



**Ashfield**  
DISTRICT COUNCIL

**MAP SCALE 1:** 1250  
**CREATED DATE:** 11/05/2022

**COMMITTEE DATE**    01/06/2022                      **WARD**        Abbey Hill

**APP REF**                      V/2022/0195

**APPLICANT**                      Ashfield District Council

**PROPOSAL**                      Demolition of Existing Garages and Erection of 3No. 2 Bed Dwellings

**LOCATION**                      Land Off, Darley Avenue, Kirkby in Ashfield, Notts, NG17 7HG

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.1035904,-1.233721,111m/data=!3m1!1e3?hl=en-GB>

**BACKGROUND PAPERS**    A, B, C, D, E, & F

App Registered 23/03/2022                      Expiry Date 17/05/2022

*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 are the applicant, and also owners of the application site.*

**The Application**

This is an application for the demolition of garages on a council owned site and the erection of three dwellings. The dwellings form a row of terraced houses with three, 2 bedroomed dwellings. The proposal also includes areas of hard surfacing for vehicle parking and maneuvering, and the provision of turfed private outdoor amenity space.

**Consultations**

A site notice has been posted together with individual notification of surrounding residents. Two re-consultations were also undertaken with residents and other consultees following receipt of revised plans/additional information.

**Residents:**

**1<sup>st</sup> Consultation**

2 objections from 1 resident were received raising the following:

- Proposed gardens interfere with access to residents' garage

1 comment neither in support or objecting was received raising the following:

- Unsure from plans whether boundary fencing will be provided to a standard that maintains current security and privacy without causing resident expense
- Height of current garages provides privacy and security to nearby residents
- Height and quality of boundary fencing should reflect current boundary
- If any part of boundary is designated for bin storage boundary should be of a standard to withstand wear and tear

### 2<sup>nd</sup> Consultation following amended plans

7 objections from 5 residents received raising the following:

- Not enough access from Darley Avenue
- Access road behind Coniston Road is overgrown, uneven
- 14 garages on Coniston Road which are in use and can only be safely access through Darley Avenue
- Not enough access for emergency services
- Access has been provided to garage however not enough room to reverse trailer onto garden
- Access to side gate of property will be blocked and is needed in case of fire
- Some of the garages are still rented from ADC
- If garages are demolished it will result in at least 6 vehicles needing to find parking
- Already parking problems on Darley Avenue and Coniston Road
- Require assurances that access to garages to rear of properties on Coniston Road will remain
- Darley Avenue already experiences lots of on-street parking
- Vehicles struggle to get up Darley Avenue without garage area to turn around
- Would create highway safety issues and danger
- According to NCC garages cannot be taken down if used

### 3<sup>rd</sup> Consultation following amended plans

3 comments have been received from 2 resident raising the following:

- Land given to get in and out of drive is ok but not enough space for trailer
- Maintenance of residents trees as proposed gardens deny access
- Existing units in good condition apart from flooding
- Lack of publishing is only reason garages are empty
- Used as overspill car park
- Emergency access and waste disposal can already be difficult
- Current users of the site will start parking on roads in area
- Residents won't have access to boundary's
- Waste and sewerage will be connected to a trap which already has discharge from 4 other properties and pipe will be uphill

## **NCC Highways**

### 1<sup>st</sup> Consultation

- As proposal is for three dwellings the roadway may remain a shared private driveway
- Two parking spaces provided for each dwelling is acceptable

- Width of existing access for three dwellings is acceptable and compared to the previous use for several garages this is not an unacceptable intensification
- Note that the parking area will be surfaced and drained
- Note the provision of a Construction Management and Traffic Plan
- Provided that there will be no displacement of parking no objections raised, subject to conditions

#### 2<sup>nd</sup> Consultation following amended plans

- Amended site plan is acceptable, plan demonstrating access/egress for no.13 is also acceptable
- Repeat comments and conditions of 31<sup>st</sup> March

#### **ADC Land Contamination**

- As site is occupied by domestic garages, land may have been contaminated by fuel/oil spillages
- Recommend a watching brief for potential contamination

#### **ADC Environmental Protection**

- No objections

#### **ADC Tree Officer**

- Supplied arboricultural information is adequate and accurately reflects the trees and hedges etc present on site
- Recommend that the arboricultural survey and AMS supplied is used as a nonstandard condition to ensure satisfactory tree retention

#### **Severn Trent Water**

- Foul is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval
- Surface water is proposed to discharge into a soakaway, which we have no comment
- Informative suggested

#### **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) (2021):**

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 (SPD):**

Residential Design Guide (2014)  
Residential Car Parking Standards (2014)

**Relevant Planning History**

None

**Comment :**

**The Site**

The application site is located within the main urban area of Kirkby in Ashfield. The site itself has previously been used as a garage court, with a block of four garages and a block of 14 garages remaining on the site. The site itself is mainly hard surfaced.

