

V/2025/0583 – Redevelopment Works at Chapel Street, Hucknall

The Proposal

The proposal seeks planning permission in respect of proposed redevelopment works at Chapel Street, Hucknall to create enhanced public realm through the widening of an existing staircase, replacing the paving and new bollards, seating and planters.

Policy Context

Development Plan

- Ashfield Local Plan Review (ALPR), 2002 (saved policies)
 - Policy ST1: Development.
 - Policy ST2: Main Urban Areas.
 - Policy EV10: Conservation Areas.
 - Policy TR3: Pedestrians and People with limited mobility.
 - Policy SH1: District Shopping Centres.
- Neighbourhood Plan
 - There is no neighbourhood plan for the area.

Please note that other policies may apply.

Material Considerations

- National Planning Policy Framework (NPPF) policies relevant to the application are:
 - Part 2 Achieving Sustainable Development and in particular Para.11 the presumption in favour of sustainable development.
 - 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 16: Conserving and enhancing the historic environment.

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

- National Planning Policy Guidance (PPG) brings together national planning guidance on various topics.
- ODPM Circular 06/2005 Biodiversity and Geological Conservation - The circular remains in force. In summary:

- This provides that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted. This is a material consideration and must be addressed in making the decision.
 - If potential harm cannot be ruled out in relation to this issue, then all such surveys should be undertaken before any planning permissions are granted, as made clear in the circular.
 - The Circular identifies that the Biodiversity Action Plan (BAP) is capable of being a material consideration in the making of planning decisions.
- Design Guidance
 - The National Design Guide (2020).
 - National Model Design Code (2021).
 - Building for a Healthy Life (2020).
 - Gear change: a bold vision for cycling and walking (2020).
 - Cycle infrastructure design (LTN 1/20) (2020).
 - Manual for Streets 2 (2010).
- Planning Guidance:
 - Ashfield District Council Planning and Climate Change, 2022.
 - Ashfield District Council Developer Guide to Biodiversity and Nature Conservation 2022.

Legislation

- Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66 which requires the decision-maker to have special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess.
- Natural Environment and Rural Communities Act 2006 section 40 duty “to have regard” to the conservation of biodiversity in England.
- Crime and Disorder Act 1998 Section 17 requires local authorities to consider the impact of all their functions and decisions on crime and disorder in their local area.

The Hucknall Town Centre Masterplan 2022 provides a high level framework for future investment and development in Hucknall's town centre.

Policy Comments

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 48). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision¹.

Emerging Local Plan

NPPF para 48 enables local planning authorities to give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Emerging Ashfield Local Plan 2023-2040 was submitted to the Secretary of State for independent examination in April 2024. It is the Council's intention that this Plan will ultimately replace the saved policies of the current Ashfield Local Plan Review 2002 upon adoption and is considered to be a material consideration in decision making.

Policy ST1 Development.

The proposal needs to be considered against ALPR Policy ST1, which specifies a number of provisions including that development will be permitted where:

- a) It will not conflict with other Local Plan policies.

¹ Wavendon Properties Limited v Secretary of State for Housing, Communities and Local Government & Anr.
Case Number: CO/200/2019

- b) It will not adversely affect the character, quality, amenity or safety of the environment.
- c) It will not adversely affect highway safety or the capacity of the transport system.
- d) It will not prejudice the comprehensive development of an area.
- e) It will not conflict with adjoin or nearby land use.

Policy ST1 is consistent with the provision of the NPPF. However, in relation to any conflict with 'other Local Plan policies,' these other policies have to be considered in relation to the provisions of the NPPF.

District Shopping Centres

The proposal needs to be considered against ALPR Policy SH1, which specifies the type of development permitted within the district's main shopping centres. This includes:

- e) Environmental improvement schemes,
- h) Improvement of facilities for cyclists, pedestrians and the disabled.

The proposal includes some element of greening measures, as well as improved public realm to promote active travel use. It would therefore appear to accord with the provisions of policy SH1 of the ALPR (2002).

Climate Change

Addressing climate change is one of the core land use planning principles, which the NPPF seeks to underpin in both plan making and decision taking.

The Council has set out that it "recognises the scale and urgency of the global challenge from climate change". This Council recognises that local action on global warming can make a difference." Resolved to "Reaffirm its commitment to doing everything possible to combat climate change including committing to a robust climate change strategy". The Council's Planning Guidance Climate Change reflects that:

- a) Proposals for development should demonstrate an ambitious approach to the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings.
- b) The measures set out in this Planning Guidance will need to be integrated into the design and layout of development within Ashfield, as climate change adaptation and mitigation will be considered in all development decisions.
- c) Applicants for planning permission should demonstrate how they have met the requirements set out in this Planning Guidance.

The Climate Change Committee's 2022 Report to Parliament notes that for the United Kingdom to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. This is reflected in the NPPF paragraph

164 in relation to new development and paragraphs 109 and 115 emphasising the need to promote walking, cycling and public transport.

NPPF para 136 sets out the importance trees make to the character and quality of urban environments, and also their contribution to help mitigate and adapt to climate change. The applicant and the Council should work with the highways officers and tree officers to ensure that the right trees are planted in the right places.

Hucknall Town Centre Masterplan 2022

The focus of the Masterplan is to provide an attractive and vibrant town centre. It's aims include providing a framework for future investment and development, which maximises the opportunities to enhance the appearance and vibrancy of the town centre without being inflexible, prescriptive, or setting out detailed projects or design solutions.

