hall and 44 visits to a swimming pool.

The capital cost needed to accommodate this demand would be around £258,000. Based on the SFC, the contribution is considered to be reasonable in kind and scale. The Councils Places and Localities team have advised that improvements are required toward built leisure facilities at the Lammas LC. Accordingly, the contribution is necessary and directly related.

Travel and Transport: £90,000 bus service, £28,000 bus stops and £20,000 for sustainable transport.

The County Council request a planning obligation of £90,000 for bus service contribution. This would be used to provide improvements to the local bus services to serve the site. The applicant has, however, questioned this as they are providing a crossing to improve links from the application site to bus stops on Huthwaite Road.

Ashland Road is served by Service 417 which provides a limited hourly off-peak service operated by Nottinghamshire County Council fleet. A frequent service operates to Sutton Town Centre and Mansfield on Huthwaite Road. This service is commercially operated by Stagecoach. However, the development is situated approx. 750 metres from the nearest bus stops on this service. Therefore, modifications to the bus network to provide better access to the proposed development is required.

The vehicles operated on service 417 have 16 seats and are currently operating close to capacity. This resource would not be enough to cover the demand arising from the new development. The contribution is therefore necessary to be put towards a large vehicle on Service 417, operating across the day and possibly an enhanced Saturday Service. It is considered that both the upgrades to the crossing and the bus service contribution are required to encourage sustainable transports modes.

The County Council have also requested a planning obligation of £28,000 for bus stop infrastructure. This would be used to provide improvements to the bus stops on Rooley Avenue (AS0111), Norwood Close (AS0110), George Street (AS0129) (AS0130) and Siddalls Drive AS0128. This will include raised boarding kerbs ,real time bus stop pole & displays including associated electrical connections, or other bus infrastructure improvements.

The County Council also request that a Sustainable Transport contribution of £20,000 is paid to provide each household with up to a 2-month or equivalent bus pass (subject to negotiated discount) for use on the local bus network to encourage use of sustainable modes of travel, or to support other sustainable transport measures for residents of the development.

In accordance with the justification provided by NCC, these contributions meet with the CIL tests.

Libraries - £10,571,00

The Museums, Libraries and Archives Council (MLA) publication “Public Libraries, Archives and New Development: a standard approach” recommends a standard stock figure of 1,532 items per 1,000 population. NCC have provided evidence to show Sutton in Ashfield Library is currently below the MLA optimum stock level and so a developer contribution is sought to ensure current stock levels are not put under further pressure as a result of the new development.

A developer contribution for the additional stock that would be required to meet the needs of the 690 population that would be occupying the new dwellings. This is costed at 690 (population) x 1.532 (items) x £10.00 (cost per item) = £10,571.00. The contribution is therefore reasonable in kind and scale to the development, directly related and necessary to make the development acceptable.

10% - Affordable Housing.

The NPPF paragraph 64 sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

Secondary Education - £1,146,000 and Primary Education £1,297,296 (63 places

The development would generate an additional 48 secondary aged pupils within the Kirkby/Sutton Secondary Planning Area. Based on current pupil forecasts, there is currently a projected surplus of places in the Kirkby/Sutton secondary pupil planning area. The impact of the proposed development would not lead to a deficit in provision. However, there are a number of ongoing planning applications in the district, including applications at appeal. If approved, these would result in a deficit. As a result, the County Council are seeking a planning obligation for secondary education of £1,146,000 (48 places x £23,875 per place). This would be used to provide additional secondary provision in the Sutton/ Kirkby planning area.

NCC have also confirmed that the development would generate an additional 63 primary aged school pupils within the Sutton Town Primary Planning Area. Based on current pupil forecasts, there is a projected surplus within the planning area. However, NCC have been consulted on a number of planning applications, which would result in a shortfall of places. In order to create additional places in the Sutton Town Primary Planning Area resulting from the aggregate impact of this application and other applications, a new primary school is required. The County Council have requested a contribution based on the cost per pupil of providing a new school, which is £1,297,296 (63 places x £20,592 per place).

The education contributions sought are firmly policy based, supported by Government guidance and as such are justifiable. Paragraph 94 of the National Planning Policy Framework (“NPPF”) demonstrates the importance of education provision. The method of calculation and approach by NCC is robust and clear.

The primary and secondary contributions have been approached on an area wide basis, where the data shows there to be insufficient capacity, when taken with other applications. A robust approach must ensure that contributions are sought for all developments - given the likely pressures facing school place provision in the area from the required housing growth in the district. Having due regard for the above, it is considered that the contributions satisfy the relevant CIL tests.

Biodiversity - £134,300

It is recognised that the Environment Bill does not place a monetary value on a contribution. However, the Biodiversity net gain and local nature recovery strategies Impact Assessment by DEFRA assumed a cost of £11,000 per unit. Therefore, this calculation is on the basis of 11.1 units + 10% net gain = 12.21 units. at 11k per unit. This is considered to be reasonable and kind in scale to the development. The contribution would be used towards enhancement schemes in the vicinity and is therefore directly related.

The applicant has noted that the Council does not have a policy basis to request such a contribution. Nevertheless, Bellway are willing to accept this in this instance, on condition that it is made clear that a 10% net-gain is being offered over and above any requirements in the development plan policy.

Highways - Sustainable Transport - £130,000

As detailed in the Highways Safety section of the report, a contribution towards cycling measures to support sustainable transport and reduce the impact of motorised vehicles on the highway is required. This justification for the contribution derives from the transport assessment work, it is directly related to the development and reasonable in kind and scale. It therefore meets with the CIL tests.

Monitoring Contribution - £2,500

Legislation allows Councils to charge a monitoring contribution for S106. Given the complexity and size of the agreement, this amount is considered to be reasonable in kind and scale.

9. Other Issues

Heritage Assets and Archaeology

No designated or none designated heritage assets are identified on or adjacent to the site. The site does fall within Area G – Meden Valley of the Hardwick Hall Setting Study. However, given the location of the site and the topography of the land, the application proposals would not have an impact on the setting of Hardwick Hall.

The application has been supported by a desk based archaeological assessment. It concludes that there is low potential for prehistoric, Roman, medieval and post-medieval archaeology. However, it does note that this is somewhat unknown due to little archaeology

found within the area. A pre-commencement condition is therefore recommended for the applicant to produce a written scheme of investigation prior to commencement of works to ascertain if any mitigation is required.

Air Quality

The applicant has produced an Air Quality Assessment. This indicated that the impact of the development upon local air quality will be negligible and that the site itself is acceptable for residential development. The Councils Environmental Health Officer has reviewed the submitted information and confirmed the acceptability of the reports findings.

Noise

A Noise Impact Assessment has been submitted by the applicant. This sets out that the relevant recommended external and internal noise standards can be met. The predominant noise source at the site was road traffic using Ashland Road West. In order to mitigate potential noise impacts relatively standard measures are proposed, including selection of glazing, ventilation, building fabric with a sufficient sound reduction index; and 1.8m high acoustically sound fencing at garden boundaries adjacent to Ashland Road West. It is considered that with these mitigation measures in place sound levels would be acceptable for future residents.

Loss of Open Space

Concern has also been raised that the development of this site would result in the loss of an area where children can play. The application site is in private ownership with no existing right of public access and the site does not form part of Brierley Forest Park. A footpath (47) runs adjacent to the site, along the northern boundary, but will be unaffected by the development.

Covid-19 pandemic and Consultation

Concern has been raised that the consultation phase of the application took place during the first lockdown period of March 2020. The consultation was fully undertaken with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Councils Statement of Community Involvement. This includes individual neighbouring residents, a site notice and press notice. All residents were also given an additional week, with the consultation period running for 28 days and comments are accepted on the application until 3 days before Planning Committee.

10. Planning Balance and Overall Conclusions :

The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF states that proposals should be considered in the context of the presumption in favour of

sustainable development, which is defined by economic, social, and environmental dimensions and the interrelated roles they perform.

In this case the provision of new homes carries significant weight in favour of granting planning permission. It would boost the supply of housing in accordance with the NPPF, contributing up to 300 homes, of which 10% would be affordable. It would bring about additional housing choice and competition in the housing market. The social benefits through the creation of new housing carries **significant weight**.

There would also be substantial economic benefits through investment in the locality and increased spending in shops and services. It would also result in jobs during the construction phase. Thereafter, the Council would also receive increased revenues from Council tax receipts. These economic benefits carry **moderate weight**.

The proposal results in a loss biodiversity units at the site and therefore an off-site contribution has been achieved to ensure the development provides a net-gain. The contribution offered would equate to a 10% net-gain in biodiversity. This is presently in excess of any guidance or policy. There would also be planting and landscaping provided, as well as the SuDS basin, which has the potential to enhance ecology and biodiversity at the site. These factors carry fairly **limited weight** in favour of granting permission.

On the other side of the coin, the harms created by the development are relatively limited for a development of this size. There would be the loss of open agricultural land and the urbanisation of the existing fields, to which residents have attributed great weight. However, the site is heavily influenced by the urban fringe and surrounded by development on three sides. Paragraph 170(a) of the NPPF states that landscape protection should be commensurate with status. In this case the harm to the landscape carries **limited weight**.

It is considered that based on the technical evidence supplied by the applicant - and subsequent comments received from consultees - that a refusal on the grounds of increased flood risk and impact on biodiversity would be difficult to substantiate. The Highways Authority have also raised no objections to the development and a number of highways improvements are proposed to mitigate against the increased traffic being generated.

In terms of developer contributions, these will be secured towards education, built sport facilities, healthcare, sustainable transport, libraries, public open space, biodiversity as well as affordable housing. These will ensure that the necessary infrastructure is in place to support the housing development. These matters therefore carry **neutral weight** in the planning balance.

The proposal is contrary to the ALPR policies ST1 (a), ST2, ST3, ST4 and EV2 to the extent they seek to restrict development to within defined settlement boundaries. However, the ALPR was only intended to guide development up till 2011 and it is clear that these policies are not providing sufficient housing to meet the requirements of the district. These policies also lack the balanced approach taken in the NPPF and this therefore lessens the

weight attributed to the conflict. Though, that is not say these should simply be disregarded within the planning balance, **limited weight** should be attached to this conflict for the reasons set out above.

In this case, the significant ongoing housing shortfall attracts substantial weight in favour of granting permission for the proposal, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

It is considered that none of the reasons put forward for opposing the development establishes that the harm would be significant or would demonstrably outweigh the benefits. Therefore, notwithstanding the conflict with the development plan, it is considered that planning permission should be granted, subject to conditions and a Section 106 legal agreement.

Recommendation: - Approve, subject to conditions and the following Section 106 Contributions:

- Primary Education £1,297,296;
- Secondary Education - £1,146,000;
- Healthcare - £162,562;
- Public Open Space – £600,000;
- Built Sport Facilities – £258,000;
- Bus service - £90,000;
- Bus stops - £28,000;
- Sustainable Transport - £20,000;
- Libraries - £10,571,00;
- Biodiversity - £134,300;
- Highways - Sustainable Transport - £130,000
- 10% - Affordable Housing;
- Monitoring Contribution - £2,500;
- Travel Plan.

CONDITIONS

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

Application for approval of reserved matters shall be made to the Local Planning Authority not later than 24 months from the date of this permission.

The development hereby permitted shall be begun not later than one year from the date of approval of the last reserved matters to be approved.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Access Junction Layout (drawing number ADC1032-DR-001 Rev P10)
 - Site Location Plan (ref. P19-1014 002 Rev B)
3. Details of appearance, landscaping and layout required to be submitted and approved under Condition 1 shall include details of:
 - i. The design, layout and form of the dwellings, including details of the external surfaces and materials to be used;
 - ii. details of highways and private street works including all key dimensions, junction and forward visibility splays and swept path analyses of a 11.6 m refuse vehicle;
 - iii. the layout and marking of car parking, servicing and manoeuvring areas;
 - iv. fencing, walling, boundary treatments and means of enclosure;
 - v. a scheme of hard and soft landscaping, including the specification of trees, hedges and shrub planting and details of species, density and size of stock;
 - vi. existing and proposed ground levels and those of surrounding buildings
 - vii. proposed pedestrian routes within the site, including details of connections into Brierly Forest Park
 - viii. refuse/recycling storage and collection points;

- ix. provision for electric vehicle charging points and cycle storage facilities;
 - x. a lighting strategy for the development;
 - xi. measures to minimise the risk of crime;
 - xii. an open space masterplan for the site, including long term design objectives, management responsibilities and maintenance schedules.
4. Any Reserved Matters applicant made pursuant to condition 1 shall include a sitewide Design Code for the development.
 5. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:
 - How construction traffic will access the site;
 - Proposed hours and days of working;
 - The parking of vehicles of site personnel, operatives and visitors;
 - Location of the site storage areas and compounds;
 - Wheel washing facilities;
 - A strategy for the minimization of dust and vibration:
 - A strategy for the minimisation of noise, vibration and dust;
 - Site contact detail in case of complaints;

The approved details shall be adhered to throughout the construction period.

6. No site clearance, preparatory work or development shall take place in any phase until a scheme for the protection of the retained trees and hedgerows in that phase (the tree and hedgerow protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedgerows in the phase shall be carried out as approved for that phase and retained throughout the construction period for that phase.
7. If during the course of development, contamination is found to be present on the site, then no further development (unless otherwise agreed in writing by the local planning

authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how the contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority.

8. Prior to commencement of development a detailed surface water drainage, scheme based on the principles set forward in the Flood Risk Assessment Prepared by EWE Associates Ltd Rev D dated November 2020. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
 - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
 - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion for the lifetime of the development.
9. No development shall commence until an ecological management strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include: details of objectives to achieve ecological enhancement of the site; any required updated protected species surveys, details of measures for encouraging biodiversity within the site; review of site potential and constraints; details of works to achieve objectives; details of the body or organisation responsible for implementation; the timetable for implementation; details of aftercare and long term maintenance; details of monitoring and remedial measures; details of a legal and funding mechanism by which the implementation of the Strategy will be secured. The strategy shall be carried out as approved.
10. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work for the development in

accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

11. No development shall take place until such time as a programme has been submitted to and approved by the LPA covering the following works:

- i) The provision of the accesses to the site, as indicatively shown on drawing number ADC1032-DR-001 Rev P10
- ii) The provision of on-crossing and kerbside pedestrian detection at the junction of Blackwell Road/Common Road.
- iii) The provision of MOVA and CCTV at both the junctions of Mansfield Road/Stoneyford Road and Mansfield Road/Dalestorth Street.
- iv) The provision of the pedestrian refuge and associated build out with crossing points as indicatively shown on drawing number ADC1032-DR-002 Rev P1)

The works shall then be carried out in accordance with the agreed programme unless otherwise agreed in writing with the Local Planning Authority. For clarity these plans are conceptual ONLY and will be subject to detailed technical appraisal during the S278 process.