There are trees and hedgerows present within the curtilage of neighbouring properties. The area is considered residential in nature and the site is surrounded by existing residential development. Residential properties on Coniston Road access the garages to the rear of their property through the application site. A residential property at No.13 Farm View Road also access their garage to the rear of the property through the application site. No.8 Darley Avenue has a pedestrian Access to their rear garden through the application site. Through the application process amendments have been received to facilitate these existing accesses.

**Main Considerations**

The main issues to consider in the determination of this application are:

- Principle of development
- Visual amenity
- Residential amenity
- Highway safety

**Principle of Development:**

The application site is located within the main urban area of Kirkby in Ashfield where the principle of development is considered to be acceptable, providing no other material planning considerations indicate otherwise.

Paragraph 120 of the NPPF 2021 states that decisions should promote and support the development of under-utilised land and buildings, which amongst other things includes car parks and lock ups, especially if this would help meet identified need for

housing where land supply is constrained and available sites could be used more effectively.

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 Council. The applicant has confirmed that the existing tenants of Darley Avenue have been written to, to inform them of the plans to redevelop the site.

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.

**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 semi-detached properties.

The proposed development will comprise of three, two-storey terraced properties. It is acknowledged that within the immediate vicinity properties are semi detached. Although the development scheme does not mimic the house types, the layout of scheme responds to the abnormal shape of the site and the need to allow access to the garages behind Coniston Road and No.13 Farm View Road.

Through the application process the brick type has been changed due to current availability issues. The dwellings are proposed to be constructed of Ibstock Morpeth blend, slate grey roof tiles and incorporate buff-coloured cills. The design and finishes of properties within the vicinity are a range of red, brown and buff brick. The proposed dwellings will also have a photovoltaic array on the rear roof slope. Therefore, the proposed design and finishes would be in keeping with the area and are considered to not have a detrimental impact on the character of the street scene or visual amenity of the area.

To the rear of the properties are areas of outdoor amenity space and the rear boundary treatments are proposed to be 1.8m high timber fence panels with concrete posts and gravel boards. This is considered in keeping with the boundary treatments in the area. To the front of the properties low level amenity planting is proposed to further improve the appearance of the development.

The site has hedges along some of the existing boundaries and trees within a neighbouring properties ownership. The tree on the boundary of No.12 Darley Avenue is proposed to be removed with the other tree and hedgerows being

retained. An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan has been submitted as part of the application and demonstrates 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 recommended to be attached to any permission.

### **Residential Amenity:**

Concerns have been raised by local residents in respect on maintenance of existing boundaries, and boundary fencing in replacement of the garages.

Whilst concerns have been raised regarding maintenance of boundary treatments this is not a material planning consideration.

However, in relation to concerns raised regarding replacement boundary treatments to existing properties, a plan has been submitted demonstrating that 1.8m high close boarded timber fencing will be erected along the boundaries of No. 8, and No.10 Darley Avenue and No.9, No.11 and No.13 Farm View Road and this will also provide a level of privacy for existing and future occupiers.

In regards to a potential overlooking impact, the Council's Supplementary Planning Document, 'Residential Design Guide' requires a minimum of 21m between main aspect windows and 12m between main aspect windows and secondary windows. The main separation distances are detailed below:

- There is a distance of 21m between the side elevation of the terraced properties and rear corner of No.8 Darley Avenue.
- There is a distance of 7.4m between the rear corner of the terraced properties and the rear corner of No.11 Farm View Road.
- There is a distance of 16.9m between the rear elevation of the terraced properties and rear corner of No.13 farm View Road.
- There is a distance of 19.2m between the front elevation of the terraced properties and the side elevation of the flat no. 10 and 12 Darley Avenue

Taking into account the siting, orientation and sun path it is considered that even though some of the measurements may be slightly under 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 three of the proposed dwellings provide an acceptable level of internal space to adequately accommodate the household which is likely to occupy it. In addition to this, each dwelling has adequate levels of private outdoor amenity space in line with the minimum requirements as set out in the adopted Supplementary Planning Document, 'Residential Design Guide'.

As part of the application a construction management plan has been submitted which details that construction works would take place between 8am to 6pm, Monday to Friday and 8am to 1pm on Saturdays. No construction works will be

carried out on Sundays or Public holidays. The proposed construction hours are considered typical working hours and in the event that noise is causing a nuisance either during or after the construction, such matters can be dealt with under other legislative power.

