



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 05/01/2024

COMMITTEE DATE 24/01/2024 **WARD** Hucknall Central

APP REF V/2022/0888

APPLICANT Billy McCulloch

PROPOSAL Outline Application with Some Matters Reserved for a Dwelling

LOCATION Land off, Munks Avenue, Hucknall, Notts

WEB-LINK <https://www.google.com/maps/@53.0362774,-1.2152442,19.25z?entry=ttu>

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

App Registered 31/10/2023 Expiry Date 25/12/2023

Consideration has been given to The Equality Act 2010 in processing this application.

This application has been referred to Planning Committee by former Cllr Mitchell and Cllr Rostance to discuss resident concerns, overdevelopment of the site and impact on visual amenity

The Application

This is an outline application for a dwelling with landscaping being the only reserved matter. The dwelling is proposed to be a 3 bedroomed, detached dwelling located on a former garage site at the end of Munks Avenue.

The application site is located within the main urban area of Hucknall. The site itself is a plot of land located at the end of a cul-de-sac and is believed to have formerly been used as a garage site. The site appears to be hard surfaced but has become overgrown. Along the southern boundary of the site there is a watercourse.

Consultations

Site Notices have been posted together with individual notification of surrounding residents.

Residents

(1st Consultation)

12 letters of objection have been received raising the following:

Highways

- Land not big enough for mandatory 8m of hard-bound drive
- Will cause additional cars on overcrowded street
- Additional car movements, fumes and parking
- Existing parking issues, cars park dangerously, block drives
- Area in front of site has always been only area to turn vehicles
- Loss of turning area will cause vehicles to reverse onto Garden Road
- Not enough on street parking
- Not enough room for construction vehicles
- Construction vehicles may damage residents cars

Residential Amenity

- Impact on residents mental health, cause tension and upset amongst residents
- Impact on privacy
- Less sunlight, overshadowing
- Impact from noise
- Doesn't meet SPD Residential Design Guide in respect of layout, size of site, room sizes, facilities, separation distances and impact on neighbours
- Windows facing neighbouring properties
- Will add to existing issue with anti social behaviour and noise
- Should be restricted to a bungalow
- 3 storeys will overpower cul-de-sac

Other

- No provision for water, sewage, drainage, gas or electric
- Impact on variety of wildlife, destroy valuable ecosystem, lose habitats
- Developer should be required to do a full survey on wildlife
- Safeguards are required to ensure the integrity of environment and biodiversity during construction
- Already cut down mature trees and trimmed hedge
- Area is already overcrowded
- Land is not supposed to be used for building
- Watercourse already floods, proposal will increase flood risk
- Being sought after for money purposes, will only benefit developer
- Size of area not big enough for proposed development
- Development will not make a big enough difference on housing target requirements
- Expect it to be dealt with by committee, not delegated
- Submitted over Christmas and only normal consultation period given
- Not a named site, contrary to policy
- Doesn't differ from withdrawn application, previous application was impactful
- Right to privacy and peaceful enjoyment is covered by Human Rights Act
- Permitted development rights should be withdrawn
- Developer should be required to provide funds to improve remaining strip and stream

- Questions surrounding sale of land
- Residents felt need to sell home
- Concerns over boundary disruption
- Concerned where materials will be stored

(2nd Consultation)

6 Letters of objection have been received raising the following:

- Can't understand why the layout plan has gained more land without justification
- Cause numerous disruptions to neighbouring properties
- Cul-de-sac is not designed for large amount of cars
- Access is tight
- Small turning point
- Heavy goods vehicles can't access site and will block road
- Machinery going up and down road will pose risk to residents
- Destruction to wildlife
- Loss of privacy, overlooking
- Too many cars on the street without the proposal
- Area has only been assessed whilst residents are at work, so there are less cars
- Have to reverse down road if turning area blocked onto a busy road with a blind bend
- Land is inappropriate to be built on
- Assume only reason it's being considered is for financial reasons
- Environmental, social and local damage
- Adjacent stream floods more frequently over last couple of years
- Proposal will add to flooding

Councillor Comments

1 comment has been received from Councillors Parvin and Waters objecting and raising the following points:

- Whole area will be affected. As we saw in recent flooding events Hucknall was affected badly. Building on this land will put at least 50 properties at risk from further flooding which is unacceptable. Flood risk comes from stream that runs nearby and already floods during heavy rain. Site is between two areas that saw major flooding weeks ago during storm Babet. More building will exacerbate risk.
- In the planning assessment of Flood risk publicised on the Councils website, it clearly shows that the site is within a flood risk area, that the site is within 20m of a watercourse and the application is somewhat dependant on this already flooding watercourse for drainage.
- Within the planning assessment of flood risk the applicant indicates that the proposal will not increase flooding. We see no survey that supports this statement.

