

COMMITTEE DATE 22/01/2020 **WARD** Ashfields

APP REF V/2019/0638

APPLICANT J Beeley

PROPOSAL Dwelling with Associated Access and Parking

LOCATION Land off, The Avenue, Sutton in Ashfield, Nottinghamshire,
NG17 1GH

BACKGROUND PAPERS

App Registered 07/10/2019 Expiry Date 01/12/2019

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

This application has been referred to Planning Committee by Councillor Walters on the grounds of the impact on highway safety.

The Application

This is an outline application for one dwelling with associated access and parking, with all matters reserved, except for access and layout.

Consultations

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

First Consultation

Resident comments:

In respect of the original design, 13 letters of objection and 1 letter of support was received. The following issues have been raised:

Objections:

- Access to the site is via an un adopted road:
 - Poor state of repair
 - Narrow
 - No road lighting
 - No pedestrian walkways
 - Result in increased traffic

- No access for emergency vehicles
- Inadequate access for refuse collection
- Cannot take heavy vehicles carrying materials
- Poor visibility from the plot and from the junction where the private road intersects The Avenue
- Lack of parking and turning space on the site
- Lack of bin storage
- Detrimental to the character and appearance of the street scene (overdevelopment)
- Detrimental impact to the amenity of neighbouring properties as a result of potential overlooking/overshadowing
- Detrimental impact to the amenity of neighbouring properties in terms of noise and dirt caused during the construction phase
- Poor drainage within the area
- Planning permission has been refused previously for residential development on a different plot
- Other matters:
 - The application should be decided at planning committee
 - The proposed development will affect house process
 - Ownership issues
 - Increase future development within the neighbourhood

Support:

- Interested in living in the proposed dwelling
- Access appears adequate
- Relatively small number of cars use the private road

Nottinghamshire County Councils Highways:

The initial comments stated that planning permission was granted for 2 dwellings (v/2019/0042) with access off this drive. The access width where the private highway should also be checked. Private drives serving up to 25 dwellings should be a minimum of 4.8m in width for minimum of 5m behind the highway boundary, this surface should be hard bound. Is the driveway adequate to accommodate refuse collection?

Second Consultation

Resident comments:

In respect of the revised design, 11 letters of objection have been received and the following issues have been raised:

Objections:

A number of additional objections attached their original letter confirming that there concerns remain. In addition to the original objections the following concerns have been raised:

- Lack of parking and turning space on the site for construction vehicles, emergency vehicles and future occupiers
- Other matters:
 - Impact on wildlife and habitats
 - Impact on trees
 - Revised plans are inaccurate
 - Re-consultation of 7 days was not enough time

Nottinghamshire County Council Highways:

Raised no objections to the revised plan since appropriate turning and parking space has been provided and waste collection is currently carried out for existing properties, in particular April Cottage which lies opposite the proposal, therefore adding a further property does not exacerbate the issue.

ADC Drainage:

There are no known drainage issues with the site. Percolation tests will need to be carried out to determine if the ground conditions are suitable for the use of soakaways to dispose of surface water. Severn Trent need to be consulted on the foul water connection to the main sewer but the applicant would need to identify where this connection would be. These issues can be resolved in consideration for details at reserved matters stage.

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 – Delivering a sufficient supply of housing

Part 9 – Promoting sustainable transport

Part 12 – Achieving well designed places

Supplementary Planning Documents 2014

Residential Design Guide

Residential Car Parking Standards

Relevant Planning History

There is no relevant planning history for the site. However, a number of planning applications for 1 dwelling, located Off The Avenue, have been granted and refused planning permission historically. Most recently, in 2019 outline planning consent has been granted for 2 dwellings at the end of Off The Avenue and access to the site was assessed to be acceptable (v/2019/0042).

Comment :

The application seeks planning outline planning consent for the erection of one dwelling, with associated access and parking, with all matters reserved, except for access and layout.

The site forms part of the rear garden land to 102 Kirkby Road, located within Sutton in Ashfield and is located approximately half way down an unadopted road, known as 'Off the Avenue' which presently serves 6 dwellings.

Planning permission has been previously granted outline consent for 2 dwellings located at the end of the unadopted road. Amongst other considerations, planning permission was granted as appropriate off-street parking and turning facilities were demonstrated in accordance with the requirements of the Highway Authority.

The site comprises of an overgrown parcel of land measuring approximately 10m in width and 37m in depth, bounded to the east and west by residential development and to the north and south by a number of garages and outbuildings.

The site is located within the Main Urban Area of Sutton in Ashfield, where the principle of development is acceptable under policy ST2 of the ALPR 2002.

Highway Safety/Access

A number of concerns have been raised by local residents in respect of the use of the unadopted road to access the proposed dwelling. Such concerns include the narrowness of the road resulting in insufficient access for emergency vehicles, the proposal resulting in increased vehicular usage and the roads poor state of repair.

Off The Avenue is an unadopted residential cul de sac; which is accessed off an existing adopted highway, known as The Avenue. All residential properties along this unadopted road presently exhibit off-street parking, allowing easy maneuverability along the driveway for users.

The layout plan submitted demonstrates that the proposed dwelling will have sufficient space forward of the dwelling to accommodate a minimum of two off-street parking spaces, in accordance with the Councils minimum Residential Car Parking Standards 2014.

Vehicle tracking details have also been provided to demonstrate that the proposed vehicular turning point within the site is adequate to provide turning facilities for the turning of larger vehicles, including emergency vehicles, such as a fire engine.