REASONS

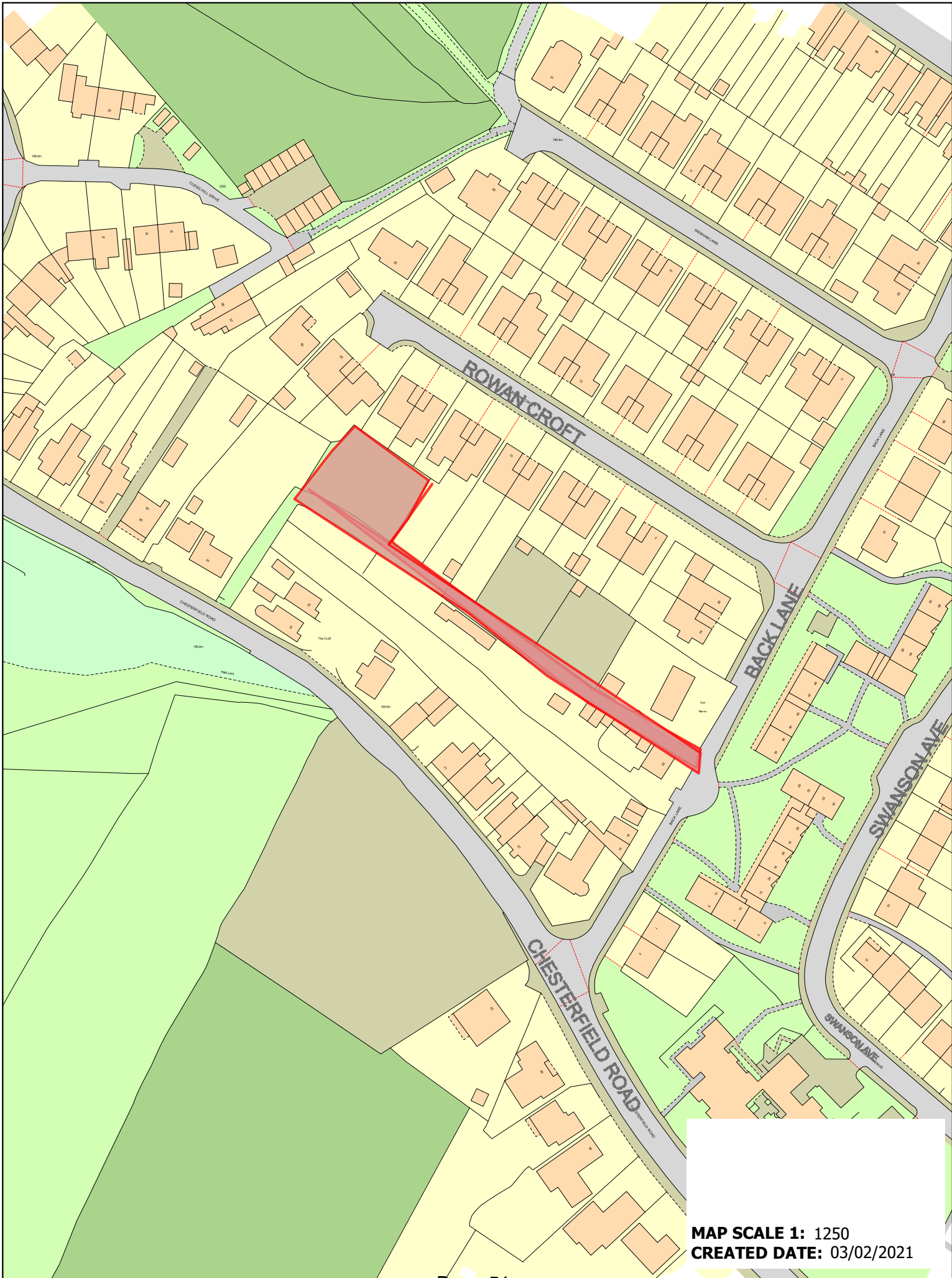
1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To ensure the development takes the form envisaged by the Local Planning Authority.
3. To ensure adequate details are provided at detailed planning stage.
4. In the interests of securing a high quality design in accordance with part 12 of the NPPF – Achieving Well Designed Places.
5. To protect the amenity of nearby residents during the construction phase of the development.
6. To ensure that the retained hedgerows are protecting during construction.
7. To ensure the site is developed free from contamination.
8. To ensure adequate means of surface water disposal.
9. In the interests of biodiversity enhancement.
10. To ensure any archaeological finds are properly documented.

11. To provide sufficient capacity at the respective junctions and in the interest of pedestrian and general highway safety.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The applicant is advised that prior to submission of a reserved matters application the scheme should be put forward for an independent design review with Design Midlands. Further details of this service can be found on their website at: <https://www.designmidlands.org/>.
3. The applicant is advised that any detailed application should fully accord with the Councils relevant standards as set out in the Councils Residential Design Guide Supplementary Planning Document (2014) and Residential Car Parking SPD (2014).
4. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.
 - a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the HA as early as possible. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38 Agreement is issued.
 - b) It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. Correspondence with the HA should be addressed to hdc.north@nottscc.gov.uk

5. In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.
6. Any highway details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until formal technical approval is issued. It is therefore strongly recommended that the applicant submit drawings in relation to this to the Highway Authority prior to submitting a planning application.
7. Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact highwaysouth.admin@viaem.co.uk.
8. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.



MAP SCALE 1: 1250
CREATED DATE: 03/02/2021

COMMITTEE DATE 17/03/2021 **WARD** Huthwaite and Brierley

APP REF V/2020/0647

APPLICANT Mr John Price

PROPOSAL Change of Use From Derelict Land to Domestic with Vehicle Storage Shed, Grassed Recreation Area, Hard Standing for Vehicle Storage and Hard Surfacing for Access Road

LOCATION Land Rear of 22A, Back Lane, Huthwaite, Sutton in Ashfield, Nottinghamshire, NG17 2LL

WEB-LINK <https://www.google.co.uk/maps/@53.1308498,-1.3051362,19z>

BACKGROUND PAPERS A, C, D & K

App Registered: 07/10/2020

Expiry Date: 01/12/2020

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

This application has been referred to Planning Committee by Councillor Hollis on the grounds of visual and residential amenity.

The Application

This is an application that seeks planning consent for the change of use of land to the rear of 22a Back Lane for domestic purposes. The change of use will include the construction of a detached garage building for the storage of a domestic vehicle, the construction of a wooden chicken coop, an area of hard surfacing for outdoor domestic vehicle storage, and the creation of a grassed recreation area. The site would be used in association with an established traveller site off Back Lane, Huthwaite.

Consultations

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

The following responses have been received:

Resident Comments:

2x Letters of objection/concern has been received from local residents raising the following:

- Increased noise disturbance
- Increased traffic generation within the area

- Public footpath will be impacted
- Public footpath already tarmacked
- Site will be used for commercial purposes
- Caravans are parked on the land in question and are being occupied
- Impact on property values

Nottinghamshire County Council Highways:

The proposal is for the storage of domestic vehicles which already utilise the access driveway/access and therefore there will be no intensification of the access. No objections to the proposed development are raised.

Nottinghamshire County Council Rights of Way:

Whilst Sutton in Ashfield Footpath 120 runs adjacent to the application site, the footpath would remain unaffected by the proposal. As such the Rights of Way team have no objections. Request an informative be attached to any approval.

Nottinghamshire Wildlife Trust:

No comments to make on the application.

Natural England:

No comments to make on the application.

Policy

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

National Planning Policy Framework (NPPF) 2019

Part 2 – Achieving Sustainable Development

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002

ST1 – Development

ST2 – Main Urban Area

Supplementary Planning Documents

Residential Extensions Design Guide 2014

Relevant Planning History

V2020/0243

Details: Change of use from derelict land to domestic with vehicle storage shed, chicken coup, grassed recreation area and hard standing for vehicle storage.

Decision: Refusal

Adjacent site

V/2016/0742

Details: Change of Use of Land to use as Residential Caravan Site for Two Gypsy Families, Including the Erection of Amenity Building

Decision: Refused - Allowed on appeal

V/2019/0520

Details: Shower block

Decision: Conditional Consent

V/2019/0521

Details: Application to Vary Condition 3 and 6 of Planning Permission V/2016/0742 Approved by Planning Appeal APP/W3005/C/17/3172500 - to Allow 4 Residential Static Caravans and 4 Touring Caravans and 6 - Revised Site Layout

Decision: Conditional Consent

V/2020/0545

Details: Amenity Block

Decision: Refusal

V/2020/0796

Details: Amenity Block

Decision: Pending

Comment:

The application site is located within the main urban area of Sutton in Ashfield, and comprises of a parcel of land to the west of two established traveller plots off Back Lane, Huthwaite. Prior to its clearance, the application site was heavily overgrown and derelict, and now comprises of an area of temporary hardstanding as well as a steel garage building.

Sited to the east of the site are two established traveller plots, whilst to the north and west of the site is existing residential development on Rowan Croft. Adjacent to the south of the site is the access driveway, which also forms Sutton footpath no. 120, which links Chesterfield Road with Back Lane. Beyond the access and footpath is further residential development sited on Back Lane and Chesterfield Road.

As part of the proposal, a brick built garage building is proposed to be constructed. The garage building is proposed to be utilised for the storage of a domestic vehicle and other domestic paraphernalia. A timber and wire chicken coop is also proposed to be sited within the site. An area of hardstanding is to be formed to allow for the parking of domestic vehicles, as well as the formation of a grassed recreational space.

Permission has previously been refused under planning reference V/2020/0243 for the change of use of the land to domestic, the erection of a steel storage shed and the siting of a storage container to be used as a chicken coop, and the provision of

hardstanding and grassed recreational space. This application was refused on the grounds that the steel storage shed and storage container appeared incongruous and uncharacteristic within the surrounding residential development.

This application seeks to overcome the previous reason for refusal, through the construction of a brick and tile garage building and the provision of wooden chicken coop.

The main issues to consider as part of this proposal is the impact of the proposal on visual and residential amenity, as well as matters relating highway safety.

Visual Amenity:

Part 12 – Achieving Well Designed Places of the NPPF 2019, stipulates that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping, and are sympathetic to local character, including the surrounding built environment.

The proposed garage building will measure approximately 7m in width and 6m in length, and will have an overall height of just under 4m. The garage building is proposed to be constructed from red facing bricks and grey roof tiles and will be sited to the south-west of the site, adjacent to the public footpath. The size and scale of the proposed garage building, along with the proposed construction materials, would not appear dissimilar to domestic outbuildings found within the curtilage of domestic properties on Rowan Croft and Chesterfield Road. The garage building would subsequently be in keeping with the surrounding residential setting.

In regards to the chicken coop, this is proposed to be of a timber and wire construction and will measure approximately 1.8m in height and will measure 2.5m in width by 2.5m in length. The coop will be sited along the sites northern boundary. A chicken coop of this size and construction is not an unusual form of development found within a domestic setting, and therefore it will not appear incongruous with the surrounding residential area.

It is considered that the use of the site for the storage of domestic vehicles only, which would include the laying of hardstanding, and the creation and use of an area of grassed land for domestic purposes would be unlikely to give rise to any significant impact on the visual amenity of the area.

It is subsequently considered that the proposal is representative of development that would typically found within a domestic setting, and the proposal will as such no give rise to any detriment to the character and appearance of the locality.

Residential Amenity:

It is considered that due to the siting, size and scale of the proposed garage building and chicken coop, that the proposed built development would not give rise to any detrimental massing, overshadowing or overlooking impact on nearby residents.

Comments have been received from a local resident raising concerns that the proposed change of use of the land for domestic purposes would give rise to increased noise disturbance.

Although it is acknowledged that the application site has remained unused until recently, the site would be used in association with two existing traveller pitches to the east of the site at 22a Back Lane, and would only be used by those residents. Furthermore, the proposed garage building, hard standing and grassed recreational space are to be used for domestic purposes only, and therefore any noise generated from the use of the site would not be dissimilar to noise emanated from any other domestic premises within the surrounding area. A condition requiring the proposed development to be used for domestic purposes only would be attached to any approval notice.

Highway Safety/Public Right of Way:

Although the access to the site is via an unadopted driveway, the access does comprise of a public right of way, known as Sutton in Ashfield Footpath 120. Whilst the vehicular access presently extends approximately 60m along the footpath from Back Lane, as part of this proposal, the access will be required to be extended a further 40m (approx.) in length to provide suitable vehicular access to the application site.

Concerns have been raised by local residents in regards to the safety of pedestrians using the footpath, as well as concerns regarding increased vehicular movements on the access track and within the surrounding area as a result of the proposal.

Information submitted with the application states that all vehicles stored on the land would be for domestic purposes only, in association with the two existing traveller pitches to the east of the site. The applicant has confirmed that there is to be no commercial vehicles stored at the site.

Based on the information submitted, the Highways Authority have confirmed that they have no objection to the proposal, whilst the County Council Rights of Way team have also confirmed that they have no objections to the proposal on the proviso that the access is hard surfaced in a bound material and appropriate drainage is provided to prevent unregulated surface water. These requirements would be secured by way of condition as part of any approval of the scheme.

Given that the vehicles proposed to be stored on the site are already utilising the access track, it is considered that the proposal would not result in any increase in vehicular traffic within the vicinity of the site. Further, as the track would measure approximately 4m in width, it is considered that there would be sufficient space for vehicles and pedestrians utilising the access track/public footpath to safely pass.

Conclusion:

The use of the land for domestic purposes would be used in association with two established traveller pitches to the east of the application site. Given the siting and

size of the proposed development, it is considered that the proposal will not give rise to any significant impact upon the appearance on the street scene, nor will it give rise to any undue impact on the amenity of nearby residents by virtue of increased noise disturbance.

In addition to the above, the proposal will also not result in any detriment to the adjacent driveway or public footpath, and will not give rise to any impact upon highway safety within the vicinity of the site.

In conclusion, it is therefore recommended that this application be approved, subject to the planning conditions listed below.

The Authority are aware that the applicant has a protected characteristic under the Equality Act 2010. The Authority understand the relevant requirements of the Equality Act 2010 and conclude that the applicant is in no way being treated unfairly based on their protected characteristic, namely their race, during the consideration of this application.

Recommendation: Full Application – Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: Site Location Plan Scale 1:1250, Received 01/10/20; Proposed Block Plan Scale 1:500, Received 01/10/20; Proposed Elevations and Floor Plans, Drawing No. MW/JP.02, Received 06/10/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The development hereby permitted shall be carried on only by the following and their resident dependants: Mr Jim and Mrs Florie Price, Mr John and Mrs Eva Price, Mr Amos and Mrs Geraldine Price and Miss Tina Price.**
- 4. The garage building and use of the site hereby permitted, shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, those named in Condition 3.**
- 5. No building, structure or vehicle on the land shall be inhabited at any time.**
- 6. No commercial activities shall take place on the land at any time, including external storage of any kind (unless associated with the**

construction of the permitted garage building and chicken coop) and the burning of materials.