Strategic policy S11 of the Emerging Ashfield Local Plan seeks to ensure that development should promote the vitality and viability of the town centres. The policy is underpinned by the Town Centre Masterplans (Kirkby, Sutton & Hucknall), which identify development opportunity sites and gateways within the designated town centre boundaries. Policy SH1 of the Emerging Local Plan notes that the Council will support proposals which deliver the objectives of the Masterplans, provided that there are no adverse effects on neighbouring sites or on the area as a whole. The design of town centre developments should enhance the street scene.

The Masterplan identifies the access to the B&M retail store from Chapel Street as Priority Area 3. It states a new gateway could improve public movement, accessibility and encourage active travel whilst providing opportunities for improving the public realm and waymarking within the town centre. The proposal would therefore accord with the ambitions of the Hucknall Town Centre Masterplan and policy SH1 of the draft plan.

Heritage

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Courts have determined that as the statutory duty is engaged "considerable importance and weight" should be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise².

There are a number of local heritage assets nearby. The site itself is located wholly within the Hucknall Town Centre Conservation Area. The significance of the Hucknall town conservation area lies in its preservation of the town's unique historical and architectural character, including the contribution of nearby listed buildings and other, non-designated heritage assets of local significance. Buildings on the Council's local heritage list nearby include, amongst others, the Half Moon public house, Liberal

² Barnwell Manor Wind Energy v. Secretary of State [2014] EWCA Civ 137 at paragraph 29

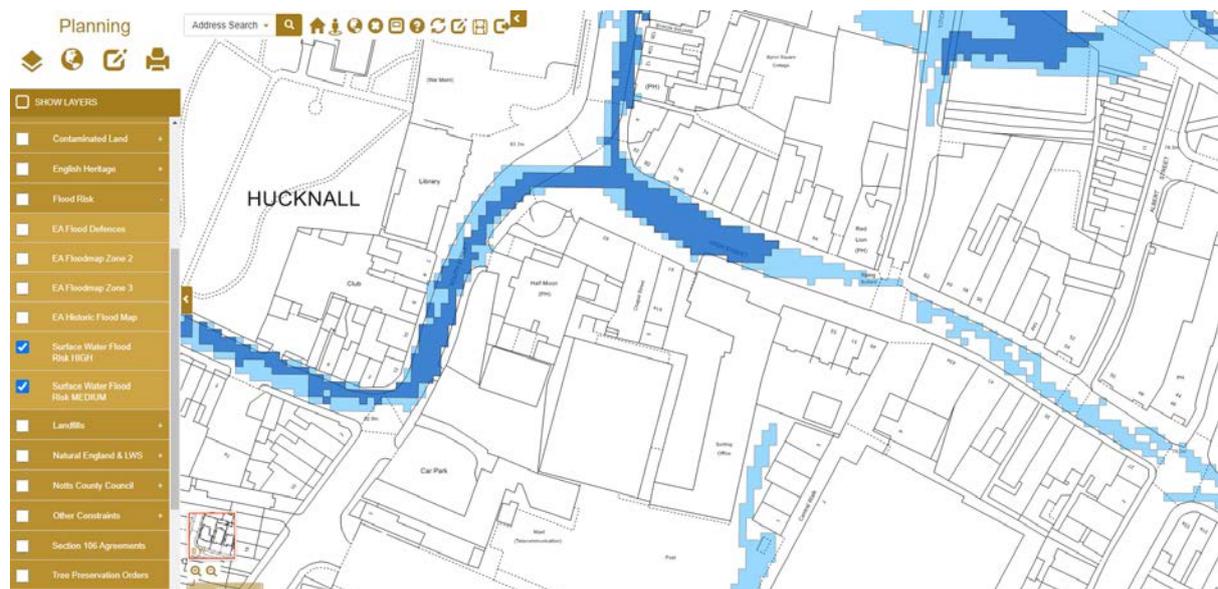
Club and Red Lion public house. Hucknall Library, a Grade II listed building, is also located approximately 50m to the west.

National planning policy identifies that applicants are expected to describe in their application the significance of any heritage assets affected by the application, including any contribution made by their setting (NPPF para 207). The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

The submitted design and access statement provides an overview of Hucknall's heritage and how the proposal aims to integrate into the established historic fabric. It notes that no demolition of heritage assets is proposed and the works would be limited in scope. In line with part 16 of the NPPF, a judgement should be formed as to the level of any harm which would arise to heritage assets.

Flooding

The site does not fall within a Flood Zone 2 or 3 area, however there are areas of high (dark blue) and medium (light blue) risk for surface water flooding adjacent to the site.



Highways/Transport

There are policies in the ALPR which relate to the development of the site and transport aspects, but it is recognised that they are not comprehensive. Policy ST1 seeks to ensure that development will not adversely affect highway safety or prejudice the comprehensive development of an area. Policy TR3 sets out requirements for pedestrians and people with limited mobility.

The NPPF has a more comprehensive approach to transport. NPPF Part 9 promotes sustainable transport, contributing towards sustainability and health objectives.

The NPPF stresses in paragraphs 77 and 110 that significant development should offer 'a genuine choice of transport modes.' Paragraph 117 gives priority to pedestrian and cycle movements and having access to high quality public transport.