- Planning assessment of flood risk states that surface water will be dealt with by a sustainable drainage system however, we see no details of such within the application apart from using a watercourse that already floods.
- Notice that the disposal of foul sewage has not been dealt with and is listed as unknown. This needs to be clearly dealt with.
- Nature has taken its course on the site . residents have concerns that wildlife has taken hold of site. the area is now a habitat. As none of the wildlife has been surveyed nobody knows what the true extent of destruction that building would bring. Mature trees on the site which need to be protected. Having wildlife in residential area can only be beneficial and provide amenity value.
- Quoted chapter 15 of NPPF in relation to net gain for biodiversity and establishing ecological networks and have states they believe the small developing area of wildlife should benefit from the paragraph in the NPPF.
- Concerns of congestion on Munks Avenue and Garden Road. Munks Avenue is overcrowded with cars. More vehicles will cause more noise and air pollution and exacerbate ongoing parking concerns.

NCC Highways

(1st Consultation)

- From a highways perspective the addition of a 3 bedroomed dwelling at this location is unlikely to give rise to highway safety issues. Two parking spaces are shown which is in accordance with the LPA's own parking standards. Provision of cycle parking should also be provided but could be a preoccupation condition. Further guidance can be found in part 4.1, Residential Parking of the revised Nottinghamshire Highway Design Guide.
- The unusual issue is however that the red line boundary does not adjoin the adopted highway. The far end of Munks Avenue is not adopted highway and thus the applicant needs to serve notice on the landowner and would need their permission to access the land.

(2nd Consultation)

- Standing Advice

Severn Trent Water

- Planning practice guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method . If this is not practical and there is no watercourse available as an alternative other sustainable methods should be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.
- Please note for the use or reuse of sewer connection either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the company in section 106 of the Water Industry Act 1991.
- Informative suggested

ADC Land Contamination

- No objection in principle however as the former use of the land was as domestic garages, recommend a watching brief as a condition

Environment Agency

- On this occasion the Environment Agency will not be making any formal comment on the submission as the development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.
- No other environmental constraints of the site that fall within the remit of the Environment Agency.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review (ALPR) (2002)

ST1 – Development
ST2 – Main Urban Area
HG1 – Housing Land
HG5 – New Residential Development

National Planning Policy Framework (NPPF) (December 2023)

Part 2 – Achieving sustainable development
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 and beautiful places

Supplementary Planning Documents (SPD)

Residential Design Guide
Residential Car Parking Standards

Relevant Planning History

V/2022/0729

Details: Outline application with some matters reserved for a dwelling

Decision: Withdrawn

Comment :

Main Considerations

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

- Principle of Development
- Visual Amenity

- Residential Amenity
- Highway Safety

Principle of Development

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

Paragraph 124 of the National Planning Policy Framework (December 2023) states that decision 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 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.

Visual Amenity

The proposed dwelling will be two storey with living space proposed in the roof. The materials proposed are red multi-brick to match the street elevation and traditional rosemary grey roof tiles. Munks Avenue consists of red brick properties with what appears to be brown tiled roofs however there are variations in roof tile colours in the wider vicinity of the site.

The street scene of Munks Avenue is made up of semi detached properties. The property proposed is detached however it is considered that it would not look at odds or have an impact on the character of the street scene or area but instead will be a variation in the street scene.

The dwelling is considered to be of an acceptable design and will be set back in the plot. It is considered that the proposal would not have an impact on the visual amenity of the area or the character of the street scene.

Residential Amenity

The proposed dwelling will provide an acceptable level of internal space and private outdoor amenity space in line with the minimum requirements set out in the Council's adopted supplementary planning document 'Residential Design Guide' (2014).

Concerns have been raised by residents in relation to an impact on privacy, loss of sunlight and overshadowing.