- 7. When the site ceases to be occupied by those named in condition 1 above, the use hereby permitted shall cease and all vehicles, buildings and structures, materials and equipment brought onto the land, or works undertaken to it in connection with the use shall be removed and the land restored in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.**
- 8. No sheds, amenity/utility buildings or structures other than those hereby shown on the approved drawing (Block Plan, received 01/10/20) shall be erected on the site at any time.**
- 9. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site and no more than four vehicles, including caravans, shall be stationed, stored or parked on the site at any one time, including in the garage space.**
- 10. All areas for parking, storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not part of the public right of way and the use of such areas must not interfere with the use of the public right of way.**
- 11. No part of the development hereby permitted shall be brought into use until the access driveway is surfaced in a hard-bound material (not loose gravel). The surfaced access driveway shall then be maintained in such hard-bound material for the life of the development.**
- 12. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the access driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.**

REASONS

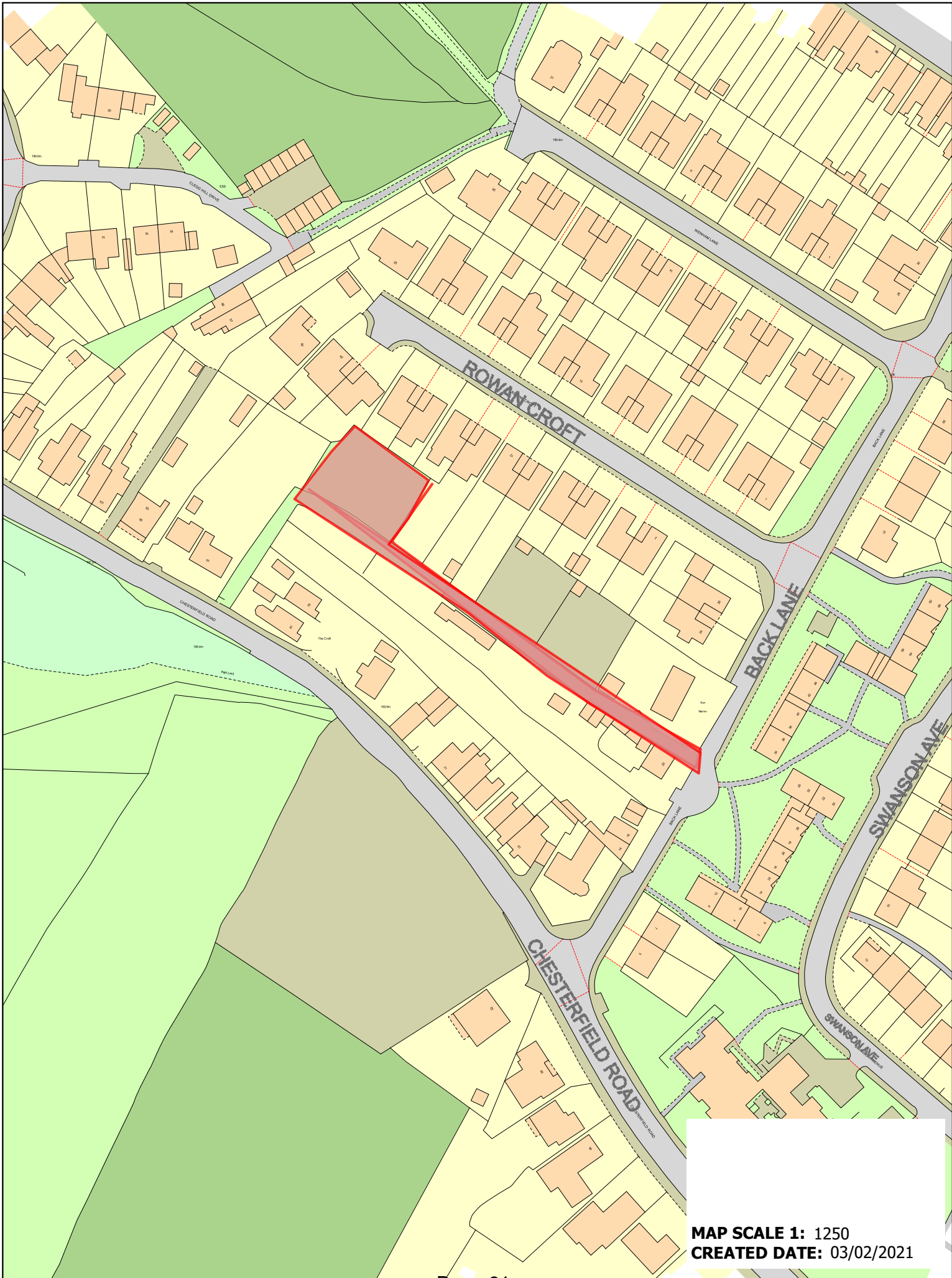
- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**

3. To define the terms of the permission, for the avoidance of doubt.
4. To define the terms of the permission, for the avoidance of doubt.
5. To ensure that the development takes place as envisaged by the Local Planning Authority, in the interests of amenity.
6. To safeguard the amenities of residents living in the vicinity of the application site.
7. To safeguard the amenities of residents living in the vicinity of the application site.
8. To safeguard the amenities of residents living in the vicinity of the application site.
9. In the interests of highway safety and to define the terms of the permission for the avoidance of doubt.
10. In the interests of highway safety.
11. In the interests of highway safety.
12. In the interests of highway safety.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The construction of the development should not affect, or obstruct in anyway Sutton in Ashfield Footpath Number 120, unless subject to appropriate diversions or closure orders. Any required path closure or diversion application should be made via consultation with Nottingham County Council. In addition to this, the safety of the public using the footpath should be observed at all times.
3. The applicant is advised that the existing boundary hedge/tree line directly bordering the development/boundary is the responsibility of the owner of the land. The land owner is responsible for the maintenance of

the boundary, including ensuring that the hedge/tree line is cut back so as not to interfere with the right of way.



COMMITTEE DATE 17/03/2021 **WARD** Huthwaite and Brierley

APP REF V/2020/0796

APPLICANT Mr Jim Price

PROPOSAL Amenity Block

LOCATION 22A Back Lane, Huthwaite, Sutton in Ashfield, Notts, NG17 2LL

WEB-PAGE <https://www.google.co.uk/maps/@53.1308498,-1.3051362,19z>

BACKGROUND PAPERS A, C, D & K

App Registered: 18/11/2020 Expiry Date: 12/01/2021

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

This application has been referred to Planning Committee by Councillor Hollis on the grounds of visual and residential amenity.

The Application

This is an application that seeks planning consent for the construction of an amenity block, comprising of a day room and shower/laundry room, in association with an established traveller site off Back Lane, Huthwaite.

Consultations

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

The following responses have been received:

Resident Comments:

2x Letters of objection/concern have been received from local residents raising the following:

- Increased obstruction of the public right of way
- The proposal would attract more residents to the site

Nottinghamshire County Council Highways:

No objections to the proposed development provided there is no intensification of the access and that this proposal is for the sole use of the applicant.

Nottinghamshire County Council Rights of Way:

Sutton in Ashfield Footpath 120 runs adjacent to the application site. The Rights of Way team has no objections to the proposal as the public footpath appears unaffected.

Policy

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

National Planning Policy Framework (NPPF) 2019

Part 2 – Achieving Sustainable Development

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002

ST1 – Development

ST2 – Main Urban Area

HG7 – Residential Extensions

Supplementary Planning Documents

Residential Extensions Design Guide 2014

Relevant Planning History

V/2016/0742

Details: Change of Use of Land to use as Residential Caravan Site for Two Gypsy Families, Including the Erection of Amenity Building

Decision: Refused - Allowed on appeal

V/2019/0520

Details: Shower block

Decision: Conditional Consent

V/2019/0521

Details: Application to Vary Condition 3 and 6 of Planning Permission V/2016/0742 Approved by Planning Appeal APP/W3005/C/17/3172500 - to Allow 4 Residential Static Caravans and 4 Touring Caravans and 6 - Revised Site Layout

Decision: Conditional Consent

V/2020/0545

Details: Amenity Block

Decision: Refusal

Adjacent site

V2020/0243

Details: Change of use from derelict land to domestic with vehicle storage shed, chicken coup, grassed recreation area and hard standing for vehicle storage.

Decision: Refused - significant harm to visual amenity of the area.

V/2020/0647

Details: Change of Use from Derelict Land to Domestic with Vehicle Storage Shed, Grassed Recreation Area, Hard Standing for Vehicle Storage and Hard Surfacing for Access Road

Decision: Pending

Comment:

The application site is located within the main urban area of Sutton in Ashfield and comprises of one of two established traveller plots off Back Lane, Huthwaite. The site presently comprises of an area of hardstanding and is occupied by two caravans.

Sited immediately adjacent to the east of the site is a further established traveller plot, whilst to the north and west of the site is existing residential development on Rowan Croft. Adjacent to the south of the site is the access driveway, which also forms Sutton footpath no. 120, which links Chesterfield Road with Back Lane. Beyond the access and footpath is further residential development sited on Back Lane and Chesterfield Road.

As part of the proposal, a brick and tile built amenity block is to be constructed. The amenity block is proposed to comprise of a day room and a shower/laundry room for residents of the site.

A previous application at the site for a larger amenity block was refused by members of the Planning Committee last year. The reason for refusal given was that the proposed development was considered to result in a harmful impact upon the character, quality, amenity and safety of the surrounding environment due to its size and siting. The proposal was also deemed to represent an overdevelopment of the site. This application seeks to overcome the previous reasons for refusal.

The main issues to consider as part of this proposal is the impact of the proposal on visual and residential amenity, as well as matters relating highway safety.

Visual Amenity:

The amenity block is to be sited 0.9m off the sites northern boundary to the rear of 8 Rowan Croft. The block measures approximately 4m in width and will extend for a length of 6.6m. The amenity block is proposed to have a hipped roof design, which will measure 2.4m in height to the eaves, and 3.9m in height to the ridge line.

The building includes windows and doors in its front elevation and windows in its side elevations but the rear of the building is brick work. The building materials include red facing brick and grey concrete roof tiles which are considered acceptable in design, and the hipped roof design is in keeping with the design of development found within the immediate locality. The building as proposed would be of similar proportions and design to the amenity block allowed under the 2016 appeal decision.

The building is sited away from public views from Back Lane and therefore is limited in any impact on the street scene. Whilst the ridgeline of the building will be partially visible from the adjacent highway known as Rowan Croft to the north, the proposed building is not of a size or height that will appear overly intrusive in any view available over the boundary fence.

Residential Amenity:

The proposed amenity block is to be sited approximately 9m away from the rear elevation of neighbouring property 8 Rowan Croft, which is sited to the north of the site. At present there is an approximate 2m high timber fence sited along the sites northern boundary, therefore the visual impact of the proposed development on neighbouring residential occupiers is limited.

Given the overall siting and size of the proposed development, it is considered that the proposed amenity block would not give rise to any significant massing or overshadowing impact on nearby residents. Furthermore, as no windows are to be sited in the rear (northern elevation) of the proposed amenity block, the proposal will not result in any obtrusive overlooking or loss of privacy to neighbouring residents.

Details provided in the submitted application form and plans, indicates that the foul water from the laundry/shower room, as well as surface water from the rain water pipes will be directed and connected to an existing public sewer.

Objections have been received from local residents in respect of the proposal attracting further residents to the site.

As part of the original permission (V/2016/0742) for the traveller site, a condition was attached preventing the site from being occupied by anyone other than the named persons and their dependents. As such, the proposed development would be highly unlikely to attract any further residents to the site, alleviating nearby residents concerns.

Highway Safety:

The proposed amenity block will be sited approximately 15m from the adjacent access driveway and public footpath, and subsequently does not cause any obstruction to users of the driveway or footpath.

The County Council Rights of Way team and the Highways Authority have confirmed that they have no objections to the proposed development, given that the adjacent footpath will remain unaffected.

It is further considered that due to the overall size of the building, which is over half the size of the previous proposal, that it does not result in any overdevelopment of the plot and subsequently the amenity block will not negatively impact the turning space for touring caravans or other vehicles that enter or exit the site.

The application is therefore considered to not result in any significant detriment to highway safety in the area.

Conclusion:

The construction of the proposed amenity block is required in association with an established traveller site. Given the siting and size of the proposed development, it is considered that the proposal will not give rise to any significant impact upon the appearance on the street scene, nor will it give rise to any undue impact on the amenity of nearby residents.

In addition to the above, the proposal will also not result in any detriment to the adjacent driveway or public footpath and will not give rise to any impact upon highway safety within the vicinity of the site.

In conclusion, it is therefore recommended that this application be approved, subject to the planning conditions listed below.

The Authority are aware that the applicant has a protected characteristic under the Equality Act 2010. The Authority understand the relevant requirements of the Equality Act 2010 and conclude that the applicant is in no way being treated unfairly based on their protected characteristic, namely their race, during the consideration of this application.

Recommendation: Full Application – Conditional Consent

CONDITIONS

- 1. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.**
- 2. This permission shall be read in accordance with the following plans: Site Location Plan, Received 19/08/20; Proposed Block Plan, Received 19/08/20; Proposed Elevations and Floor Plans, Received 21/08/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The development hereby permitted shall be carried on only by the following and their resident dependants: Mr Jim and Mrs Florie Price, Mr John and Mrs Eva Price, Mr Amos and Mrs Geraldine Price and Miss Tina Price.**

4. The amenity block hereby permitted, shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, those named in Condition 3.
5. No commercial activities shall take place on the land at any time, including external storage of any kind (unless associated with the construction of the amenity block) and the burning of materials.
6. No sheds, amenity/utility buildings or structures other than those hereby shown on the approved drawing (Block Plan, received 17/11/20) shall be erected on the site at any time.
7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site.
8. All areas for parking, storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not part of the public right of way and the use of such areas must not interfere with the use of the public right of way.

REASONS

1. To ensure the satisfactory appearance of the development.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To define the terms of the permission, for the avoidance of doubt.
4. To define the terms of the permission, for the avoidance of doubt.
5. To safeguard the amenities of residents living in the vicinity of the application site.
6. To safeguard the amenities of residents living in the vicinity of the application site and in the interests of visual amenity.
7. In the interest of highway safety.
8. In the interest of highway safety.

INFORMATIVES

- 1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).**
- 2. Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the applicant or their representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf.**



COMMITTEE DATE 17/03/2021 **WARD** Hucknall Central

APP REF V/2020/0867

APPLICANT Ashfield District Council

PROPOSAL 2 Dwellings

LOCATION Land Off Hawthorne Avenue, Hucknall, NG15 6LN.

WEB LINK <https://www.google.com/maps/place/Hawthorne+Ave,+Hucknall,+Nottingham/@53.0360811,-1.2137528,88m/data=!3m1!1e3!4m5!3m4!1s0x4879eaadbab4e5b9:0x8f9f7dad0c2c6a25!8m2!3d53.0360541!4d-1.214355>

BACKGROUND PAPERS A, B, C, D & F.

App Registered 18/12/2020

Expiry Date 11/02/2021

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

This application has been referred to Planning Committee in the interest of transparency since Ashfield District Council are the applicant, and also owners of the application site.

The Application:

This is an application for two, three bedroom dwellings on a former Council owned garage site. The two dwellings are semi-detached, and will include areas of hard surfacing for vehicle parking and manoeuvring, and the provision of turfed private outdoor amenity space.

Consultations:

A site notice has been posted together with individual notifications to surrounding residents. A reconsultation was also undertaken with residents and other consultees following receipt of revised plans/additional information.

The following responses have been received:

Resident comments:

4x objections/comments (one objection was joint between two neighbours), raising the following points:

- Access lane is not suitable – two vehicles cannot pass.
- No visitor parking.
- Loss of privacy.
- Will any trees be removed.
- Concerns over the stream being closed/impacted.
- Who would maintain the stream.
- Existing drains too shallow to be connected into.
- What are the proposed dwellings going to be.
- The site is too small to be built on.
- Would have a view of a brick wall if built.
- Loss of light to house and garden.
- Increased noise and disturbance.
- May stop emergency vehicles accessing my property from the rear.
- Loss of wildlife/damage to the environment.
- Possible increase in security risks.

Nottinghamshire County Council Highways:

Original comments:

- Road is substandard in width and should allow two vehicles to pass one another.
- It would appear that manoeuvring space for some spaces is limited.

Revised comments:

- Plan provided shows vehicle turning and manoeuvrability to leave the site in forward gear.
- Only one existing property fully utilises the access road to reach their property, therefore the narrow access can be accepted.
- There is waiting space available.

