



**COMMITTEE DATE**    26/05/2021                      **WARD**            Hucknall North

**APP REF**                      V/2020/0871

**APPLICANT**                      A Kirkland

**PROPOSAL**                      Erection of 5 Dwellings

**LOCATION**                      Land at, Barbara Square, Hucknall, Nottingham

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.0472038,-1.2158,16.75z>

**BACKGROUND PAPERS**    A, C, D, K

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 because the Council is the applicant.***

### **The Application**

This is an application that seeks full planning consent for the demolition of existing garages on Barbara Square and the construction of five dwellings each with associated off-street parking and amenity space. The development comprises three two bedrooms terraced properties and two three bedrooms semi-detached properties.

### **Consultations**

A site notices has been posted together with individual notification to surrounding residents. Residents have been consulted on three separate occasions following amendments to the layout of the scheme.

The following responses have been received:

#### ***Resident Comments:***

##### ***First Consultation:***

5 Letters of objection/concern received in respect of the following:

- Overlooking impact
- Overshadowing impact
- Highway safety issues
  - o Increased traffic
  - o Increased on-street parking
  - o Access is inappropriate - too narrow/restricted

- Increased pedestrian/vehicular conflict
- Condition of road is poor
- Land is contaminated
- Noise and disturbance during construction
- Increased noise from future occupiers
- Loss of trees
- Neighbouring boundaries unstable
- No need for further housing
- Loss of views
- Devaluation of surrounding properties

*Second Consultation:*

2x Letters of concern/objection in respect of the following:

- Increased traffic
- Disruption during construction
- Inappropriate landscaping scheme
- Loss of mature oak tree
- Access to garage buildings at neighbouring properties prohibited
- No need for further housing
- Devaluation of surrounding properties

*Third Consultation:*

2x Letters of concern/objection from one resident in respect of the following:

- Unclear how access is to be widened
- Devaluation of surrounding properties

***Ashfield District Council Tree Officer:***

The arboricultural information supplied is considered satisfactory and development can take place on this site keeping the trees safe. A condition should be attached to any approval with regards to tree protection and information is required of any the root protection measures for T1 (Oak Tree) which is worthy of retention.

***Nottinghamshire Highways Authority:***

The applicant has submitted drawing number 31468 510 02 which shows side by side parking, dimensions and how vehicles can turn around within the site. The existing footway is extended into the site and the width of the access and roadway is acceptable at 4.8m. The Highway Authority would not wish to raise objection subject to conditions.

**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 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

**SPD Residential Design Guide  
SPD Residential Car Parking Standards**

**Relevant Planning History**

None.

**Comment:**

The application site comprises of a block of six, single storey garages located in the centre of the site, with the remainder of the site comprising of hardstanding and scrub vegetation. A number of trees, including a mature Oak Tree lie within the boundary of the application site. The site is located at the end of a cul de sac on Barbara Square, Hucknall.

Existing residential development lies directly adjacent to the north, south and west of the application site, whilst an area of public open space, known locally as the Ranges, lies directly to the east of the site.

The main issues to consider as part of this proposal are the principle of the development, the impact of the proposal on visual and residential amenity, as well as 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 is 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.

The site is owned by the Local Council. The applicant has confirmed that only one of the six garages is currently occupied. Subsequently, limited income is collected by the Council for the site, despite ongoing maintenance costs. Notice to vacate has been served on the individual currently occupying one of the garage units.

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 under utilised 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 five new residential units in a sustainable, main urban area location. The scheme would also provide a number of economic benefits that would be generated 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, but are predominantly two storey in height and comprise of detached and semi-detached properties. A care home is also situated to the north-west of the site.

The proposed development will comprise of three, two-storey terraced properties (House Type A) and two, two-storey semi-detached properties with rooms in the roof space (House Type B). Although the proposed development scheme does not follow the linear pattern of development along Barbara Square, the layout of the scheme has been designed to respond to the abnormal shape of the site and the requirement to retain a right of access to two garage buildings sited within the rear garden spaces of 138 and 140 Annesley Road.

The dwellings are to be constructed from red facing brick and grey roof tiles, and will incorporate stone cills and brick headers into the design. Dwellings directly to the south and west of the site have been constructed from comparable materials, whilst the design features proposed to be incorporated into the scheme are visible on properties sited directly to the north of the site. In this respect, it is considered that the proposed development would assimilate well into the street scene and the area.

Areas of private amenity space to the rear of the dwellings are proposed to be enclosed through the installation of 1.8m high timber fencing panels, gravel boards and concrete posts. Such boundary treatments are typical of the area. The area forward of the dwellings is proposed to consist of low level planting to further improve the appearance of the development.

The site comprises of a number of mature trees which are presently planted around its perimeter and are considered to offer a positive contribution to the visual amenity

of the area. These trees are proposed to be retained due to their overall health and amenity value as part of the development, and an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection plan have been submitted with the application to demonstrate their protection during demolition and construction works. As requested by the Council's Tree Officer, a condition requiring the works to be carried out in accordance with the details submitted is suggested to be attached to any permission.

