



**Ashfield**  
DISTRICT COUNCIL

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

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

**APP REF**                      V/2022/0198

**APPLICANT**                      Ashfield District Council

**PROPOSAL**                      Construction of 3No. 2 Bed Dwellings and 2No. 3 Bed Dwellings

**LOCATION**                      Land Off, Spruce Grove, Kirkby in Ashfield, Notts, NG17 7QB

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.103856,-1.2363615,111m/data=!3m1!1e3?hl=en-GB>

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

App Registered 01/04/2022                      Expiry Date 26/05/2022

*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 erection of five dwellings on a council owned site. The dwellings are in the form of two demi-detached properties with 3 bedrooms (House Type A) and a row of three terraced properties with 2 bedrooms (House Type B). 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. One re-consultation was also undertaken with residents and other consultees following receipt of revised plans/additional information.

### **Residents**

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

2 comments were received from 2 residents raising the following:

- Not enough parking on the street
- Anti-social behavior in area
- Site currently used by local children
- Bedroom window will directly face proposed properties

- Schools already full in area
- Dentists full in area
- Existing council properties need maintenance
- Impact on privacy
- Requested meeting to discuss concerns

## 2<sup>nd</sup> Consultation

- 1 comment was received from 1 person raising the following:
- Need for social area for local children, re-purpose site as children's play area or parking
  - Additional council houses not needed
  - Impact on privacy
  - Overlooking concerns
  - Impact on wildlife - Hedgehogs, owls and bats on the site, stags recently spotted in the area
  - Impact on roads and turning
  - Not enough parking on street and development will intensify this
  - Children won't be able to play out due to builders' vehicles and additional cars to new homes
  - Impact from noise and dust of build
  - Condition of current homes

### **ADC Land Contamination**

- Reviewed the submitted ground investigation report. Ground gas monitoring demonstrated that a site classification of characteristic 1 was applicable so ground gas protection measures not required
- Recommend a watching brief be kept in the event of unexpected contamination being discovered

### **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 from car park and tarmac is proposed to connect into the public surface water 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

### **NCC Highways**

- Standing Advice

### **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**

#### **V/1975/0607**

**Details:** Erection of 158 Houses and 37 Bungalows, 2 Paraplegic Units, 20 OAP Flats and Garages

**Decision:** Conditional

#### **Comment :**

#### **The Site**

The application site is located within the main urban area of Kirkby in Ashfield. The site itself is mainly hard-surfaced. There are trees and hedgerows present within the curtilage of neighbouring properties and on the boundary of the site. The area is considered residential in nature and the site is surrounded by existing residential development. Two properties on Poplar Avenue have a pedestrian access to their rear garden through the application site. Through the application process amendments have been received to facilitate 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.

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.

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 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:**

The area around the site is predominantly residential in nature with properties within the vicinity being mainly terraced and semi-detached properties, although some bungalows are present a short distance away on Sandalwood Drive.

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 slopes of the dwellings. 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.

The site is largely bound by approximately 1.8m fencing of various styles. The application proposes the erection of 1.8m high timber fencing around the gardens and rear boundaries of the proposed dwellings. To the front of the properties low height amenity planting is proposed and 0.45m timber knee rail fencing to demarcate

property boundaries and enclose the planting. The boundary treatments proposed are in keeping with those in the vicinity and are considered acceptable.

On the eastern boundary of the site there is a group of shrubs and a tree located within the rear garden of a neighbouring property. On the western boundary is a hedge located in the front garden of a neighbouring property. The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan indicates that the shrubs are of poor condition and are proposed to be removed to accommodate the development. The submitted tree protection plan indicates that protection fencing will be erected around the remaining tree and hedge during construction works to avoid any undue damage. 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 residents in relation to overlooking, impact on privacy, overlooking, impact from noise and dust, current condition of homes, the need for a social area for children.

The condition of current council properties is not a material planning consideration and should be taken up with the relevant department. It is acknowledged that residents have suggested re-purposing the land for a children's play area however the application can only consider the proposal set out.

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:

- The separation distance between the side elevation of house type A and the side elevation of No. 17 Spruce Grove is 2.8m.
- The separation distance between the front elevation of house type A and the side elevation of No.15 Spruce Grove is 20.5m
- The Separation distance between the corner of the front elevation of house type B and the rear corner of No.15 Spruce Grove is 20.8m
- The minimum separation distance between the side elevation of house type B and the rear elevation of the closest property on Beacon Drive
- The minimum separation distance between the rear of house type A and the rear elevation of the properties on Poplar Avenue is 31.1m.

House type B has no windows in the side elevations. House Type A has two windows in each side elevation however these are both for either a toilet or bathroom. These windows would overlook a blank side elevation of house type B and a blank side elevation of no. 17 Spruce Grove.

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 five 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'.

Concerns have been raised regarding noise and dust from the construction of the proposed dwellings. 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. Within the construction management plan it is also outlined that noisy machinery will be used at times when it will cause minimum disruption or may be fitted with silencing adaptations. Also where necessary measures will be taken to avoid and keep to a minimum the amount of dust created.

### **Highway Safety:**

Concerns have been raised by residents regarding lack of parking for existing properties, impact on parking and turning.

Within the vicinity of the site some properties benefit from driveways and many park on the street. Adjacent to No.15 Spruce Grove is an area of hard standing which appears to be utilized as parking space by residents. Within the proposed development there is space to maneuver within the site. 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'.

The Highway Authority have commented on the application that it can be considered under standing advice.

Taking into 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.

The plans also demonstrate that two accessways will be shut off as a result of the proposal. The first being a pathway running behind the rear gardens of Spruce Grove and Poplar Avenue. The second is an access running behind the rear gardens of properties on Spruce Grove and Beacon Drive. It is noted from comments that there is anti-social behaviour in the area and blocking these accesses off is likely to

help reduce anti-social behaviour by providing less places to congregate that aren't overly overlooked.

**Other:**

Concerns have been raised in relation to impact on wildlife including hedgehogs, owls and bats and apparently deer have been spotted in the area. As part of the application process a preliminary ecological appraisal was submitted which concluded that the site is of limited ecological merit. Conditions have been added to address concerns in relation to bats and hedgehogs.

Concerns have been raised regarding insufficient infrastructure being available for the proposal such as lack of school places and dentists. As per the local development plan and planning practice guidance planning contributions are not typically sought for developments of less than 10 dwellings.

**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 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. This permission shall be read in accordance with the following plans: Site location Plan and Block Plan, Dwg No. 3146856101, Rev C, received

22/04/2022, Type A Proposed Elevations & Floor Plans, Dwg No. 3146856102, Rev B, received 09/05/2022, Type B Proposed Elevations & Floor Plans, Dwg No. 3146856103, Rev B, received 09/05/2022, Drainage Layout, Dwg No. 3146856106, Rev A, received 22/04/2022, Boundary Treatment Plan, Dwg No. 3146856108, 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.

3. 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 Calderdale Slate Grey' roof tiles as per the submitted information, 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. 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.
7. 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.
8. 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.
9. a) If during the works any additional suspected contamination is encountered, all works in the relevant part of the site 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. 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.

Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.

- b) The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first 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 that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. To safeguard the visual amenity of the area
5. In order to minimise disturbance to surrounding properties.
6. In the interests of enhancing local ecology.
7. To protect and safeguard the visual amenity of the area and wider natural environment.
8. To reduce the impact of the development on habitats and species.
9. To protect future occupiers of the development, from unacceptable land contamination risk in accordance with NPPF, paragraphs 183 & 184. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan the development process could result in the spread of contamination and a risk to public health.

## 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. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).
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.