



**COMMITTEE DATE**    17/11/2021                      **WARD**        Selston

**APP REF**                      V/2021/0617

**APPLICANT**                      Sharp – JMT Property Developments

**PROPOSAL**                      Two detached dwellings.

**LOCATION**                      26 Nottingham Road, Selston, Nottinghamshire, NG16 6DE

**WEB-LINK**                      <https://www.google.com/maps/@53.0705592,-1.3123943,175m/data=!3m1!1e3>

**BACKGROUND PAPERS**    A, B, C & D.

App Registered: 10/08/2021                      Expiry Date: 04/10/2021

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

*This application has been referred to Planning Committee by Cllr. Smallridge on the grounds of highway safety.*

**The Application:**

This is a full application which seeks consent for the construction of two detached dwellings on land to the south of Nottingham Road, Selston. The site lies at the interface between Nottingham Road and a public Bridleway known as Selston Bridleway 34 which runs to the east and south of the site.

The application site previously comprised part of the residential curtilage associated with 26 Nottingham Road, but has since been subdivided creating a disused parcel of land.

Directly to the west of the application site is existing residential development. Further residential development lies to the north, east and south of the site on the opposite side of Nottingham Road and the public Bridleway.

The application site is located outside within the named settlement of Selston, as identified by Policy ST3 of the ALPR 2002. Under this policy, appropriate forms of limited development will be permitted.

**Consultations:**

A site notice has been posted together with individual notifications to surrounding residents.

The following responses have been received:

**Resident comments:**

4 letters of concern/objection have been submitted by residents in respect of the following:

- Loss of biodiversity and ecology, including protected species (removal of hedgerows).
- Scale of proposal out of keeping with street scene.
- Highway safety implications.
  - Increased vehicular and pedestrian conflict.
  - Inadequate visibility at access due to parked cars.
  - Cars travel in excess of speed limit.
  - Increased traffic.
- Lack of off-street parking.
- Noise and disturbance during construction.
- Lack of adequate garden space.
- Overdevelopment of the site.
- Obstruction to adjacent bridleway.

**Nottinghamshire County Council Highways:**Original Comments:

The Highway Authority object to the proposed development in its current layout.

The swept path analysis shows that vehicles reversing out of the spaces adjacent to the proposed dwelling will make contact with the building whilst performing this manoeuvre. The swept path analysis therefore demonstrates that the parking and access arrangement does not work in the current layout.

The Nottingham Highway Design Guide specifies that residential turning heads are required on all A and B class roads, as well as high frequency bus routes and other busy routes, such as Nottingham Road. Adequate provision for turning, which does not form part of the overall space for parking, is required to enable vehicles to egress onto the public highway in a forward gear. As a new development, this is a requirement of access in this location to ensure the new dwellings are not to the detriment of highway safety.

Additional comments:

Layout is still considered to be inadequate. Swept path is still tight and simulation speeds for the swept paths should be provided.

The layout and dimensions of the access and parking provision is tight and in consideration of this and the fact Nottingham Road is classified and a bus route, the access would need to be provided as a shared driveway and comply with the relevant standards set out in the Nottingham Highway Design Guide, in the interest of highway safety.

**Coal Authority:**

No objections to the proposed development, subject to the implementation of recommendations contained within the previously submitted Coal Mining Risk Assessment.

**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 9: Promoting sustainable transport.
- Part 11; Making effective use of land.
- Part 12: Achieving well-designed places.
- Part 15: Conserving and enhancing the natural environment.

**Ashfield Local Plan Review (ALPR) (2002):**

- ST1: Development.
- ST3: Named Settlements.
- HG5: New Residential Development.

**JUS-t Neighbourhood Plan 2017:**

- NP1: Sustainable Development.
- NP2: Design Principles.
- NP4: Housing Types.
- NP8: Improving Access to the Countryside.

**Relevant Planning History:**

**V/2019/0780** - Two dwellings - FULCC.

**V/2020/0377** - Application for Approval of Details Reserved by Condition 5 of Planning Permission V/2019/0780 - Site Investigations.

**Comment:**

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 (ALPR)

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan must be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 219). 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 development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

The Council does not have a 5-year housing land supply of deliverable housing sites. In these circumstances, the application must be seen in the context of the National Planning Policy Framework (NPPF) paragraph 11 d, the tilting balance.

**Principle of Development:**

A previous application (planning ref: V/2019/0780) at the site has gained planning permission for two, three bedroomed detached dwellings on a previous occasion from a different access point.

It has been indicated that this development could not be implemented due to an impasse with a third party in relation to the originally proposed access, which was to utilise the lane/bridleway to the south of the site.

The principle of residential development on this site has been established.

**Visual Amenity:**

The application site is in a slightly elevated position in comparison to Nottingham Road, and as such is a prominent site. The design of the proposed dwellings are somewhat contemporary, incorporating brickwork and render into their design, with an ad-hoc window placement. A mixture of hipped and gable roofs are incorporated into the design of the two dwellings.