Severn Trent Water:

- Foul is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval.
- Surface water is proposed to discharge to a watercourse, which we have no comment.

Ashfield District Council Environmental Health:

No objection in principle, but request conditions relating to working hours and noise & dust in the interest of amenity.

Policy:

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

National Planning Policy Framework (NPPF):

Part 5 – Delivering a sufficient supply of homes.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST2 – Main Urban Area.

EV8 – Trees and Woodland.

HG5 – New Residential Development.

Supplementary Planning Documents:

Residential Design Guide (2014).

Residential Car Parking Standards (2014).

Relevant Planning History:

None.

Comment:

The application site is located within the main urban area of Hucknall. The site itself was historically used as garage court, and whilst there are no garages left on the site, it still remains hard-surfaced. There is also a small number of self-set trees within the site. An open watercourse (a stream) runs along the southern boundary of the site, which in itself contains some tree and shrub planting. The stream is currently maintained by, and is to continue to be maintained by, Nottinghamshire County Council.

Existing residential development surrounds the application site, and thus the area is considered to be residential in nature.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on the visual and residential amenity of the area and its ability to improve the local character and appearance, in addition to highway safety.

Principle of Development:

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

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

Paragraph 118 of the NPPF 2019 stipulates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, and the development of underutilised land, which amongst other things includes car parks and lock-ups, should be promoted and supported where it would help to meet identified housing need.

The proposal represents a modest, but nevertheless important boost to the districts housing supply, providing two new residential units in a sustainable, main urban area location. The scheme would also provide economic benefit during the construction of the dwellings and occupation thereafter.

Having regard to the presumption in favour of development, as outlined in paragraph 11 of the Framework, the principle of the proposed development is considered acceptable provided all other material planning considerations can be appropriately satisfied.

Visual Amenity:

As previously mentioned, the area surrounding the application site is predominantly residential in nature. Properties within the vicinity of the site vary in terms of size, type and design, however they are typically two storey in nature and either semi-detached or detached. The proposed dwellings will be two storey and sited to reflect the existing pattern of development.

The properties are proposed to be constructed from red rustic bricks and slate grey roof tiles, incorporating buff coloured stone cills. Existing properties within the area display a mix of finishes, largely brown and red brick, although some render is visible within the vicinity. As a result of the areas varying character, it is considered that the proposed development would assimilate well into the street scene, and would not be detrimental

to the visual amenity of the area. The removal of the garage site is likely to improve the visual appearance of the residential area.

The site is currently bound by approx. 1.8m high timber fencing on its north, east and western boundaries. The fencing is predominantly timber panel and concrete gravel board/posts. The Southern boundary, beyond the brook, also has timber fencing erected, with intermittent tree/shrub planting functioning as amenity planting which also provides additional screening.

The proposed dwellings will have open frontages, and new sections of 1.8m high timber panel and concrete gravel board/post fencing will be erected to the rear and sides of the two new dwellings to help separate and demarcate the new garden areas. A new 0.45m high timber knee rail fence is also to be erected along the edge of the brook to provide a visual and physical barrier between the highway and brook. The boundary treatments proposed are in keeping with those found within the vicinity of the site and therefore considered to be acceptable.

There are several trees within/adjacent to the site. The supplied Arboricultural Impact Assessment, Method Statement and Tree Protection Plan indicates that the majority of the trees on/adjacent to the site are of low quality, with some being unsuitable for retention. Six trees are to be removed in total, those identified as being unsuitable for retention, with the others being necessary to facilitate the development. Herras fencing is proposed for use to protect the trees during any construction work.

Residential Amenity:

The proposed dwellings reflect the existing properties of No.'s 9 and 11 Hawthorne Avenue in respect of siting and orientation. The proposed dwellings will be approximately 12.2m away from the side elevation (of the main house) of No.11, with there being a separation distance of approximately 8.2m between the side elevation of the proposed dwelling and the single storey side extension of No.11. There are no windows in the side elevation of the extension, however No.11 have a side window at first floor level. Due to the absence of side windows in the proposed dwellings, and also applying the 25 degree code to No.11's first floor side window (which is not breached by the proposed development), it is considered that the proposed dwellings will not have a detrimental effect on No.11.

The closest properties on Aitchison Avenue, to the east of the site, are located approximately 22m away from the proposed dwellings. Again due to the absence of side windows in the proposed dwellings and their orientation to the properties on Aitchison avenue, it is considered that there shall be no detrimental overlooking, overbearing or overshadowing experienced by properties along Aitchison Avenue.

Properties to the north along Garden Road are in excess of 38m away, and properties to the south on Linnet Way are approximately 26m+ away. It is therefore considered that there is sufficient separation distance between main aspect windows at these

properties to maintain an acceptable level of privacy. Any overshadowing or overbearing impact experienced by these neighbouring properties is also likely to be negligible.

In respect of future occupiers both proposed dwellings have adequate levels of private outdoor amenity space, and the minimum space standards within the properties also meets the Council's requirements, as outlined in the adopted Supplementary Planning Document on Residential Design.

Concerns have been raised in respect of increased noise disturbance arising from the proposal during construction and occupation thereafter. A construction management plan has been submitted with the application which details that construction works would take place between the hours of 8am to 6pm Monday to Friday and 8am to 1pm Saturdays, which are typical working hours. Any noise emitted from the properties once occupied will likely be domestic in nature and therefore will not be at odds with noise emitted from surrounding residential properties. In any event, should the proposal cause any noise nuisance during or after construction, such matters can be dealt with under other legislative powers.

Highway Safety:

Concerns have been raised by local residents in relation to the suitability of the access and the absence of visitor parking. The site will be accessed off Hawthorne Avenue, utilising an existing access road which historically served the garage court located on this site. Therefore the proposed two dwellings on this site is likely to result in a less intensive use of the access lane than has historically been experienced.

The Highway Authority have provided comments on the scheme, and they are satisfied that the proposed use of the access, taking into account the existing properties which utilises this, is acceptable. The Highway Authority also confirm the acceptability of parking and manoeuvrability within the site.

Each property has two off-street parking spaces available for use (constructed from block paving), which meets the Council's requirements as set out in the adopted Supplementary Planning Document on Residential Car Parking Standards. However neither property has any designated visitor parking. Providing off-street visitor parking is not typically a requirement for this nature and scale of development. It is acknowledged that there is limited capacity within the site curtilage to accommodate high levels of visitor parking, however there are on-street options available within the vicinity, and a bus service(s) runs a short distance to the north along Wood Lane.

As previously mentioned a 0.45m (approx.) high timber knee rail fence is to be erected along the edge of the brook to provide a visual and physical barrier between the highway and brook.

The new development to the south has undoubtedly increased levels of traffic along Hawthorne Avenue since the garage site was last in a functional use. However visibility at the site entrance is considered to be sufficient in both directions, and thus there is unlikely to be any significant risk to highway safety. Therefore it is considered that the traffic generated from two new dwellings in this location would have a negligible impact upon highway capacity in this location.

Conclusion:

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

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

The proposed development scheme does not raise any significant concerns with regards to the impact upon the visual amenity of the locality or upon the residential amenity of existing and future occupiers. Furthermore, each dwelling is afforded off-street parking provision, and the cumulative impact of an additional two residential properties on the highway network is deemed to be negligible.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant Conditional Consent.

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.
3. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.31468 513 01, Received 18/12/2020. Proposed Site Plan, Drawing No.31468 513 02 Rev.D, Received 21/01/2021. Proposed Elevations and Floor Plans, Drawing No.31468 513 03 Rev.C, Received 21/01/2021. Proposed Drainage Layout, Drawing No.31468 513 04, Received 18/12/2020. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

4. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (received 18/12/2020).
5. The hereby permitted development shall be carried out in accordance with the submitted Construction Management Plan (received 17/12/2020).
6. The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Preliminary Risk Assessment & Geo-Environmental Assessment (received 12/01/2021).

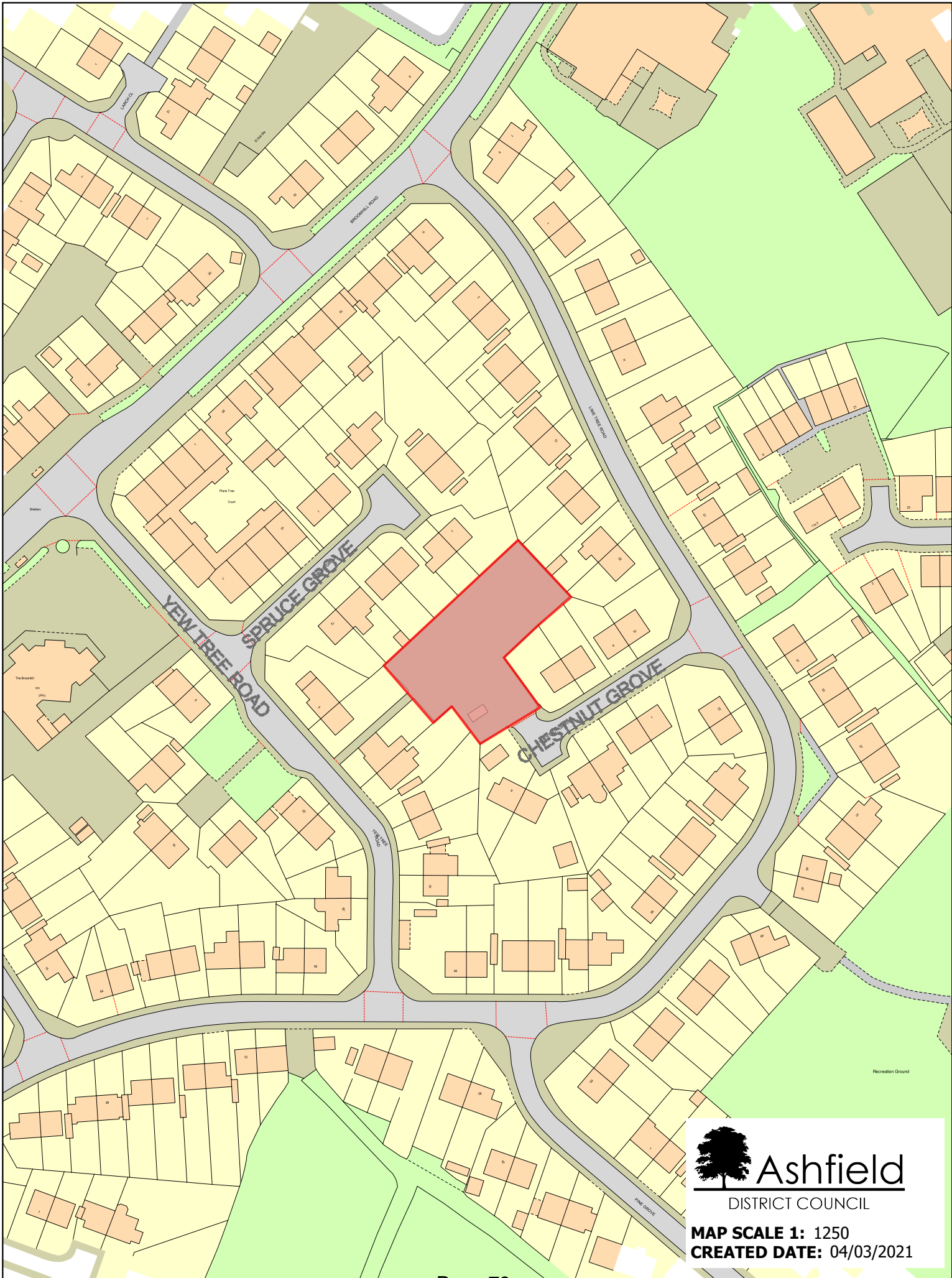
REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. To safeguard the visual amenity of the area.
5. In order to minimise disturbance to surrounding properties.
6. To ensure the site, once developed, is free from contamination, in the interests of safety.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing

with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 04/03/2021

COMMITTEE DATE 17/03/2021 **WARD** Hucknall South

APP REF V/2020/0873

APPLICANT Ashfield District Council

PROPOSAL Demolition of Existing Garage and Erection of 4 Dwellings

LOCATION Land at Chestnut Grove, Hucknall, Nottinghamshire

WEB LINK <https://www.google.com/maps/place/Chestnut+Grove,+Hucknall,+Nottingham/@53.0266692,-1.197983,88m/data=!3m1!1e3!4m5!3m4!1s0x4879c01c8724e51d:0x5b99bf26a00d1b25!8m2!3d53.0264664!4d-1.1973969>

BACKGROUND PAPERS A, B, C, D & F.

App Registered 22/12/2020 Expiry Date 15/02/2021

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

This application has been referred to Planning Committee in the interest of transparency since Ashfield District Council is the applicant, and also owner of the application site.

The Application:

This is an application for four dwellings on a former Council owned garage site. The properties form two pairs of semi-detached dwellings, with two properties being 2 bedroom (house type B), and two properties being 3 bedroom (house type A). The proposal also includes areas of hard surfacing for vehicle parking and manoeuvring, the provision of turfed private outdoor amenity space, and the incorporation of the footpath along the southern boundary of the site linking Chestnut Grove to Yew Tree Road.

Consultations:

A site notice has been posted together with individual notifications to surrounding residents. A further consultation was also undertaken with residents and other consultees following receipt of revised plans/additional information.

The following responses have been received:

Resident comments:

1x objection/comments, raising the following points:

- Roads are already far too busy, this will add more traffic.
- Do not wish to be overlooked.
- The site could be better used in another capacity.

Ashfield District Council Landscaping:

Plots 3 and 4 have minimal front gardens, but the rear gardens meet the minimal private outdoor space requirements.

Tall or climbing plants should be used to screen the fencing alongside plot 2.

A detailed landscaping plan should be provided by way of a condition, specifying species, planting densities, locations, planting methods and ongoing maintenance.

Nottinghamshire County Council Highways:Original comments:

- Each unit has two parking spaces.
- There appears to be insufficient space to manoeuvre from plot 3, and the retained garage to the rear of 18 Lime Tree Road.
- The pedestrian footpath is to be retained and incorporated into the site development.

Further Consultation comments:

The swept path analysis shows a vehicle can gain access to the garage at No.18 Lime Tree Road and shows vehicle manoeuvring for plot 4 (previously plot 3) is achievable to leave the site in a forward gear.

Following the receipt of further information Nottinghamshire County Council no longer object to the scheme, subject to conditions.

Nottinghamshire County Council Rights of Way:Comments:

The footpath isn't one which is shown on the definitive map, and it does not appear to be part of the adopted highway either. As such, it is not one that is managed by the County Council.

Severn Trent Water:

- Foul is proposed to connect into the public combined water sewer, which will be subject to a formal section 106 sewer connection approval.
- Surface water is proposed to discharge to a soakaway, which is considered satisfactory.

Policy:

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

National Planning Policy Framework (NPPF):

Part 5 – Delivering a sufficient supply of homes.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed places.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST2 – Main Urban Area.

EV8 – Trees and Woodland.

HG5 – New Residential Development.

Supplementary Planning Documents:

Residential Design Guide (2014).

Residential Car Parking Standards (2014).

Relevant Planning History:

None.

Comment:

The application site is located within the main urban area of Hucknall. The site itself was historically used as garage court, with a single garage remaining on the site. The wider site still remains hard-surfaced.