The adopted supplementary planning document as discussed above also requires a minimum separation distance of 21m between main aspect windows and 12m between main aspect windows and secondary windows or blank elevations. The proposal will have the following separation distances:

- Varying distances of approximately 10.2m to 11.9m between the side elevation of the proposed dwelling and rear elevations of properties on Linnet Way
- Approximately 3m between the side elevation and No.11 Munks Avenue and the side elevation of the proposed dwelling,
- Over 21m between the proposed rear elevation and the rear elevation of properties on Hawthorne Avenue
- Over 21m between the proposed front elevation and the front elevation of No.12 Munks Avenue

It is acknowledged that the separation distance falls short between the side elevation and the rear elevations of the properties on Linnet Way however the side elevation facing those properties will only have 1 obscure glazed window at ground floor and there are trees and a hedge along the intervening boundary. Therefore it is considered unlikely that any detrimental overlooking or loss of privacy would occur in relation to properties on Linnet Way. In relation to a loss of light to these properties on Linnet Way, it should be acknowledged that the rear elevation of the properties in question on Linnet Way are North facing and as stated above there are trees and a hedge running along the boundary therefore it is considered unlikely that any detrimental loss of light impact would occur and if it did it would not be detrimental enough to warrant a refusal on this basis.

No.11 Munks Avenue has 2 windows and 1 door at ground floor and 1 window at first floor in the side elevation facing the application site. The proposed dwelling has 1 obscure glazed window at first floor and due to the siting of the dwelling this would not be in line with any windows in the neighbouring property. Therefore, it is considered unlikely that any detrimental overlooking or loss or privacy would occur.

The windows in the side elevation of 11 Munks Avenue are obscure glazed with the exception of one which serves the hallway. Due to the siting of the proposal it is accepted that the windows will be impacted to some extent in relation to a loss of light but they serve non-habitable rooms. It is therefore considered that due to this fact a refusal on this basis would not be warranted..

A concern has been raised in relation to a possible impact on the sites boundaries. The proposed dwelling is set away from all boundaries no trees or hedges are proposed to be affected, landscaping is a reserved matter and details of boundary treatment is suggested to be required by condition.

Concerns have been raised by residents in relation to an impact on the mental health of residents. Any impact arising in respect of the construction and occupation of one dwelling would not warrant a refusal of planning permission on this ground. Further

concerns have been raised surrounding noise, nuisance, and disturbance from the proposal and construction. Whilst it is acknowledged that there will be a level of noise associated with a residential dwelling this cannot be assumed to be any more significant than any other residential property. Similarly it cannot be assumed that there will be disturbance and nuisance caused by future occupants. In respect of the construction it is acknowledged that this will impact residents to some extent but this would only be for a temporary period during the build of the property so the application would not warrant a refusal on this basis and it is likely that any noise or disturbance that arises would not go above what could be reasonably expected for a dwelling being built. If a statutory nuisance occurs this can be controlled through other legislation.

In relation to concerns raised about damage to vehicles during construction and storage of materials this would be for the applicant and their builders to address if issues were to occur.

Residents have also raised questions in relation to the sale of the land and have stated they were advised that it could not be built on. The sale of the land is not a material planning consideration. A planning application can be submitted and each application is assessed based on its own merits.

Highway Safety

Nottinghamshire County Council Highways have been consulted on the application and have commented that from a highways perspective a 3 bedroomed dwelling in this location is unlikely to give rise to highway safety issues. Two parking spaces have been provided in accordance with the local planning authority's standards and whilst cycle parking should also be provided this could be secured under a pre-occupation condition. They did raise concerns that the red line boundary does not adjoin the adopted highway, this was amended and is now considered to be satisfactory.

Residents have raised concerns in respect of the existing lack of on-street parking, loss of a turning area, impact from more cars, impact from noise/fumes, impact from construction traffic, impact from additional car movements.

This proposal is for 1 dwelling only with off street parking provision. The construction may have a limited impact for the short period of time it takes for the dwelling to be erected but this would not be excessive or warrant a refusal of planning permission. Noise, fumes and additional car movements from 1 dwelling will only result in a minimal impact and this is unlikely to have a detrimental impact on residents.

Concerns around the loss of a turning area have been raised but it should be noted that the vehicular access will restrict on street parking at the end of the cul-de-sac and will ensure that adequate space is available for vehicles to turn around.

In accordance with the Councils adopted supplementary planning document 'Residential Car Parking Standards' (2014) a 3 bedroomed property should provide 2 off-road parking spaces. The submitted plans demonstrate that 2 off-road parking spaces can be achieved to the front of the proposed dwelling with one of them detailed as having an EV charging point. On the proposed ground floor layout it is indicated that storage for 4no. cycles will be provided to the rear of the property.