Residents have also raised concerns in regards to the poor state of repair that Off The Avenue is in, which is presently constructed of road stone, and contains numerous pot holes. Concerns are raised that the development will put the existing road under further use and strain, resulting in further deterioration of the road and causing danger to local residents. Whilst it is acknowledged that this is a source of frustration and aggravation for local residents, the liability for the maintenance of the road lies beyond that of the Local and County Council, and is unfortunately a civil matter that would need to be resolved between residents, outside of the planning system.

Concerns initially raised by the Highway Authority have been mitigated as a result of further details being submitted. Where a private drive serves up to 25 dwellings, the access should be a minimum of 4.8m for a minimum distance of 5m behind the highway boundary. This requirement should be increased by 0.5m on each side that is bounded. As the access is bounded by a hedge on one side, the access in this location is required to be a minimum of 5.3m in width. As demonstrated on the submitted plans the access meets the requirement of being 5.3m in width, and therefore meets the required standards, as set out by the Highway Authority and allows for two vehicles to pass each other when using the private drive.

With regard to waste collection, it would appear the refuse vehicles currently reverse to access the private drive, in particular to April Cottage which lies opposite to the site. Therefore it is considered there is not to be an issue and turning would be possible through this development to enable the refuses vehicles to access and egress the private drive in a forward gear, therefore resulting in a significant benefit from this proposal.

As part of a previous planning application, outline consent was granted for 2 dwellings located at the end of the unadopted road (v/2019/0042). Similar concerns were raised in respect of access width and refuse collection, these were measured and considered acceptable and planning permission was granted. Further to this, the Councils Waste Services Team, have confirmed that the refuse truck reverses the length of Off The Avenue to collect residents refuse bins and the situation could only be improved with the provision of turning facilities.

As the site provides off-street car parking in accordance with the Councils Residential Car Parking Standards (2014) and complies with the required standards, in terms of access width and turning space, as set out by the Highway Authority, the proposal complies with saved policy ST1 (C) of the ALPR 2002. The proposal also complies with Part 9 – Promoting Sustainable Transport of the NPPF 2019, as development should only be refused if there would be an unacceptable impact on highway safety.

Layout

Although the application seeks outline planning consent, the site layout in addition to access is also required to be considered. The site forms part of rear garden to 102 Kirkby Road, Sutton in Ashfield. To the west, the proposed dwelling is approximately 23.5m away from the front elevation of April Cottage. To the east, approximately 40m away from the host dwelling is 102 Kirkby Road. To the north and south of the site are the rear gardens of properties fronting Kirkby Road, where gardens and outbuildings are mostly found. It is considered that due to the siting of the proposal, there are limited concerns to any neighbouring properties in terms of any loss of amenity by overlooking, overbearing or overshadowing impact.

The proposed layout demonstrates adequate internal space for a 3 bedroom dwelling. The rear garden space for the proposed dwelling exceeds minimum outside amenity space requirements in accordance with the Councils Residential Design Guide 2014. The application includes indicative plans which demonstrate a suitably designed, single storey scheme that could be achieved on the site which would not be significantly detrimental to the character of the street scene. Details regarding hard and soft landscaping is a reserved matters consideration.

The proposal consists of a sustainable development and therefore complies with saved policies ST1 and HG5 of the ALPR 2002. The proposal would also 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.

Other Matters

Drainage:

Concerns have been raised by local residents in respect of poor drainage and flooding in the area. The Councils Drainage team have confirmed that there are no known drainage issues with the site, however a condition recommending the submission of drainage plans for surface water and foul sewage, would be required as part of any approval to be submitted with the reserved matters application.

Wildlife/trees:

Concerns have also be raised in respect of any potential loss of wildlife and trees. The site appears to be an overgrown disused garden area and there are no known protected wildlife located on this site or within the sites vicinity. The submitted tree survey identifies which trees may be affected by the proposal. A number of low value hawthorn and apple trees will be felled to facilitate the proposed development. One Ash tree overhangs the rear boundary, however this tree will be unaffected by the proposal.

Inaccurate plans:

The plans have been checked and it is considered that they adequately identify the site and show the access and layout can be achieved.

Re-consultation:

Amended plans have been received to show that the parking and turning area can be achieved. All interested parties were re-consulted and comments have been received. It is not clear why anyone has been disadvantaged by the time required for comments to be received. Comments are received up to the day of the planning committee meeting and will be considered and taken into account.

Conclusion :

The proposal provides one new dwelling that complies with the relevant requirements within the Councils adopted Supplementary Planning Documents 2014. At the reserved matters stage any potential concerns in respect of the design and appearance of the development can be considered. The site can accommodate the minimum requirements for off-street car parking and appropriate turning facilities for future occupiers, visitors or emergency vehicles. 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) Scale
 - (b) Appearance
 - (c) 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. This permission shall be read in accordance with the following plans: site location plan 1:1250 (01/10/19), proposed site layout plan 1.1 Rev. A (17/12/19), Off the Avenue junction plan 1:200, Off the Avenue road width plan 1:200 (23/10/19). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
- 6. The parking and turning area shall be provided before the dwelling is occupied and maintained as such and not used for any other purpose for the lifetime of the development.**

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.**
- 3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.**
- 4. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**
- 5. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.**
- 6. In the interests of highway safety.**

INFORMATIVE

- 1. 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.