There are a couple of self-set trees on the periphery of the site, with a number of other trees present within the curtilage of neighbouring properties. The area is considered to be residential in nature. A residential property at No.18 Lime Tree Road has a garage which is accessed via this site. Therefore this has informed the site layout to facilitate continued and unimpeded access to the garage.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on the visual and residential amenity of the area and its ability to improve the appearance of the area, in addition to highway safety.

Principle of Development:

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

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

Paragraph 118 of the NPPF 2019 stipulates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, and the development of underutilised land, which amongst other things includes car parks and lock-ups, should be promoted and supported where it would help to meet identified housing need.

The proposal represents a modest, but nevertheless important boost to the districts housing supply, providing four new residential units in a sustainable, main urban area location. The scheme would also provide economic benefit that would be generated through the construction of the dwellings and occupation thereafter.

Having regard to the presumption in favour of development, as outlined in paragraph 11 of the Framework, the principle of the proposed development is considered acceptable provided all other material planning considerations can be appropriately satisfied.

Visual Amenity:

As previously mentioned, the area surrounding the application site is predominantly residential in nature, with the properties within the vicinity of the site being mainly two storey semi-detached dwellings, although some bungalows are present on Spruce Grove/Yew Tree Road, a short distance to the north.

The properties are proposed to be constructed from red rustic bricks and slate grey roof tiles, incorporating buff coloured stone cills. The design and finish of the neighbouring properties is fairly consistent, with brown, buff and red bricks used. As a result it is

considered that the proposed development would assimilate well into the street scene, and cause no detrimental harm to visual amenity of the area. The removal of the garage site is likely to improve the visual appearance of the residential area.

The site is largely bound by approx. 1.8m high timber fencing of varying styles, however palisade fencing runs the length of the north western boundary. To ensure a satisfactory standard of amenity is secured for existing and future occupiers, a condition is proposed which requires details to be submitted for approval which seeks to replace this boundary treatment with a suitable alternative. The neighbouring properties affected by this change would be consulted on the details as part of the process.

Notwithstanding the above comments, 1.8m high timber post and concrete gravel board/post fencing is proposed on some boundaries to help enclose the areas of private outdoor amenity space. Amenity planting is proposed to the front of the properties, with plots 1 and 2 also having an additional 0.6m high timber knee rail fence to help demarcate the property boundaries in relation to the public footpath/parking areas. The boundary treatments proposed are in keeping with those found within the vicinity of the site and therefore considered to be acceptable.

As previously mentioned there are a couple of self-set semi-mature trees on the southern periphery of the site. The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan indicates that all the trees on/adjacent to the site are of low quality, with the two proposed for removal (sycamore and an elder) being in a poor condition. It is however proposed to erect protection fencing around the remaining trees during any construction works to avoid any undue damage.

Residential Amenity:

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

- There is a minimum distance of approximately 13.2m between the side elevation of house type B and the rear elevation of the existing properties on Yew Tree Road.
- There is a separation distance of approximately 19.5m between the rear elevations of house type B and the existing properties on Spruce Grove.
- There is a separation distance of approximately 8.3m between the front and side elevation of the proposed dwellings.
- There is a separation distance of approximately 10.9m between the side elevation of house type A and the rear elevation of the existing properties on Spruce Grove.

- There is a separation distance of approximately 15.7m between the side elevation of house type A and the rear elevation of the existing properties on Chestnut Grove.

It is acknowledged that some of the measurements fall below the minimum recommended standards. The 25 and 45 degree codes have been applied to neighbouring and the proposed properties to assess the impact upon light and overshadowing etc. The 25 degree code is only marginally breached on the ground floor kitchen window of property type A.

The BRE 45 degree code has been used to assess whether the proposed development will give rise to any overshadowing impact on main aspect windows of existing and proposed properties. The 45 degree code is not breached in plan or elevation, indicating that the proposal will have a negligible impact upon the neighbouring and proposed properties in regards to overshadowing.

Furthermore taking into account the siting, orientation, sun path and the fact that the proposed dwellings do not have any windows in their side elevations, it is considered that even though some of the measurements fall below minimum standards, that there will not be any significant detrimental impact upon the residential amenity of existing and future occupiers.

In respect of future occupiers, all four of the proposed dwellings have adequate levels of private outdoor amenity space, and the minimum space standards within the properties also meets the Council's requirements, as outlined in the adopted Supplementary Planning Document on Residential Design.

A construction management plan has been submitted with the application which details that construction works would take place between the hours of 8am to 6pm Monday to Friday and 8am to 1pm Saturdays, which are typical working hours. In the event that noise is causing a nuisance either during or after construction, such matters can be dealt with under other legislative powers.

Highway Safety:

Concerns have been raised by a local resident in relation to the roads in the area already being far too busy, with the proposal only adding more traffic. The site will be accessed off Chestnut Grove, utilising an existing access which historically served the garage court located on this site. Therefore the proposed four dwellings on this site is likely to result in a less intensive use of the access than has historically been experienced.

The Highway Authority have provided comments on the scheme, and they raise no objection to the suitability of the access or concerns relating to the impact upon the existing highway network. Furthermore they are satisfied that the parking and manoeuvrability within the site is acceptable.

Each property has two off-street parking spaces available for use (constructed from block paving), which meets the Council's requirements as set out in the adopted Supplementary Planning Document on Residential Car Parking Standards.

The footpath link from the site through to Yew Tree Road is to be retained, and will continue to be maintained by Ashfield District Council who are the owners of the land. The boundary treatment to this footpath was amended to 0.6m higher timber knee rail fencing (previously 1.8m high timber fencing) to increase the openness of the footpath, subsequently making it a safer and more attractive route to be utilised by the community. Links such as these also encourage the use of sustainable transport methods.

Taking the above into account, it is considered that the proposal will not result in an adverse impact upon the safety and capacity of the existing highway network.

Conclusion:

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

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

The proposed development scheme does not raise any significant concerns with regards to the impact upon the visual amenity of the locality or upon the residential amenity of existing and future occupiers. Furthermore, each dwelling is afforded off-street parking provision, and the cumulative impact of an additional four residential properties on the highway network is deemed to be negligible.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant Conditional Consent.

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.

3. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.31468 512 01, Received 21/12/2020. Proposed Site Layout Plan, Drawing No.31468 512 02 Rev.C, Received 19/02/2021. Proposed Elevations and Floor Plans, Drawing No.31468 512 03 Rev.B, Received 01/02/2021. Proposed Elevations and Floor Plans, Drawing No.31468 512 04 Rev.B, Received 01/02/2021. Proposed Drainage Layout, Drawing No.31468 512 05, Received 21/12/2020. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
4. There hereby approved dwellings shall not be occupied until the following matters have been submitted to and approved in writing by the Local Planning Authority:
 1. Full details of the proposed treatment of the sites north western boundary.
 2. A phasing scheme for the implementation of the agreed boundary treatment.

The boundary treatment shall be undertaken in accordance with the agreed details.

5. No development shall take place past slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which should include specifies species, planting densities, locations, planting methods and ongoing maintenance. 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.
6. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with drawing no. 31468 512 07. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.
7. No part of the development hereby permitted shall be brought into use until the access into the site has been completed and surfaced in a bound material for a minimum distance of 8m behind the highway boundary and any works to the existing footway to connect to the proposed footpath within the site has in

accordance with details to be submitted to and approved in writing by the Local Planning Authority.

8. No part of the development hereby permitted shall be brought into use until the works in the footway of Chestnut Grove which connect to the proposed footpath within the site, have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
9. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (received 18/12/2020).
10. The hereby permitted development shall be carried out in accordance with the submitted Construction Management Plan (received 17/12/2020).
11. The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Preliminary Risk Assessment & Geo-Environmental Assessment (received 12/01/2021).

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. To ensure the satisfactory appearance of the completed development and an adequate level of amenity for existing and future occupiers.
5. To ensure the satisfactory overall appearance of the completed development.
6. To ensure adequate parking is provided within the site.
7. In the interests of highway safety.
8. In the interests of pedestrian safety.
9. To safeguard the visual amenity of the area.
10. In order to minimise disturbance to surrounding properties.

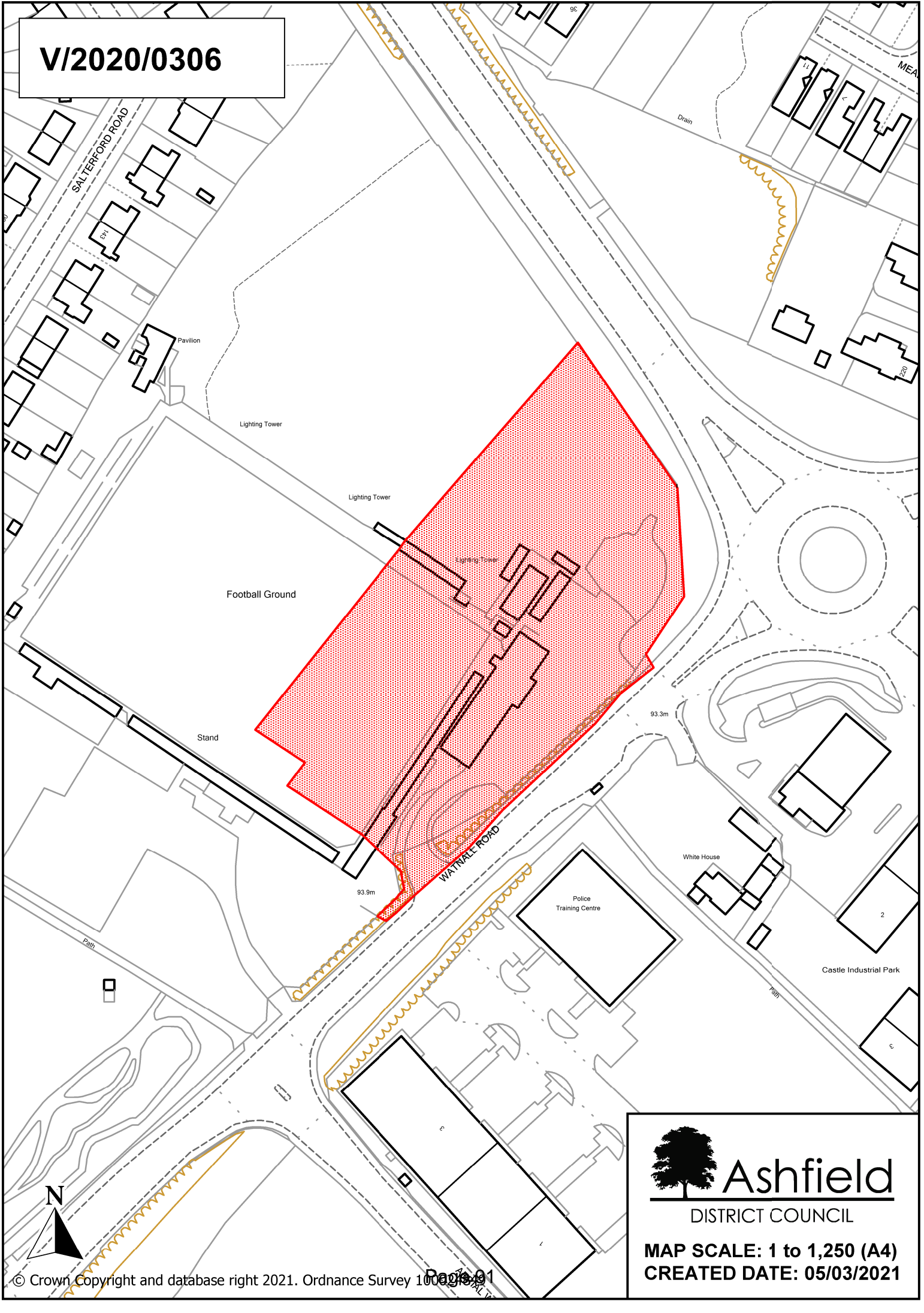
11. To ensure the site, once developed, is free from contamination, in the interests of safety.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
3. The development makes it necessary to carry out alterations to the existing footway of Chestnut Grove which is public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA East Midlands tel: 0300 500 8080 to arrange for these works to be carried out under Section 171 of the Highways Act.

This page is intentionally left blank

V/2020/0306



Ashfield

DISTRICT COUNCIL

MAP SCALE: 1 to 1,250 (A4)

CREATED DATE: 05/03/2021

<u>COMMITTEE DATE</u>	17 th March 2021	<u>WARD</u>	Hucknall West
<u>APP REF</u>	V/2020/0306		
<u>APPLICANT</u>	Lidl GB Ltd		
<u>PROPOSAL</u>	Demolition of Existing Building and Creation of Food Store (A1), Access, Landscaping and Associated Infrastructure		
<u>LOCATION</u>	Hucknall Town Football Club, Watnall Road, Hucknall, Nottingham, NG15 6EY		
<u>WEB LINK</u>	https://www.google.com/maps/@53.0285873,-1.2184157,17z		

BACKGROUND PAPERS A B C D E F I

App Registered 28/05/2020

Expiry Date 27/08/2020

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

This application has been referred to Planning Committee by Councillor Baron to discuss highways concerns, use of public protected open space and the impact on the town centre retail provision

The Application

This is an application for demolition of the existing building and creation of a food store (A1), access, landscaping and associated Infrastructure. The proposed food store will have a gross internal floorspace of 1,905sqm and will be served by a total of 124 car parking spaces.

On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, amending the Town and Country Planning (Use Classes) Order 1987. These Regulations have revoked Class A which has largely been replaced with a broader 'Commercial, business and service' use class (E). Part 4 of the regulations set out that this application must be determined upon the basis of the previous use class.

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

- Site Location Plan A-PL-001 Rev A
- Existing Site Plan A-PL-002 Rev A
- Proposed Site Plan A-PL-003 Rev J

- Proposed Store Plan A-PL-004 Rev B
- Proposed Store Roof Plan A-PL-005 Rev C
- Proposed Store Elevations A-PL-006 Rev B
- Proposed Site / Building Sections A-PL-007 Rev D
- External Works Detail Sheet 1 A-PL-008 Rev B
- External Works Detail Sheet 2 A-PL-009 Rev A
- Surface Treatment Plan A-PL-010 Rev H
- Proposed Boundary Treatment A-PL-011 Rev H
- Landscape Masterplan1085 LWR 01 Rev E

The Site

The application site is located at the junction of Watnall Road (B6009) and the A611 in Hucknall. The site comprises the south-eastern corner of the Hucknall Town Football Club (HTFC) grounds, and broadly where the existing club buildings and car parking/hardstanding are located. The site is circa 0.9ha in size.

The site has a long planning history, which is set out below. Most pertinently, the site currently has an Outline Planning Permission for residential development and B1 Business Use.

Planning History for site

- V/1998/0636** - Outline planning application for residential development and restaurant/pub/diner. **Refused 28 October 1999.**
- V/2006/0517** – Full application for residential development and relocation of Hucknall Town Football Club. **Refused 12 October 2006.**
- V/2009/0452** – Outline application for mixed use development comprising 108 dwellings with (B1) business units. Approved on 12 January, 2012. Subject to a S106 Legal Agreement.
- V/2016/0619** – Outline application with some matters reserved for mixed use development comprising of residential development and business use (B1). **Approved 12th November 2019.** This granted permission for a new vehicular access off Watnall Road, with the outline consent for up to 108 dwellings and B1 business use.