It is acknowledged that there are different sizes and style of property within the vicinity of the application site, and that there is no distinct building typology. However there is concern relating to the scale of the proposed development, and the impact this would have upon the character and openness of the area.

As mentioned the site is prominent within the street scene, with land levels within the site changing to reflect the sloped nature of Nottingham Road in this location. The dwellings to the rear of the site are primarily single storey bungalows, are set a considerable distance back from the highway edge, and are characterised by large open frontages.

Plot 1, which is situated at the lower ground level within the site, will have a finished ridge height of approximately 122.5. Plot 2, which is situated at the higher ground level within the site, will have a finished ridge height of approximately 123.1. This is comparable to, or greater than in most instances, other properties within the immediate vicinity of the site, which are typically bungalows or other two storey dwellings which are slightly 'dug-in' to the sloping topography. Other properties within the immediate vicinity range from a finished ridge height of 116 to 123.

The introduction of two dwellings in this location with a high ridge line is considered to cause harm to the openness of the locality and be of detriment to the character of the street scene.

Although the house opposite (No.35) has a comparable ridge height, this is seen against a backdrop of existing built form consisting of two storey dwellings, thus helping it to assimilate with its immediate context, reducing its visual impact upon the area.

The site layout is considered to represent a cramped and contrived form of development due to the restricted frontage of the properties and the limited available space for parking and manoeuvring. This is considered to conflict with the principle design ethos of the NPPF, with the creation of high quality designs and spaces being a fundamental element of the planning process. This shall be discussed further in the highway section.

A section of mature hedgerow, measuring approximately 5.25m in length, will have to be removed to facilitate the new vehicle access on to Nottingham Road. This is considered to further erode and harm the areas character and also disrupt a wildlife corridor.

Overall the development is considered to be a dominant feature within the street scene, which will have a negative and harmful effect on character and appearance of the area.

### **Residential Amenity:**

Policy HG5 of the ALPR 2002 stipulates that residential development will be permitted where the design and layout of properties minimise overlooking and provides a reasonable degree of privacy and security.

The nearest residential property to the development site is 26 Nottingham Road which lies to the west of the site. The dwelling on Plot 1 is to be constructed approximately 6m from this property. Given this distance, in addition to the siting of the proposed dwelling, it is considered that the proposed development will not give rise to any significant massing or overshadowing impact on No. 26, despite the slight ground level differences.

Whilst No. 26 has one window facing towards the application site, this is understood to be a secondary window. The western elevation of the proposed development comprises of three windows; one at ground floor level and two at first floor level. These windows are considered secondary windows, serving a living room, bedroom and hallway. Each of these rooms benefit from main aspect windows sited in the northern and southern elevations, reducing the overlooking impact. A condition requiring these windows to be obscurely glazed could be attached to any grant of permission to address any potential overlooking.

The Council's Residential Design Guide 2014 stipulates a separation distance of 12m between main aspect windows and secondary windows. This distance is complied with when assessing the secondary windows serving a hallway/landing space and bathrooms in the northern elevation of Plot 2 and windows in the front elevation of 31 Nottingham Road and windows in the side elevation of 35 Nottingham Road, both of which are sited to the north of the site. This minimum separation requirement is also complied within when considering the distance between main aspect windows in the southern elevation of Plot 1 and secondary windows in the northern elevation of 34 Nottingham Road to the south.

It is subsequently considered that the proposal will not give rise to any significant impact upon the amenity of any nearby residents which would warrant the refusal of this application.

Turning to future occupiers of the proposed development, each dwelling provides sufficient internal space in accordance with the Council's minimum requirements for three bedroomed properties. The Council's Residential Design Guide SPD stipulates that three bedroomed properties should be afforded a minimum of 70sqm of private amenity space. This requirement is complied with. It is therefore considered that the proposed development will afford any future occupiers with an acceptable standard of amenity.

#### **Highway Safety and Public Rights of Way:**

The NPPF states that applications should ensure that safe and suitable access to the site can be achieved for all users, and that sustainable transport modes should be promoted (Paragraph 110). Paragraph 111 also states that development should be refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impact upon the road network would be severe.

A new access is to be created from Nottingham Road via the removal of a section of hedgerow. 2.4m x 43m visibility splays have been demonstrated on a plan for vehicles egressing the site onto Nottingham Road.

Nottingham Road is a busy thoroughfare to and from Selston and is heavily trafficked. It was also observed at the time of a site visit that the area is also subject to heavy pedestrian traffic at school times due to Selston High School being located a short distance to the east. Pedestrian visibility splays of 2m x 2m at the site entrance have not been suitably demonstrated.

Each property will have three bedrooms, and therefore in accordance with the Council's adopted Residential Car Parking Standards Supplementary Planning Document (SPD), two off-street parking spaces should be provided for each dwelling.