***Residential Amenity:***

Concerns have been raised by local residents in respect of loss of light and privacy arising from the proposed development scheme.

The proposed dwellings are to be sited approximately 14m from the nearest residential property located to the north of the site at 61 Barbara Square. It is considered that due to the siting and overall size and scale of the proposed dwellings, the proposal will not result in any undue overshadowing or massing impact on nearby residents.

In regards to the potential overlooking impact, the Council's Residential Design Guide SPD 2014 requires a minimum of 21m between main aspect windows. And 12m between main aspect and secondary windows. The terraced properties known as 'House Type A' will face in a northerly direction towards properties on Barbara Square, with the main aspect windows sited on the front elevation facing towards the side elevation of no. 61, which has a secondary window at first floor level facing towards the site and a conservatory to the rear. The separation distance between the proposed main aspect windows in 'House Type A' and the secondary window measures approximately 20m, whilst the separation distance between the main aspect windows and the conservatory measures approximately 22m.

'House Type B' are to face in an easterly direction towards 'House Type A' and will have main aspect windows sited in the rear elevation facing towards properties on Annesley Road. The nearest dwelling is proposed to be in excess of 30m from these windows, meeting the minimum separation requirements.

In light of the above, it is considered that the proposed development would not give rise to an unacceptable overlooking impact on neighbouring residential occupiers.

In respect of future occupiers, each of the dwellings provides an acceptable level of internal space to adequately accommodate the family of household which is likely to occupy it. In addition to this, each dwelling benefits from an area of outdoor amenity space in line with the minimum requirements outlined in the Council's Residential Design Guide SPD 2014.

Concerns have been raised in respect of increased noise and 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 dwellings 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.

Whilst concerns have also been raised regarding the devaluation of neighbouring properties and loss of views, these do not form material planning considerations.

***Highway Safety:***

Concerns have been raised by local residents in regards to increased traffic/congestion and on-street parking along Barbara Square as a result of the proposal, in addition concerns regarding the condition of the highway and the width of the access into the site.

At present, Barbara Square in this location culminates with a turning head off which the development site is accessed. As mentioned above, concerns have been raised regarding the condition of the highway. The applicant has therefore agreed to resurface the turning head at the culmination of Barbara Square as part of the proposal to improve the condition of the highway.

In addition to the above, to reduce the likelihood of pedestrian and vehicular conflict within the site and at the access, the applicant has proposed to extend the existing footway on Barbara Square into the site. To accommodate segregated vehicular and pedestrian accesses, the width of the site access is to be increased to 4.8m in width. This will be facilitated by utilising a small portion of grassland adjacent to the site which falls within the ownership of the Local Council. Extending the width of the access will have no implications on the adjoining footpath used by members of the public to access the Ranges.

Each dwelling will be afforded two off-street parking spaces, in accordance with the Council's Residential Car Parking Standards SPD 2014 for two/three-bedroom properties. In addition to this, to alleviate concerns regarding increased on-street parking along Barbara Square, two visitor parking spaces have been provided within the development.

The Highway Authority have confirmed that the site access is of adequate width to accommodate the proposed development, and has also confirmed that the development provides sufficient off-street parking provision with adequate maneuvering space to allow vehicles to enter and egress the site in a forward gear.

It is therefore considered that the proposal will not result in any detrimental impact on highway safety in this location, nor would it give rise to any substantial impact on highway capacity.

**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 five new residential dwellings 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 adequate off-street parking provision, and the cumulative impact of an additional five residential units on the highway network is deemed to be insignificant.

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 hereby approved dwellings shall be 'Burghley Red Rustic' facing bricks and 'Sandtoft Calderdale' roof tiles in slate grey as per the submitted information, unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (dated April 2021).**
- 4. The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Preliminary Risk Assessment & Geo-Environmental Assessment (dated January 2021).**
- 5. The hereby permitted development shall be carried out in accordance with the submitted Construction Management Plan (report no. 311774/SH).**

- 6. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.**
- 7. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 meters x 2.0 meters are provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6 meters above the carriageway level at all times.**
- 8. No part of the development hereby permitted shall be brought into use until the access is constructed with provision to prevent the discharge of surface water from the driveway area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.**
- 9. This permission shall be read in accordance with the following plans: Proposed Site Layout Plan, Drawing No. 3146851002 Rev F, Received 12/04/21; House Type A - Floor Plans and Elevations, Drawing No. 3146851003 Rev A, Received 21/12/20; House Type B - Floor Plans and Elevations, Drawing No. 3146851004 Rev A, Received 21/12/20; Drainage Plan, Drawing No. 8697-GCA-XX-XX-DR-C-101, Received 14/05/21. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**

## **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 safeguard the visual amenity of the area.**
- 4. To ensure that the site, when developed, is free from contamination, in the interests of safety.**
- 5. In order to minimise disturbance to surrounding properties.**
- 6. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).**

7. In the interests of highway safety.
8. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
9. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

## **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 development makes it necessary to carry out works within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0300 500 8080 to arrange for these works to be carried out.
3. 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.