Other Applications

- V/2017/0014** - A Reserved Matters Application for 108 Dwellings (outline V/2009/0452 refers). **Application finally disposed of on the 10th March 2020.**

- V/2017/0239** - Section 106A Application Relating to Planning Permission V/2009/0452 to (1) Modify the Agreement in Relation to the Payment of Off Site Contributions As Set Out in the First Schedule and (2) Discharge the Requirements in Relation to Affordable Housing. **Application finally disposed of on the 10th March 2020.**

Planning History on the new football ground site (located to the south of Watnall Road, off Aerial Way)

- V/2009/0453** – Full application for construction of replacement football ground with training pitch, ancillary club area, changing facilities and car and coach park. New employment units for b1, b2 and b8 uses and engineering works. **Approved on 12 January, 2012.** Subject to a S106 Legal Agreement. This has now lapsed and was replaced by V/2016/0515.
- V/2016/0515** – Full application for construction of football ground with clubhouse and spectator facilities. Including spectator stands, 3no. portable wc buildings, hospitality box, turnstiles and associated facilities incorporating training pitch, car and coach parking and servicing areas, groundsman's store proposed communal building for use with b1 or as a trade sale counter and showroom; engineering works to reprofile existing ground contours and formatting access road to remove turning head. (which has been partially implemented) **Approved on 7 April 2017.** Subject to a S106 Legal Agreement. This permission was implemented and the works have been commenced.
- V/2018/0586** - Construction of West Stand, Clubhouse, and 2 Community Changing Rooms. **Approved 12th November 2019.** Subject to a S106 Agreement linking into V/2016/0515.

This is a planning application seeking to erect smaller buildings than previously granted planning permission and to provide new community changing facilities alongside the training pitch. The main changes were the reduction in height of the club house and the provision of community changing facilities.

Consultations

A site notice and press notice have been posted together with individual notification of surrounding residents. Amended plans were received during the course of the application, which included minor amendments to the site layout, parking, access

arrangements and landscaping. It was considered unnecessary to reconsult residents again on the basis of the changes, as the scheme remained substantially the same. Below, is a list of comments received from consultees in response to the application:

Ashfield District Council (A.D.C) Planning Policy

- The development plan comprises the saved policies within the Ashfield Local Plan Review 2002 (ALPR). Weight can be attached to policies dependent upon their alignment with the NPPF. The most important local plan policies should be viewed together and an overall judgement made whether the policies as a whole are out of date.
- Part of the site is an employment allocation and, therefore, Policies EM1 and EM4 will be applicable. However, it is acknowledged that there is a limited case for retaining the employment allocation given the evidence and the provisions of NPPF paragraph 120.
- The site is also subject to Policy RC3, which is considered consistent with the provisions of the NPPF paragraph 96 and 97. To meet the provisions of the policy, it is important that the alternative site providing recreational facilities of Aerial Way are available including for community use.
- It will be necessary for the applicant to demonstrate that the sequential test set out by NPPF paragraph 86, 87 and 90 and the supporting planning practice guidance has been met.
- The site is located in Flood Zone 1. The NPPF requires the use of SuDS unless it can be clearly evidenced that this is inappropriate.
- If it is minded to grant permission, in principle, ALPR Policy SH8 will be relevant to design consideration. The NPPF places substantial emphasises on the importance of good design with the creation of high quality buildings and places (NPPF paragraph 124). This has been further emphasised by the Planning Practice Guidance on Design.
- The ALPR Transport policies set out in TR2 cycling, TR3, pedestrians and TR6 will be applicable to the application.
- To enhance the natural and local environment, the Ecology Report recommends that wild thyme and common broomrape be translocated with the appropriate subsoils to an alternative site

A.D.C Environmental Health (Air Quality)

Having reviewed the Air Quality Assessment Reference 102318V2 submitted by Miller Goodall on the 21th May 2020, the Environmental Protection Team offers no objection

to the granting of Planning Permission, but request a condition ensuring the dust mitigation measures are implemented.

A.D.C Environmental Health (Noise)

No objections to the scheme, but recommends conditions are attached relating to construction operating hours, delivery times, noise and lighting.

A.D.C Environmental Health (Land Contamination)

The desk study is acceptable, but the site investigation report is not complete (awaiting further rounds of ground gas monitoring). A condition is therefore recommended to ensure the site is properly remediated.

A.D.C Landscaping

The Councils landscaping team have requested clarification/additional details relating to the landscape masterplan, surface treatment plan and boundary treatments.

Environment Agency

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

There are also no other environmental constraints associated with the site and therefore we have no further comments to make.

Local Lead Flood Authority

Content with the submitted Flood Risk Assessment and Drainage Strategy.

Natural England

No comments.

Clinical Commissioning Group

As this is not proposing residential development, no contributions are being sought.

Nottinghamshire County Council (NCC)

Comments have been received from NCC planning policy setting out their strategic observations for the relevant areas that fall under their remit:

- *Minerals* – No objections.

- *Waste* - There are no existing waste sites within the vicinity. It would be useful for the application to be supported by a waste audit.
- *Heritage* - This site does not contain any built heritage assets. It is immediately opposite the site of the historic coal mine workings of Hucknall Colliery No. 1. Development in this location could take the opportunity to include reference to this industrial heritage of the area.
- *Strategic Highways* – No observations.
- *Public Health* – Recommends the Nottinghamshire Spatial Health and Planning Framework is completed.
- *Travel and Transport* - Request a planning obligation of £18,000 for bus stop infrastructure. This would be used to provide improvements to the two bus stops AS0416 and AS0417, Football Ground. A funding contribution of £10,000 to support the work of the Our Centre Community Transport Scheme is also requested.

The Highways Authority (NCC)

The Highway Authority have no objections to the development, subject to a Section 106 obligation, conditions and informative notes to the applicant.

Nottinghamshire Wildlife Trust

An ecological survey should be submitted.

Sports England

Sport England does not wish to raise an objection to this application, subject to the development ensuring the delivery of the outstanding ancillary facilities at the Aerial way site.

Local Community

A total of 76 responses have been received on the application.

Support

Out of these 66 are letters of support on the grounds that:

Impact on Ecology and Pollution

- The store will include low carbon solutions to help the environment;
- Inclusion of electric charging points;

Impact of the development on infrastructure and services

- Not enough shops in the area so will provide more choice for the residents of Hucknall;
- Will create the provision of jobs in the area;

- Another shop is needed to keep up with the growing population of Hucknall;
- It will help out the local football club;
- The two big supermarkets in Hucknall bottom end of the town (Tesco & Aldi) so it would be good to have a shop nearer to some of the other houses;
- Allows residents to shop for more affordable food;
- The shop will help with Hucknall's economy in general;
- Very little amenities in relation to population size so Lidl is a welcome addition;
- It will give the football club funding for a new build;
- The two smaller shops in the area (Sainsburys & Co-Op) have a monopoly in the area and charge high prices. Lidl can provide a low price alternative;

Highways Safety and Access

- Residents would like to see a pedestrian crossing put in place near the bus stop if the development is to go ahead;
- The traffic coped during home match days for Hucknall Town Football Club, it will be able to cope with this new shop;

Object

10 of these were objecting on the grounds that:

Impact on Ecology and Pollution

- The increased noise pollution from the development;
- A bat survey should be completed as there are bats in the area;
- Increased pollution in the area and impact on air quality;
- Dust in the area created by the development;

Impact of the development on infrastructure and services

- The town already has numerous super markets and doesn't need another one;
- The town centre has already suffered due to the large number of supermarkets;
- Loss of a football field used by the community;
- Loss of green space;
- Great impact on small businesses that are already struggling;

Highways Safety and Access

- Concerns about access from Watnall Road as during peak times this will cause extra congestion;
- The road is already busy, the Lidl shop will only add to this;
- The access from Watnall Road should be changed;
- Traffic should have to enter from the bypass and exit left on to the bypass;
- There needs to be an improvement to the existing roads before the development goes ahead;
- The houses approved by the old fire station will only add to the congestion if this goes ahead;
- Emergency vehicles will have trouble getting down the road during peak times;

Other Comments

- The land should be used for something more useful such as houses;
- The de-valuation of nearby residents homes;
- Lack of public consultation during the COVID 19 pandemic;

Policy

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

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

Policy ST1: Development.

Policy ST2: Main Urban Areas.

Policy EM4: Protection of Employment Allocations.

Policy SH1: District Shopping Centres

Policy SH5: Retail development to meet local needs.

Policy SH8: Commercial/Retail Development.

Policy RC3: Formal Open Space

Policy TR2: Cycling provision in new developments.

Policy TR3: Pedestrians and people with limited mobility.

Policy TR6: Developer contributions to transport improvements.

There is no neighbourhood plan relating to the area in question.

Material considerations

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

Para 11: Sustainable Development.

Part 4: Decision Making

Part 7: Ensuring the Vitality of Town Centres.

Part 8: Promoting healthy and safe communities.

Part 9: Promoting sustainable transport.

Part 12: Achieving well designed places.

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

Part 15: Conserving and enhancing the natural environment

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

Environmental Impact Assessment

The site area of the development (0.91ha) sits below the indicative screening threshold (1ha) for Urban Development projects in Schedule 2 of the EIA Regulations. Accordingly, the proposal is not EIA development.

Main Issues

The principle considerations in the determination of this planning application are:

1. Principle of development – Loss of Employment Land and Protected Open Space.
2. Retail Suitability – Sequential Test and Retail Impact Assessment.
3. Highways Safety.
4. Residential Amenity.
5. Layout and Design.
6. Other Issues: Flooding and Drainage, Land Contamination, Air Quality, Ecology, Climate Change, Heritage, Economic Benefits and Health Impact Statement.
7. Developer Contributions.
8. Overall Conclusions and Planning Balance

1. Principle of Development

The site is located within the Main Urban Area, as identified by Policy ST2 of the Ashfield Local Plan Review (ALPR) (2002). It is also allocated for employment (EM1 Hd) and open space uses (RC3 HI) in the ALPR.

Loss of Existing Ground/Formal Open Space

Planning application V/2016/0515 approved on 7th April 2017 proposes the construction of a new football ground which has been partially developed with the laying of the football pitch and erection of floodlights. The new pitch is currently in place and available for use by HTFC. A revised application V/2018/0586 for the Construction of West Stand, Clubhouse and 2 Community Changing Rooms has been approved. This is linked to the Outline permission for residential development of the land.

Policy RC3 of the ALPR states that development that leads to the loss of formal open space (the existing ground is identified as formal open space HI) will only be permitted subject to certain criteria. This Policy is considered to be consistent with NPPF paragraph 97

Criterion C of Policy RC3 allows the loss of open space, subject to adequate replacement provision of new formal open space being provided in the locality. Due to the close proximity of the replacement football ground to the existing site, on the opposite side of Watnall Road, the policy is considered to have been met. This has been accepted in previous planning permissions and the development of the football ground has commenced.

A Section 106 agreement will need to be signed, which shall provide that no development shall commence, nor shall the existing football grounds be demolished, until the proposed new football ground and buildings are built and ready for use. This will ensure the provision of the facilities that were originally to be provided for the football club in relation to previous permissions and the requirements of Policy RC3 are therefore met.

Loss of Employment Land

As part of the site is allocated for employment purposes under Policy EM1(hd). Policy EM4 protects employment allocations, stating that alternative uses of allocated employment sites will not be permitted. The ALPR identifies that for the purposes of the Plan the term employment will normally refer to land intended for uses within Classes B1, B2 and B8. Sui generis employment may be appropriate, subject to normal planning considerations. Whilst class B1 has been revoked and is now incorporated into Class E, Class B2 and B8 nevertheless remain applicable.

Policy EM1 is considered to be consistent with the NPPF, which encourages the identification of strategic sites for local and inward investment as well as a planning system that is genuinely plan-led, i.e. the right development in the right place. Policy EM4 is a protective policy that prohibits proposals for alternative uses of allocated employment sites. It is acknowledged that this policy is inconsistent with the NPPF because it applies a rigid and inflexible approach to protecting the allocation. In particular, it is inconsistent with the advice set out in NPPF paragraphs 81 (d) and paragraph 120.

Paragraph 120 highlights the fact that planning decisions need to reflect changes in the demand for land and that they should be informed by regular reviews. These reviews include land allocated for development as well as land availability. Where there is 'no reasonable prospect' of an application coming forward for an allocated use then applications for alternative uses should be supported, where the proposed use would contribute to 'meeting an unmet need' for development in an area.

The evidence base identifies that there is an on-going need in Ashfield for employment land. The Employment Land Forecasting Study (ELFS) 2015, encompassing the Nottingham Core HMA and Nottingham Outer HMA was prepared by Nathaniel Lichfield and Partners (NLP). Ashfield, and therefore, Hucknall, is included within the Nottingham Outer HMA. The ELFS identifies, for Ashfield, an anticipated employment land requirement between approximately 59 ha and 132 ha, the latter reflecting past completions. Taking the lower demand will result in an excess supply of employment sites, taking the higher demand results in an inadequate supply of sites.

The Ashfield District Council Employment Land Monitoring Report (2020) establishes the latest position in respect employment land requirements in table 9. This establishes a requirement of 18.17ha in Hucknall for B1c/B2/B8 against a supply of allocated sites of 26.10ha. It is also noted that a recent application Ref - V/2020/0553 has been lodged to replace approved employment land within the Rolls Royce site to housing.

The applicant has submitted no information relating to marketing of the site for employment purposes, it is also arguable as to whether the store is meeting an unmet need. The proposal is thus considered to be contrary to policies EM1 and EM4 of the ALPR. It is also inconsistent with the advice contained within the NPPF paragraph 120. However, in this case, the proposed employment allocation amounts to 0.6ha, comprising

a very small percentage of Hucknall's employment floor space. It also does not represent, or form, part of a premier employment allocation. In view of the characteristics/size of the site and the current position in respect of employment land availability – it is considered that an argument on the grounds of a loss of employment land, contrary to Policies EM1 and EM4, may be difficult to sustain in this case.

2. Retail Suitability

Local Plan Policies

Policy SH1 identifies suitable uses with the town centres as defined on the proposals map with retail development sites being identified in Policy SH2. The application site is not located within, or edge, of the town centre.

Policy SH5 on minor shopping centres and single shops identifies that retail development will be permitted to meet local shopping needs where it is primarily involves the sale of convenience goods and the net retail floor space is under 500 sq m. The proposed application does not meet this requirement.

Sequential Test

Paragraphs 86-87 of the NPPF require the sequential approach to site selection to be applied to all development proposals for main town centre uses that are not in an identified centre and not in accordance with an up to date Development Plan.

The NPPF states that applications for main town centre uses should be in town centres, then edge of centre locations, and only if suitable sites are not available within a reasonable period, should out-of-centre sites be considered. Paragraph 87 sets out that when considering edge of centre or out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 90 states that where an application fails to satisfy the sequential test it should be refused. This approach supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

Paragraph 011 of the Planning Practice Guidance Town Centre and Retail (Reference ID: 2b-011-20190722) considers the scope for flexibility in scale and format when assessing the 'suitability' of sites, stating that:

'It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal'

The PPG also summarises the correct approach to the interpretation of the 'availability' of sites:

'When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account'.

The application site is considered to be within an 'out-of-centre' location and as such a sequential test is required by the applicant. The Planning Statement lists a number of sites, which were discussed at pre-application stage with the Council. These are:

1. Piggins Croft car park;
2. Hucknall Liberal Club;
3. Sandcliffe Ford site;
4. Tag Building, Watnall Road;
5. Hucknall Police Station; and
6. Land off Ashgate Road.

