



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.