Overall, it is considered unlikely that the addition of 1 dwelling at the end of the cul-de-sac will give rise to any detrimental impacts on highway safety or highway capacity.

Other

Flooding

Concerns have been raised in relation to an impact on the existing watercourse that runs adjacent to the site and an increased flood risk.

The Environment Agency have been consulted on the proposal and have commented that the site lies within flood zone 1 therefore there are no fluvial flood risks associated with the site.

The concerns raised are acknowledged however no concerns have been raised by the Environment Agency and it has been confirmed that the site is within flood zone 1 and it is not identified to be at high or medium risk from surface water flooding. To ensure that adequate drainage for the disposal of surface water and foul sewage is installed it is recommended that a condition is attached to any favourable decision requiring details to be submitted prior to works on site commencing..

Ecology and Trees

Concerns have been raised in relation to an impact on wildlife, biodiversity and a loss of habitats. The site appears to be mainly hard surfaced and has become overgrown in some areas with limited shrubbery and overgrowth. Whilst it is acknowledged that there may be some wildlife on the site, the site could be cleared without requiring planning permission.

There are a number of trees and a hedgerow along the boundary with the watercourse however this appears to be outside of the site boundary. Whilst the applicant may need to trim the trees/hedge back if this is not within their ownership they would need the landowners permission to remove it.

It is recommended that conditions are attached to any forthcoming favourable decision requiring bee bricks, bat boxes and bird boxes to be installed in the interests of ecology. A condition is also recommended for details of boundary treatment to be submitted and for this to have holes within it for hedgehogs and other small mammals.

Conclusion :

Having reviewed the submitted information and comments received against all relevant policies and material considerations it is considered that the proposal is unlikely to have a detrimental impact on visual amenity, residential amenity and highway safety. In addition to this it is also considered unlikely that the proposal would have a detrimental impact on ecology and the site is located within flood zone 1 so does not raise significant flood risk concerns. Due to the above the application is recommended for conditional consent.

Recommendation: - Grant Consent Conditionally

CONDITIONS

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - (a) Landscaping
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of 2 years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. This permission shall be read in accordance with the following plans:
 - Site Location Plan, Dwg No. (90)001, Rev 2, received 31/10/2023
 - Proposed Block Plan, Dwg No. (90)005, Rev 3, received 31/10/2023
 - Proposed Ground Site Plan, Dwg No. (90)002, Rev 3, received 31/10/2023
 - Proposed First Floor Site Plan, Dwg No. (90)003, Rev 3, received 31/10/2023
 - Proposed Roof Floor Site Plan, Dwg No. (90)004, Rev 2, received 31/10/2023
 - Proposed Elevations & Floor Plans, Dwg No. (20)001, Rev 1, received 06/12/2022
5. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted and approved prior to the commencement of the development and shall be implemented in accordance with the approved details before the development is first brought into use.
6. No development shall take place past slab level until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the

development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.

7. No development shall take place past slab level until details of the proposed treatment of the sites boundaries have been submitted to and approved in writing by the Local Planning Authority. Any garden fence or other non-permeable structure (and/or railings and/or hedgerows) should be provided with small holes (gaps 130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed site. Such holes in the boundary treatments shall thereafter be retained in perpetuity.
8. Prior to the occupation of the hereby approved dwelling, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird and bat boxes/bricks and bee brick(s) which are to be installed within the fabric of the new dwelling. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
9. The window(s) in the side elevation(s) shall be glazed in obscure glass and maintained as such in perpetuity. Such work to be completed prior to the commencement of use of the hereby permitted development.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no windows, other than those shown on the approved drawings, shall be formed on the side elevation(s) of the hereby approved dwelling without the prior written approval of the Local Planning Authority.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development relating to Classes A - E of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.
12. Potential Land Contamination
 - 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 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
4. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
5. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
6. To ensure the satisfactory appearance of the development.
7. In the interests of residential amenity and enhancing local ecology.
8. In the interests of enhancing local ecology.
9. To safeguard the amenities of residents living in dwelling(s) located in the vicinity of the application site.
10. To safeguard the amenities of residents living in the vicinity of the application site.
11. To safeguard the amenities of residents living in the vicinity of the application site.
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).
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.