Although two space per dwelling have been provided, it is considered that this layout is inadequate and presents a cramped and contrived parking arrangement. Whilst vehicle tracking plans have been submitted, including revised tracking plans, these demonstrate that vehicle manoeuvring is very tight, and only uses one type of vehicle for demonstration purposes (a 'large car' based on 2006 specs, with a length and width of approximately 5m and 1.87m respectfully). It is considered that more modern, larger vehicles may experience difficulties when trying to manoeuvre to suitably access these spaces.

Furthermore the vehicle tracking plans only show that manoeuvring can be achieved when entering from and leaving the site in a westerly direction. There are reservations as to the functionality of this parking area if cars are entering from and leaving the site in an easterly direction. This was raised by the Highway Authority at the time of the applicants pre-application enquiry with them (which was undertaken prior to the submission of the application to the LPA), and has still not been demonstrated/addressed.

The Highway Authority as part of their comments on the revised swept path indicate that the site layout is inadequate and vehicle manoeuvring is tight, ultimately requiring further detail in the form of simulation speeds for the swept paths.

Additionally if a vehicle was mid-manoeuvre into/out of a space, and a vehicle wished to turn into the site from Nottingham Road, this vehicle would be forced to wait on the public highway, obstructing the free flow of traffic and causing a risk to highway safety. There is no facility for two vehicles to pass at the site entrance or wait within the site whilst a vehicle enters and parks due to the extremely limited space available.

There is a public bridleway which runs parallel to the site's southern boundary. No details have been provided as to how this bridleway would be protected/remain free from obstruction during any construction works etc.

In light of the above comments and policy standing, it is considered that the proposed development fails to provide a safe and suitable access for all users, and is considered to result in an unacceptable impact upon highway safety as a result of a contrived access, parking arrangement and manoeuvring space. Suitable visibility for all users has also not been adequately demonstrated, potentially leading to an increased likelihood of pedestrian-vehicle conflict.

### **Ecology:**

The submitted hedgerow report identifies that the hedgerow has been assessed as having a moderate conservation value from an ecology perspective, and is considered to be a 'habitat of principle importance' under the Natural Environment and Rural Communities Act 2006. Replacement planting of hedgerow is recommended along the site's eastern boundary, with root protection zones being

implemented along other areas of the hedgerow to avoid any undue harm during construction.

A further point of mitigation against the loss of a section of the hedgerow is to integrate bird boxes into each of the properties to provide a permanent opportunity for nesting birds. These boxes should be Schwegler Brick Nest boxes Type 24 (or similar) as these are suited to small birds which are likely to be using the hedgerow.

**Conclusion:**

As the Council cannot identify a 5 year housing land supply, the policies which are most important for determining the application should be considered out of date, particularly in relation to housing, and the presumption in favour of sustainable development should be applied, resulting in the tilted balance.

The NPPF sets out three overarching objectives to sustainable development – economic, social and environmental. These are considered in the context of the overall planning balance.

It is acknowledged that the proposal would provide a number of benefits, including support for small house builders and other economic benefits that would be generated during the construction of the dwellings and occupation thereafter. The proposal would also assist in providing a contribution towards the Districts housing supply, meeting one of the tenets of the social objective of sustainable development.

It is considered that the proposal will not give rise to any significant impact upon the amenity of any nearby residents which would warrant the refusal of this application.

However the scheme would result in an unacceptable impact upon highway safety as a result of a contrived site layout which fails to provide a safe and suitable access for all users, with the access and manoeuvring space also considered to be inadequate. This is likely to result in an increased likelihood of pedestrian-vehicle conflict.

The application site is considered to be in an elevated position in comparison to Nottingham Road, and as such is reasonably prominent within the street scene. The introduction of two dwellings in this location, with a high ridge line is considered to introduce a dominant feature to the locality, causing harm to the openness of the area, and would be of detriment to the character of the street scene.

As such, the limited benefits of the scheme are outweighed by the potential highway safety implications arising from the development and the harm to the visual amenity of the area. Accordingly, the adverse impact of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole. It is therefore recommended this application be refused planning permission based on the above points.

**Recommendation: Refuse planning permission.**

**Reasons:**

1. The development by virtue of its scale and layout would lead to a form of development which is out of keeping with the character of development found within the locality and would appear overly dominant and visually discordant with the prevailing open character of the site and its context. The proposal is therefore considered to conflict with policies ST1 (a and b), HG5 (g) of the Ashfield Local Plan Review (2002), and Part 12 of the National Planning Policy Framework (2021).
2. The proposed development fails to provide a safe and suitable access for all users and is considered to result in an unacceptable impact upon highway safety as a result of a contrived access, parking arrangement and manoeuvring space. Suitable visibility for all users has not been suitably demonstrated, leading to an increased likelihood of pedestrian-vehicle conflict. Consequently, the proposal is considered to conflict with Policies ST1 (a, b and c) and HG5 (e) of the Ashfield Local Plan Review (2002), and Paragraphs 110 and 111 of the National Planning Policy Framework (2021).