External independent advice was received from a retail planning consultant on the sequential test. In summary, the advice set out the only site considered potentially suitable/available was the Sandcliffe Ford site. However, since this advice was received Lidl made an offer for this alternative site, which was rejected. A review of the potential sequentially preferable sites is set out as follows:

Sites 2 (Hucknall Liberal Club) and 4 (Tag Building, Watnall Road) are in sequentially preferable locations; however, each are significantly below the size of the application proposals. Hucknall Liberal Club measures just 0.1ha, and so would not be able to accommodate the store itself, even allowing for shared parking facilities to be provided separately within the town centre. Equally, at just 0.4ha, the Tag Building on Watnall Road could not realistically accommodate the application proposal, even allowing for a degree of flexibility.

Notably, the Planning Statement fails to consider sites 5 (Hucknall Police Station) and 6 (Land off Ashgate Road) of the agreed list. Nonetheless, these have been considered:

Piggins Croft

The entirety of the Piggins Croft area available for redevelopment measures around 2ha and comprises a public car park and a number of town centre units extending up to the High Street across multiple ownerships, including both B&M and Wilko. The area has been subject to longstanding ambitions for a comprehensive masterplanned redevelopment to provide a greater draw through increased accessibility, walkability and active frontages towards the north of the town centre. In this case, however, it is considered that the site would not be available within a reasonable period. This is due to the multiple ownerships involved in acquiring the site.

The Council also requested that the Piggins Croft car park be considered in isolation, as this is within a single ownership, in a sequentially preferable location and measures over 0.7ha, which (on the face of it) would be large enough to accommodate the application

proposal. Whilst, it is not agreed with all of the applicants suggested justification for dismissing the site, it is accepted that the level of parking dedicated to the foodstore would be significantly less than the application proposal, even allowing for decked parking to increase the retained public parking for visitors to the town centre. The site is therefore considered to be unsuitable.

Sandcliffe Ford site

This former car dealership is located just 100m from the southern boundary of Hucknall Major District Centre, having been vacated in February 2020 as part of the restructuring of the Sandcliffe dealership. Prior to its occupation as a car sales dealership, the 2.3ha site was occupied by a petrol filling station (ref: V/2013/0058). The site is directly accessed from Portland Road.

The applicant has submitted information to demonstrate that the site is unsuitable for the proposed development; however, the Council disagree with this submission and considers that, in principle, the site would be suitable for the development proposed. Subject to sensitive design considerations and addressing any highways issues.

The site is also currently being marketed as 'to-let'. However, Lidl have provided evidence to show they have made an offer for the freehold of the site, which was rejected. The evidence provided by Lidl sets out that the landowners immediate intention is not to redevelop/dispose of the site and that the occupier must use the existing buildings. As such, and even allowing for a degree of flexibility, the site without being redeveloped could not realistically support the development proposals. Based on this evidence, it is considered that the site is not available (or expected to become available within a reasonable period) for the development.

Hucknall Police Station

The Council also requested that the applicant look into the Police Station on Watnall Road; however, it is considered that the site area (0.5ha) is below that required to offer realistic potential as a suitable site for the application proposal.

Land off Ashgate Road

This vacant site is located within Hucknall Major District Centre, adjacent to the train station car park and opposite Tesco Extra. The site measures approximately 0.3ha and appear to be informally used for private vehicle storage. Whilst, the site is vacant and seemingly available, the narrow and angular shape of the site and the total available area render the site unsuitable for the development proposed.

Summary

An assessment of potentially sequentially preferable sites has been carried out by the applicant. This has been subject to a robust assessment by the Council and an external

retail planning consultant. It is considered that, at this present time, there are no other sequentially preferable locations within or on the edge of the town centre that are suitable and/or available to accommodate the proposed development. It is therefore considered that the application passes the sequential test in accordance with Paragraphs 86-87 of the NPPF.

Retail Impact

The purpose of the retail impact test is to consider the impact over time of out of centre and edge of centre proposals on town centre vitality/viability and investment. Whilst the application proposal falls below the threshold of 2,500 sqm set out in paragraph 89 of the NPPF, for which a retail impact assessment should be provided, it should not be read that developments less than 2,500 sqm cannot result in a significantly adverse impact on relevant designated centres. Retail impact therefore remains a relevant material consideration .

The applicant has not provided any quantitative evidence of the retail impact of the development on nearby designated centres. In the circumstances, the Council has commissioned an independent appraisal of the developments impacts. The findings set out in the Table below, identify the following impacts on each of the centres by 2025.

Figure 3: Solus Impact (2025)

Location	Convenience Impact	Comparison Impact	Combined Impact
Hucknall Major District Centre	9.9%	2.5%	5.3%
Watnall Road Local Shopping Centre	4.2%	0.7%	1.5%
Annesley Road Local Shopping Centre	2.8%	0.02%	0.05%

The report is dated September 2020, with the retail vacancy survey carried out just after the relaxation of lockdown restrictions necessitated by Covid-19. Although this impact is still somewhat of an unknown factor, especially as we emerge from the latest lockdown, the assessments provides what would be considered to be the best data available at this time.

The appraisal looked at the health of each of the designated centres and concludes that the proposal is unlikely to result in business closures in any of them. As such it suggests that the adverse impact would cross the threshold to a 'significantly averse' impact on the vitality and viability of the designated centres. Accordingly, based on this independent evidence, it is considered that the application passes the retail impact test in accordance with NPPF paragraph 89.

3. Highways Safety

The application has been subject to much discussion with the Highways Authority (HA) in regard to trip generation, pass-by and diverted traffic along with the proper

consideration of committed development flows. These matters are now broadly agreed and junction assessments have been carried out. Below sets out a summary of the position of the assessment, as advised by the HA:

Traffic Flows

The traffic surveys have been agreed with the HA. This includes background traffic growth and committed flows from other developments. The assessment work also provides revised forecasting for new flows associated with the Rolls Royce site to ensure accuracy.

Trip Rates/Generations:

The trip rates and study area are considered to be acceptable to the HA. This includes the use of a nearby sites trip rates (Alvaston) during the peak PM period, as these are considered to be more representative of rates from the store. The forecasts predict a higher level of traffic having origins and destinations to the west.

Access Layout Proposals

The HA has made clear that a single lane exit from the store is not appropriate and the applicant has revised the access layout. Visibility splays have been provided and will need to fall across highway land.

The HA have advised that the existing footway/cycleway to the west of the access measures at 2.7 metres in width. The drawings indicate a replacement 2-metre footway, which is only suitable for a footway and not the existing shared use facility. This is unacceptable and a replacement 2.7 metre facility is required to overcome this. Additionally, the swept path analysis indicates HGV are close to the kerbs when entering Watnall Road and minor amendments to the highway access may therefore be required at detailed design stage.

In consideration of the above, the access layout drawing can only be considered as indicative. The Highways Authority have recommended a condition be used and it is considered that this would satisfy the tests as set out in paragraph 55 of the NPPF.

Junction Modelling

Nabbs Lane

Unfortunately, the latest highways technical note does not fully reflect the discussions held with NCC . Therefore, the approach taken with the modelling is not agreed.

Considering the Nabbs Lane junction, there are well documented issues with the junction performance due to the many opportunities for the approaching traffic stream to be interrupted (turns into/ out of Ruffs Drive and the shopping precinct) meaning that the

theoretical saturation flow capacity of the Watnall Road west stop line is rarely achieved in practice. Given the random occurrence of these gaps, a representative saturation flow for the west approach is difficult to estimate for the whole hour modelled but it should be accounted for – if only so that the queues reported in the modelling reflect what we are seeing on site.

Notwithstanding the above, the HA have considered the interaction between Nabbs Lane and the new site access. Even with the errors in the model, the queue length at the Nabbs Lane eastern arm stop line are predicted to go beyond the new site access in both AM and PM peaks. This is likely to hinder vehicles from turning right out of the access. Not only will this have an impact on vehicles being subsequently unable to leave the store car park, creating issues for the development itself, but it also raises safety concerns on two counts:

- Due to the excessive width required to accommodate servicing HGVs, left turning drivers may attempt to pass right turning vehicles on the nearside due to frustration. This is a safety issue as their visibility of oncoming traffic will be obstructed by the right turning vehicle.
- Should drivers attempt to pull out waiting for a gap in the queue, part of the vehicle is likely to remain obstructing the eastbound lane. This is also considered to be an unacceptable safety concern.

Should the model be corrected, the assessment at Nabbs Lane may show a further increase in this queueing. The additional numbers of vehicles new to the local network by virtue of the proposed store are relatively low, but nonetheless the development adds to the cumulative impact on this junction which currently has no options for improvement, due to land constraints. As such, there is a significant risk that strategic sites in this area will either be prejudiced, or create further queueing and congestion in this area.

The ultimate solution would be to widen the eastern approach to allow two lanes from the A611 roundabout with a right turn lane in to Nabbs Lane. It is not considered proportionate for this development to provide these works, but it is understood that the current landowner also owns the land on the southeast side of Watnall Road and this land would enable the required works to significantly improve the capacity at the Nabbs Lane junction.

The HA therefore request that the landowner dedicates a suitable swathe of this land as highway to ensure that the works that address this development's cumulative impact and the safety issue at the access with Watnall Road can be provided as part of other strategic developments. Without this land, the HA would be minded to object to the development.

A611 / Watnall Road Roundabout

The assessment carried out for this development demonstrates that widen works are required to the roundabout. These are shown on drawing number VN91493/D110 rev E and are to be subject to a planning condition.

Summary

The impact of the development on the highway network has been assessed by the applicant and the Highways Authority have raised no objections, subject to conditions and a planning obligation securing land for future improvements to the Nabbs Lane junction. Subject to this, it is considered that there would not be an unacceptable impact on highway safety or that the residual, cumulative impacts on the road network would be severe. The proposal would therefore not be contrary to saved policy ST1(c) of the ALPR that seeks to ensure that development does not adversely affect highway safety or the capacity of the wider transport system and it would also be consistent with paragraph 109 of the Framework.

4. Residential Amenity

The site is currently separated from established residential uses by roads and / or open space and landscape buffers. However, planning permission exists for new residential development on the wider HTFC site. The application has been supported by a Noise Assessment, which specifically considers plant and delivery noise generation and recommended an acoustic fence be erected around the plant compound.

The site layout includes landscaping along the north western boundary, beyond which sits the rear elevation of the store. The service dock sits adjacent to the north eastern boundary with the A611. There is nothing intrinsic within the layout to suggest it would give rise to noise disturbance to future residential dwellings.

The Councils Environmental Health Officer has reviewed the submitted Noise Impact Assessment and raises no objections, subject to imposition of conditions to control construction hours and also delivery times from Monday to Sunday between 0700hrs and 2300hrs. It is considered that the construction hours can be controlled through a construction management plan submitted prior to commencement of works. A condition controlling delivery times is reasonable when considering the extant permission for housing on the wider site.

It is considered that the development of a retail store in this location, and in the format proposed, would not give rise for residential amenity concerns by way of increased noise disturbances and comings and goings. The development is also unlikely to create significant issues for the future residential development of the neighbouring land.

5. Layout and Design

ALPR Policy SH8 and ST1 are important in relation to design considerations. Paragraphs 124 – 132 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

The site is edged by Watnall Road to the south with mainly industrial uses opposite the site on Watnall Road, including a petrol filling station. The A611 is to the east. Immediately, to the north and west of the site is open space, forming part of the football club land.

The store is set to the northern corner of the application site with parking found directly to the front and west of the building. Vehicular access is taken from Watnall Road, where a separate pedestrian access is also provided. There are existing areas of mature landscaping adjacent to the site boundary that will substantially screen the proposals from the A611 and the roundabout. The submitted section plans show that levels will be reduced to be more consistent with Watnall Road.

The food store will be constructed with a steel frame structure and a metal clad asymmetric sloping roof. Brick has been included to the front and side elevations. With the entrance being comprised of expanses of glazing with powder coated steel frames. The store design is typical of many modern retail stores of this type.

The landscaping plans have been subject to revision, with the proposal now including tree planting with the car parking area and also increased tree planting along the road frontages. These will serve to soften the impact of the development. A boundary plan has also been submitted; however, further clarification is needed to the boundary treatment along Watnall Road and as such a condition is recommended.

It is considered that the layout, appearance, scale and siting of the development is acceptable and that it would not result in undue harm to the character and appearance of the area. Accordingly, the proposal would be in accordance with policies SH8 and ST1 of the ALPR.

6. Other Issues

Flooding and Drainage

A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted in support of the application. In summary, the FRA identifies that the site lies within Flood Zone 1 and is therefore at very low risk of flooding. The FRA confirms that the site is at very low risk of surface water flooding and no risk of ground water flooding or flooding from reservoirs. The FRA states that SuDS will be utilised on the site to manage the quantity of surface water runoff by the provision of below ground attenuation. The Local Lead Flood Authority have reviewed the documents and raised no concerns.

Land Contamination

Phase 1 and Phase 11 site investigation studies have been submitted with the application. The Phase II investigation concludes that there are 3no. identified contamination linkages related to elevated levels of land gas, and that the installation of gas protection measures will be required. The Phase II recommends that a remediation strategy will be required along with verification of the work undertaken.

The Councils Environmental Health team has advised that the desk study is acceptable but the site investigation report is not complete (awaiting further rounds of ground gas monitoring). Therefore a condition is recommended (condition 7) to ensure the site is properly remediated.

Air Quality

The applicant has submitted an Air Quality Assessment. The report concludes that the impact of emissions from traffic associated with the proposed development on local air quality, at relevant receptors close to the road network surrounding the site, is negligible. The report has been reviewed by the Councils Environmental Protection Team, whom offer no objections to granting of planning permission, subject to a condition requiring the dust mitigation measures to be implemented during construction. On the basis of this evidence, there is no reason to refuse the application on the grounds of air quality.

Ecology

The Council is under a duty under section 40 of the Natural Environment and Rural Communities Act 2006 “to have regard” to the conservation of biodiversity in England, when carrying out their normal functions.

The applicant has submitted an up-to-date Ecological Appraisal to support the application. This includes a bat roosting assessment of the buildings to be demolished. On the basis of the evidence submitted, the application raises no significant concerns regarding adverse impact on protected species, habitats or designated sites. The Ecological report, in section 63.11, sets out recommendations for the relocation of broomrape and wild thyme. The applicant has confirmed these will be relocated at the new Hucknall Town Football Club site off Aerial Way

A condition is also recommended to ensure the recommendations and mitigation measures contained within the Ecological Appraisal are adhered to. On the basis of these measures, it is considered that the development would be consistent with paragraph 175 of the NPPF, which sets out principles for the protection of biodiversity.

Climate Change

An Energy Statement has been submitted in support of the application. This demonstrates that the store will incorporate passive design strategies to take advantage of natural daylight, enhanced fabric efficiencies and thermal mass and reduced environmental impacts associated with building materials. It also sets out that the proposed store will also incorporate active design strategies to reduce energy consumption by introducing heat recovery ventilation to pre-heat incoming fresh air, installing low energy lighting with controls to eliminate human error and through the design and installation of a Building Energy Management System to ensure efficiencies are maintained and achieved.

Following negotiation with the applicant, they have confirmed that PV panels will be added to the roof. The proposed PV design will generate 152,650kWh per year. Using the Government's CO₂ conversion factor 2020 of 0.233 this will save 35.57 tonnes of CO₂ emissions per year. The number of electric charging spaces area has also been increased from two to four spaces and the applicant will provide the necessary infrastructure so that this can be increased further in the future. These measures all seek to reduce the carbon footprint of the scheme in accordance with the environmental objective of sustainable development, as set out in the NPPF.

