



COMMITTEE DATE 24/07/2019 **WARD** Annesley and Kirkby
Woodhouse

APP REF V/2019/0310

APPLICANT E Cook

PROPOSAL Outline Application With All Matters Reserved for 3 Dwellings

LOCATION Land Adjacent 75, Skegby Road, Kirkby in Ashfield,
Nottingham, NG17 9FR

<https://www.google.com/maps/@53.0802509,-1.2627818,19z>

BACKGROUND PAPERS A, C, E, K

App Registered 13/05/2019

Expiry Date 07/07/2019

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

This application has been referred to Planning Committee by Councillor Rachel Madden on the grounds of residential amenity and highway safety.

The Application

This is an application for outline application with all matters reserved for 3 dwellings on garden land adjacent to 75 Skegby Road. Although illustrative plans have been submitted, these are only to explain how the development may be achieved. It should, however, be noted that outline planning consent was granted for three dwelling in this location twice (V/2007/0793 and V/2010/0513).

Consultations

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

The following consultation responses have been received:

Resident comments:

Four written representations received from local residents raising a number of concerns:

- loss of privacy to properties along Church View Gardens;
- concern in respect of the potential separation distance between proposal and existing properties;

- loss of light to neighbouring properties along Church View Road;
- loss of value to neighbouring properties;
- concern in respect of the potential loss of hedgerow on the west boundary of the site and any associated loss of local wildlife;
- backland development considered unacceptable; and
- highway safety concerns.

ADC Tree Officer

- The Councils Tree Officer visited the site.
- Removal of hedges should be kept to a minimum.
- The mixed species hedge to the highway boundary does not appear to be significant in terms of its appearance, size or species content.

ADC Drainage:

- No known drainage issues with this site.
- Severn Trent need to approve a surface water and foul water connection to the main sewer. Therefore a condition has been proposed requiring drainage details and plans to be submitted and approved with the reserved matters.

ADC Environmental Health (land contamination):

- Historical Ordnance Survey plans show the subject site formed part of a former plant nursery.
- A number of green houses and buildings have been historically demolished in this location.
- To ensure that the site, when developed, is free from contamination such as asbestos, in the interests of safety a condition has been proposed.
- Prior to occupation of the three dwellings, a sample will be taken from topsoil to be used in the upper 600mm of each rear garden area and shall be chemically tested at an MCERTS accredited laboratory for a full suite of contaminants.

Policy

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

Ashfield local Plan Review ALPR 2002

ST1 – Development

ST2 – Main urban area

HG5 – New residential development

National Planning Policy Framework NPPF 2019

Part 2 – Achieving sustainable development

Part 5 – Achieving a sufficient supply of homes

Part 11 – Making effective use of land

Part 12 – Achieving well designed places

Supplementary Planning Document 2014

Relevant Planning History

- **V/2002/0247:** One dwelling (Full application – conditional consent)
- **V/2003/0253:** One dwelling (Full application – conditional consent)
- **V/2007/0793:** Three dwellings (Outline application – conditional consent)
- **V/2010/0513:** Extension of time to planning permission V/2007/0793 for three dwellings

Comment :

The application seeks outline planning consent with all matters reserved, for the erection of three dwellings on garden land adjacent to 75 Skegby Road.

The application is located within the main urban area of Kirkby in Ashfield, and comprises of a large garden area to the west of 75 Skegby Road which is a semi-detached property. The site consists of an extensive side garden with a number of outbuildings associated with 75 Skegby Road located to the rear part of the site.

Directly to the west and south of the site are existing residential properties of Church View Gardens and Vicarage Way. To the north, on the opposite side of Skegby road, are existing residential properties.

The main issues to consider in this application are the:

- Principle of development;
- Residential Amenity;
- Character and appearance of the area;
- Protection of hedgerow;
- Highway safety.

Principle of development

The application site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas. The proposal would comply with this policy.

Residential amenity

Concerns have been expressed by local residents in respect of the proposal, and its subsequent impact on the amenity of neighbouring residents.

In respect of the potential loss of privacy and overshadowing impact on neighbouring properties, due to the size of the site, three dwellings can be designed and separated to protect the privacy and any potential loss of light. Rear gardens of 1, 7, 9, 11 and 17 church view Gardens are located along the west boundary of the site. The rear garden of 8 Vicarage Way is also located along the south boundary. In

accordance with the Councils adopted Supplementary Planning Document: Residential Design Guide, three dwellings could meet minimum separation distance standards to ensure the amenity of neighbouring properties is protected. The design, scale and siting could be carefully assessed at reserved matters stage to prevent any potential overlooking or overshadowing of neighbouring properties.

The submitted block plan (scale 1:500) provides an indicative layout which demonstrates three plots for each dwelling. Each plot size is considered to provide an acceptable standard of living for future occupiers in accordance with the Councils adopted Supplementary Planning Document: Residential Design Guide 2014. Appropriate boundary treatment at reserved matters stage should also provide an acceptable level of privacy for future occupiers of the proposed dwelling and the existing property, 75 Skegby Road.