### **Highway Safety:**

Concerns have been raised by residents in relation to increased traffic/congestion, increased on-street parking, access for emergency services, safety of road users and the impact on highway safety by removing the garages from the current users. The site will be accessed off Darley Avenue and will utilize an existing access which has historically served the garage court located on the site. Therefore the proposed three dwellings on this site likely to result in a less intensive use of the access than has historically been experienced.

Concerns have also been raised in relation to the retention of access to the garages to the rear of Coniston Road and No.13 Farm View Road and also the pedestrian access to No.8 Darley Avenue. Amended plans were received demonstrating that the pedestrian access would not be impacted, and a pathway would be provided to the gate. Plans also demonstrate an access to the rear of No.13 Farm View Road. Access through the site to the garages at the rear of Coniston Road will remain as demonstrated on the plans.

The Highway Authority have provided comments on the scheme and have commented that the width of the existing access is acceptable, and the use is not an unacceptable intensification of the site. As the proposal is for three dwellings the roadway may remain as a shared private driveway. They have commented that as long as there is no displacement of parking no objections are raised subject to conditions.

It is acknowledged that there will be some displacement in parking as the site was still in use however it is considered that this displacement would not be significant enough as to warrant a refusal.

Each dwelling has two off-street parking spaces which meets the council's requirements set out within the adopted Supplementary Planning Document, 'Residential Car Parking Standards'.

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.

### **Other:**

Concerns have been raised in relation to the waste and sewerage being connected to existing drains shared by four other properties and the pipes running uphill. Severn Trent water have been consulted and have commented that connection to

the public sewer will require a formal section 106 connection approval. Therefore, the applicant will need to correspond with Severn Trent Water.

### **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 properties in a sustainable, main urban area location which will also contribute towards the districts social housing stock. The development will provide social benefits and economic benefits during the construction of the dwellings and occupation thereafter.

The proposed development scheme is considered to not have any significant impacts on visual amenity of the area or character of the street scene or the residential amenity of existing and future occupiers. Each property has been afforded adequate off-street parking and any impact from an additional five dwellings on the highway network is deemed to be negligible.

It is therefore recommended that this application is granted planning permission, subject to the conditions detailed below.

### **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 'Ibstock Morpeth Blend' facing bricks and 'Sandtoft Calerdale Slate Grey' roof tiles as per the submitted information, unless otherwise agreed in writing by the Local Planning Authority.
3. This permission shall be read in accordance with the following plans: Site Location Plan and Block Plan, Dwg No. 3146855801, Rev F, received 04/05/2022, Proposed Elevations and Floor Plans, Dwg No. 3146855802, Rev B, received 09/05/2022, Drainage Layout, Dwg No. 3146855805, Rev A, received 01/04/2022, Boundary Treatment Plan, Dwg No. 3146855808, received 18/05/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

4. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (received 11/03/2022).
5. The hereby permitted development shall be carried out in accordance with the submitted Construction Management Plan (received 11/03/2022).
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 (not loose gravel) for a minimum of 8.0 metres behind the highway boundary. 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 the access driveway 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.
8. The hereby permitted development shall be carried out in accordance with the submitted Demolition Method Statement and Demolition Risk Assessments (received 23/03/2022), unless any variation is given in writing by the Local Planning Authority.
9. The proposed dwellings shall include the provision of at least one Bee brick to be included in the design for each property and this detail shall be provided in the constructed dwellings.
10. Any garden fence or other non-permeable structure, should be provided with a small hole (gaps 130 mm x 130 mm and/or railings and/or hedgerows) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site.
11. Prior to the occupation of the hereby approved dwellings, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bat boxes which are to be installed within/on the new dwellings. The boxes shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
12. A) If during the construction works any potential land contamination or unusual odour is encountered, all construction works shall cease immediately and not resume until either:
  - i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.  
or
  - ii. The timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.
- b) If potential contamination is identified pursuant to part (a) of this condition, the development shall not be occupied until land contamination is fully remedied in accordance with a remediation scheme submitted to and

approved in writing by the Local Planning Authority and a post completion verification report, including results of sampling and monitoring carried out, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the site remediation criteria have been met.

## **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 safeguard the visual amenity of the area
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. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
8. In order to minimise disturbance to surrounding properties, and ensure a satisfactory appearance of the site in the interim period between demolition and redevelopment.
9. In the interests of enhancing local ecology.
10. To protect and safeguard the visual amenity of the area and wider natural environment.
11. To reduce the impact of the development on habitats and species.
12. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with NPPF paragraphs 183 and 184.

## **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).Highways
2. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will

seek to assist you obtaining a solution which protects both the public sewer and the building.

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.