Heritage

There are no designated or non-designated heritage assets located on the site. The development would also not affect the setting of any designated, nor non-designated heritage assets due to the sites location.

Economic Benefits

Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The applicant has provided an Economic statement setting out the benefits of the proposed development. This sets out there would be temporary benefits during the construction phase, along with the following permanent economic benefits:

- 40 full-time equivalent permanent jobs on site, with an additional 6 being created in the supply chain
- Gross value added to the economy of £2 million per annum in perpetuity.
- Additional expenditure in the local economy of £38,419 annually in perpetuity.
- New business rates payable to the Local Authority of c.£64,328 per annum.

Health Impact Statement

The applicant has submitted a Health Impact Statement, which concludes that the development would have an overall positive impact on the health outcomes of the community. The benefits of the scheme are set out as such:

- Enhanced interaction between members of the community through consideration of accessibility, promoting inclusivity;
- Improved local employment and upskilling opportunities;
- Promotion of active transport through both pedestrian links and cycling infrastructure for staff and patrons;
- Offering fresh food at competitive prices to enable greater access to healthy food options;
- Implementation of sustainable design measures to reduce the environmental impacts of the store.

7. Developer Contributions

The requirements of the CIL Regulations are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The following developer contributions are required:

- Bus Stops - £18,000.

This contributions be used to provide improvements to the two bus stops: AS0416 and AS0417 Football Ground. The improvements are considered necessary to support the development, are located within the proximity of the site and the figure is reasonable.

- Community Transport - £10,000.

The contribution is to be used towards local Community Transport provider, Our Centre. This operates a Community Transport social car scheme, minibus and Ring & Ride scheme providing registered users who do not have access to, or use of a private vehicle, access to key services including shopping. It provides safe, affordable transport to meet the needs of people who experience difficulty in using /accessing transport due to age, disability, health, poor mobility or lack of suitable transport services. A third of passengers use community transport for shopping.

The transport scheme would bring customers to the new store, who would otherwise not be able to visit. A funding contribution is to be used towards the costs to manage, operate and promote the scheme including vehicle replacement, and provide journeys to and from the development. This contribution is considered necessary to support the development, is directly related and is also reasonable in kind and scale.

- Hucknall Town Centre Public Realm Contribution - £72,000.

Planning permission V/2016/0619 has a Section 106 agreement attached, which provides for a contribution of 50k towards Hucknall town centre public realm improvements. This contribution is directly linked to the B1 industrial use. The proposed

retail use would occupy roughly where the B1 use was indicated on the Outline consent and therefore in affect serves to replace that.

The contribution is required to be increased, as the development of a retail store would clearly have a greater adverse impact on the town centre than an industrial use. Although, this does not cross the significantly adverse threshold, the retail impact assessment work shows there would still be an adverse impact on the designated Town Centre of Hucknall. As such, this contribution would serve to mitigate against those impacts by improving the public realm within the centre.

A contribution of £100,000 was requested to off-set this impact, as it was considered an appropriate level based on potential improvement schemes relative to the impact. The applicant has offered a contribution of £72,000, which would still serve a useful planning purpose and be used towards enhancements in the town centre. It is considered that the contribution is necessary, directly related and reasonable in kind and scale.

- Construction of New Stadium and Grounds.

A clause will be required in the Section 106 ensuring that no development shall commence, nor shall the existing football grounds be demolished, until the proposed new football ground and buildings are built and ready for use. Without such an agreement in place to secure the replacement facilities, the application would be viewed as contrary to Policy RC3. This obligation is therefore necessary, directly related and reasonable in kind and scale.

- Relocation of the Wild Thyme and Broomtape

The Ecological report, in section 63.11, sets out recommendations for the relocation of broomtape and wild thyme. The applicant has confirmed these will be relocated at the new Hucknall Town Football Club site off Aerial Way. This will be secured through the planning obligation.

- Additional Land for improvements to the Nabbs Lane/Watnall Road Junction.

The landowner of this site also owns some land to the south east side of Hucknall Road, between Nabbs Lane and Aerial Way. A strip of land from the frontage of that site is required to upgrade the Nabbs Lane junction. This is particularly important given the known issues of congestion along Watnall Road and at the Nabbs Lane junction, as set out in the response from the HA. It is noted that there would need to be no time limit on the highways works being carried out, as suggested by the applicant, because it is unknown when the works will be completed. This obligation is necessary, directly related and is considered to be reasonable in kind and scale.

8. Overall Conclusions and Planning Balance

Planning law requires that applications are determined in accordance with the statutory development plan, unless material considerations indicate otherwise. The NPPF advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. It goes on to state that due weight should be given to them, according to their degree of consistency with the NPPF.

When considering whether “the policies which are most important for determining the application are out-of-date”, it is necessary to consider whether, overall, the “basket of policies” in the development plan which are most important for determining the application are out of date (Paul Newman New Homes v Secretary of State for Housing Communities and Local Government [2019] EWHC 2367 (Admin) at [35])).

Overall, it is considered that the policies, which are most important for determining the application are: EM1, EM4, RC3, SH5, SH8 and ST1 (b and c). In general terms, it is considered that the basket of policies is considered to be up-to-date in this case, such that the tilted balance under paragraph 11 (d) of the NPPF is not engaged. However, this does not negate the need for a planning balance exercise to be carried out:

The application site is allocated for employment (EM1 Hd) and open space uses (RC3 HI) in the ALPR. The criteria of the open space policy (RC3) is considered to be met through the replacement facilities for the football club. There is conflict with employment land protection policies EM1 and EM4 and the development is also inconsistent with advice in paragraph 120 of the NPPF. In this case **moderate weight** should be given to this conflict. This is because of the size of the site and availability of employment land in Hucknall. The weight attributed to Policy EM4 is also reduced due to its inconsistency with the NPPF.

There is conflict with Policy SH5 of the ALPR, which is permissive of retail development proposals, outside town centre locations, where the net retail floorspace is under 500 m2. However, it is considered that there are no other sequentially preferable locations within or on the edge of the town centre that are suitable and/or available to accommodate the proposed development. The proposal therefore passes the sequential test in accordance with paragraphs 86-87 of the NPPF. The independent retail assessment also concludes that the development would not have a significant impact on designated centres and therefore passes the retail impact test in accordance with NPPF paragraph 89. Accordingly, it is considered that only **limited weight** should be attached to conflict with Policy SH5.

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

In economic terms, the development would provide significant benefits through job creation, additional expenditure in the economy and business rates. At this time of

economic uncertainty these benefits are considered to carry **significant weight**. The social benefits of job creation also carry **significant weight**. The applicant has submitted a Health Impact Statement setting out there are likely to be positive impact on health outcomes. **Limited weight** is attributed to these benefits.

In environmental teams, the store will include various measures to reduce the CO2 emissions, minimise waste, maximise use of natural daylight and reduce energy use. This includes PV roof panels and electric charging points. These carry **moderate weight** in favour of granting permission.

The proposal would involve Section 106 contribution towards bus stops, community transport and public realm contributions. It would also include the construction of the new facilities at the replacement football ground, along with additional land for junction improvements and the relocation of Wild Thyme and Broomtape. However, these measures carry **neutral weight** in the planning balance because they essentially off-set the impacts.

In summary, although there is a conflict with the development plan (policies EM1, EM4 and SH5); it is considered that this is clearly outweighed by the benefits of the proposed scheme.

Recommendation: - Approve, subject to conditions and a Section 106 Agreement for the following:

- **Bus Stops - £18,000**
- **Community Transport - £10,000**
- **Hucknall Town Centre Public Realm Contribution - £72,000**
- **Construction of New Stadium and Grounds**
- **Relocation of the Wild Thyme and Broomtape**
- **Additional Land for Nabbs Lane Junction Improvements**

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - Site Location Plan A-PL-001 Rev A
 - Existing Site Plan A-PL-002 Rev A
 - Proposed Site Plan A-PL-003 Rev J
 - Proposed Store Plan A-PL-004 Rev B
 - Proposed Store Roof Plan A-PL-005 Rev C
 - Proposed Store Elevations A-PL-006 Rev B
 - Proposed Site / Building Sections A-PL-007 Rev D
 - External Works Detail Sheet 1 A-PL-008 Rev B
 - External Works Detail Sheet 2 A-PL-009 Rev A
 - Surface Treatment Plan A-PL-010 Rev H
 - Landscape Masterplan1085 LWR 01 Rev E
3. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, this should include:
 - How construction traffic will access the site;
 - Proposed hours and days of working, including when plant machinery will be operational;
 - The parking of vehicles of site personnel, operatives and visitors;
 - Location of the site storage areas, delivery, compounds and plant machinery;
 - Wheel washing facilities;
 - A strategy for the minimization of dust and vibration:
 - A strategy for the minimisation of noise, vibration and dust;
 - Site contact detail in case of complaints;
 - A layout of the construction access including a drawing showing visibility splays;

The approved details shall be adhered to throughout the construction period.

4. The development hereby permitted shall not commence (excluding demolition and site clearance works) 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.

5. No works shall take place (save for above ground demolition works, site preparation, erection of fencing, laying of, or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i. A site investigation scheme, based on the Desk Study already submitted to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- ii. The results of the site investigation and detailed risk assessment referred to in (i) and based on these an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- iii. A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete to a satisfactory standard; and
- iv. A monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

- a) If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:
 - i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
- Or
- ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

additional land contamination shall be fully remedied prior to the first occupation of the development.

- b) The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted

to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

6. The unit shall not be occupied until full details of the sites boundaries treatments and external lighting have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments and external lighting shall thereafter be implemented in accordance with the agreed details and within an agreed time frame.
7. All planting, seeding or turfing indicated on the approved landscaping masterplan (condition 2) shall be carried out in the first planting and seeding seasons following the occupation of the retail store. 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 other of a similar size and species.
8. The loading or unloading of delivery vehicles shall not take place between 11:00pm to 07:00am Monday – Sunday and not at any time on Bank Holidays.
9. The recommendations set out section 6 of the Ecological Appraisal by Baker consultants dated the June 2002 shall be fully adhered to.
10. The recommendations set out in section 10 of the Noise Assessment by Miller Goodall dated the April 2020 shall be fully adhered to.
11. Prior to the occupation of the unit, the electric vehicle charging spaces and PV roof shall be installed in accordance with the details shown on the following plans:
 - Proposed Site Plan A-PL-003 Rev J
 - Proposed Store Roof Plan A-PL-005 Rev C
12. Prior to the commencement of development, excluding demolition works, details of the highways access works shall be submitted to and approved in writing by the Local Planning Authority. For avoidance of doubt, these works include the following:
 - a. The site access and the junction with Watnall Road, as indicatively shown on VN91493/ D110 Rev E, to include a right turn ghost island with two pedestrian refuges with demountable street furniture.
 - b. The improvements to the A611 roundabout, as indicatively shown on VN91493/ D110 Rev E.
 - c. A 2.7 metre shared route to the west of the access.

13. Prior to the commencement of development, a waste audit shall be submitted to and approved in writing. This shall detail how waste will be managed in both the construction and operational phase of the development.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. In the interests of highways safety and residential amenity.
4. To ensure adequate means of surface and foul water disposal.
5. In the interests of visual amenity.
6. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with NPPF, paragraph 178.
7. In the interests of visual amenity.
8. In the interests of residential amenity.
9. In the interests of biodiversity protection.
10. In the interests of residential amenity.
11. To reduce the carbon footprint of the development
12. In the interest of ensuring a safe access to the development.
13. To reduce waste produce from the development.

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. Prior to the erection of any advertisement on the site the applicant is advised to contact the Development Management Section of Ashfield District Council to discuss the proposals. These can be contacted on 01623 457 388.
3. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be eventually adopted by the HA, the new roads and any drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works and it is recommended that the appropriate technical approval is sought as part of this application.

Correspondence with the HA should be addressed to hdc.north@nottscc.gov.uk

4. In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.
5. Any details submitted in relation to a discharge of condition planning application are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.
6. Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact highwaysouth.admin@viaem.co.uk

7. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
8. It should be noted that the proposed refuges on Watnall Road will be required to be mounted with demountable bollards and street furniture due to this being a route used for abnormal loads.
9. The access between Watnall Road and the site access is intended to be adopted when also serving the residential development. It is therefore recommended that the relevant technical approval is sought so as to ensure the access is built to acceptable standards, avoiding the need to reconstruct it, in turn minimising disruption to the highway network in this area and also ensuring uninterrupted access to the proposed development.

This page is intentionally left blank

Agenda Item 5



Report To:	Planning Committee	Date:	17 March 2021
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	PLACE, PLANNING AND REGENERATION		
Ward/s:	HUTHWAITE AND BRIERLEY, LARWOOD		
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

Huthwaite and Brierley

Planning Application – V/2020/0327

Site – 14 Blenheim Place, Huthwaite, Sutton in Ashfield

Proposal – Change of use from residential to residential and cattery

Appeal Decision – Dismissed

In this decision the impact on the living conditions of neighbouring properties was considered to be harmful in terms of the noise and disturbance associated with comings and goings of visitors and cats at the facility. Further to this, it was concluded that the proposal could result in generating unacceptable odours experienced by occupiers of existing neighbouring properties.

Larwood

Planning Application – V/2019/0705

Site – Plots 6A, 6B and 6C, Castlewood Grange Business Park, Sutton in Ashfield, Nottinghamshire, NG17 1JF
Proposal – mixed-use development comprising a drive through restaurant (A3/A5), 3 retail units (A1/A3/A5) and lorry fuelling and EV station (Sui Generis).
Appeal Decision – Dismissed

The Council listed three reasons for refusal - based on loss of allocated employment land, failing to meet the sequential test/potential impact on the town centres and highways safety. The Inspector essentially agreed with each of the Council's grounds:

For the loss of employment land, he considered the proposal was not meeting any unmet need and that evidence of marketing the site for employment purposes was deficient. The proposal was therefore considered to be in conflict with saved policies EM1(Sa) and EM4 of the ALPR and would be inconsistent with the advice in paragraph 120 of the NPPF. Though, reduced weight was attached to policy EM4 due to its inconsistencies with the NPPF.

The Inspector concluded that the proposal failed the sequential test and that an adverse effect on town centre viability cannot be ruled out. As such, the development would be contrary to saved policy SH5 of the ALPR and paragraph 90 of the Framework.

Although the Inspector did not agree with the Council's arguments on HGV parking, he felt there was insufficient information to be able to determine whether there would be an unacceptable impact on highway safety or that the residual, cumulative impacts on the road network would be severe. The proposal was therefore contrary to saved policy ST1(c) of the ALPR and inconsistent with paragraph 109 of the NPPF.

In terms of planning balance, the Inspector found that the harm would significantly and demonstrably outweigh the benefits of the scheme. There were also no other material considerations that indicated a decision should be reached other than in accordance with the development plan.

Implications

Corporate Plan:

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

Legal:

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

Finance:

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

Risk: N/A

Risk	Mitigation

Human Resources:

No implications

Equalities:

(to be completed by the author)

None

Other Implications:

(if applicable)

None

Reason(s) for Urgency

(if applicable)

N/A

Reason(s) for Exemption

(if applicable)

N/A

Background Papers

(if applicable)

None

Report Author and Contact Officer

Mick Morley

Development Team Manager

01623 457538

m.morley@ashfield.gov.uk

Theresa Hodgkinson

DIRECTOR – PLACE AND COMMUNITIES

This page is intentionally left blank