Other concerns include the appropriateness of the location on a residential garden and the potential loss of value to neighbouring properties. Loss of value to property is not a material planning consideration and would not warrant a refusal. The proposal consists of sustainable development and complies with the policy requirements of the NPPF 2019, namely Part 12 – Achieving Well Designed Places, which seeks to ensure that developments create a high standard of amenity for existing and future users. The proposal would also conform with Part 11 – Making Effective Use of Land of the NPPF 2019, which seeks to promote and support the development of under-utilised land.

Impact on the character and appearance of the area

The application site is located within a predominantly residential area with existing residential properties surrounding the site. Skegby Road includes a variety of residential property designs featuring two storey and bungalow properties. The site is bound by two storey dwellings to the west on Church View Gardens and east on Skegby Road. To the south, bungalow properties are located on Vicarage Way. The plot is approximately 20m in width and 60m in depth measuring 1200m² in area. It is considered this is an acceptable size of land to accommodate three dwellings to ensure plots sizes are consistent with adjacent properties within the neighbourhood.

The application is for outline consent with all matters reserved, therefore the design and layout will however need to be considered at the reserved matters stage. It is considered that subject to an acceptable siting, size and scale; three dwellings could be accommodated within the plot without being out of character with the immediate street scene or appearing unduly cramped.

The proposal would conform with Part 12 – Achieving Well Designed Places of the NPPF 2019, which seeks to ensure that developments add to the overall quality of an area, and are sympathetic to local character and history, including the surrounding built environment.

Protection of hedgerow

Concerns have been raised in respect of the potential loss of the hedgerow along the west boundary of the site. The submitted layout plan, as depicted in the submitted block plan (1:500), is indicative only and demonstrates an access along the west boundary where the existing hedgerow is found. The Councils tree officer has visited the site and has confirmed loss of hedgerow should be kept to a minimum. Subsequently a condition has been proposed requiring a hedgerow retention plan. Retention of existing hedgerow can be integrated alongside a proposed landscape plan at reserved matters stage to ensure sufficient protection and possible strengthening of hedgerow.

Highway safety

Concerns have been raised in respect of the potential highway safety issues caused by potential increased traffic and on-street parking in this location. The location of the access as depicted in the submitted block plan (1:500) near the bend of Church View Gardens is only for indicative purposes. The submitted details demonstrate that the proposal can meet the requirements for highway visibility splays to ensure safe access and egress. The proposal demonstrates that there is sufficient visibility from the junction towards Church View Gardens to the west and the bend in Skegby Road to the east in accordance with Nottinghamshire County Council standing advice.

The site access can accommodate a two way flow traffic to limit any potential congestion on Skegby Road, whilst providing turning space for visiting vehicles. The site can also accommodate the minimum off-street car parking spaces, in accordance with the Councils adopted Supplementary Planning Document: Residential Car Parking Standards 2014. Proposed access details can be thoroughly assessed at reserved matters stage to ensure there are no significant highway safety concerns.

Conclusion :

The proposal provides the addition of three new dwellings that comply with the relevant requirements within the Councils adopted Supplementary Planning Documents 2014. At the reserved matters stage any potential concerns in respect of separation distances, overlooking or overshadowing can be considered in the design of an acceptable site layout. The site can also accommodate the minimum requirements for off-street car parking and a safe form of access can be achieved at reserved matters stage.

On balance therefore, it is considered that the proposal constitutes an appropriate form of development, and it is subsequently recommended that this application is granted conditional consent.

Recommendation: - Outline – Conditional Consent

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) Access
 - (e) Landscaping
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of 2 years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted with the reserved matters and shall be implemented in accordance with the approved details before the development is first brought into use.
5. This permission shall be read in accordance with the following plans: 1:1250 site location plan, block plan 1:500, block plan 1:200. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
6. Prior to occupation of the hereby approved development, a sample will be taken from topsoil to be used in the upper 600mm of each rear garden area and shall be chemically tested at an MCERTS accredited laboratory for a full suite of contaminants. The results from such testing to be submitted to the LPA in order to demonstrate the topsoil is suitable for use in residential gardens.
7. Details and plans of hedges to be retained and protected during the construction of the hereby approved development and for the first 5 years after the use commences, shall be submitted with the reserved matters and shall be implemented in accordance with the approved details.

REASONS

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.

2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
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4. To ensure the development has provision for adequate facilities to dispose surface water and foul water.
5. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
6. To ensure that the site, when developed, is free from contamination, in the interests of safety.
7. To ensure existing landscaping features are protected during the construction and after the use first commences.

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. If during the ground excavation works any visibly or olfactory affected ground is encountered, the Applicant shall immediately inform the Council's Environmental Protection Officer to allow inspection of the excavations and agree a way forward.
3. 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.