



MAP SCALE 1: 500
CREATED DATE: 03/06/2024

COMMITTEE DATE 12/06/2024 **WARD** Hucknall Central

APP REF V/2024/0099

APPLICANT Maria Mcculloch

PROPOSAL Outline Planning Permission With Some Matters Reserved For
1No Three Bedroom Detached 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 28/02/2024

Expiry Date 23/04/2024

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

This application has been referred to Planning Committee by Cllr Waters 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 and hedgerow.

Consultations

A site notice has been posted together with individual notification of surrounding residents.

Residents

12 letters of objection have been received raising the following points:

Residential Amenity

- Loss of privacy with windows overlooking neighbouring gardens.
- Loss of light and overshadowing neighbouring gardens.
- Noise and disturbance during construction.
- Impact on mental health.

Highway Safety

- Increase in cars on overcrowded street and noise and pollution.
- The access is inadequate, cannot turn around and vehicles will reverse down the street on to busy road
- Residents cars may be damaged by construction vehicles.
- Children will not be able to play safely outside.

Other

Flooding

- Surface water runoff from neighbouring gardens into stream will be stopped.
- If stream cannot be accessed for maintenance the flooding will worsen.
- Adding a further property will increase flooding.
- Land is not big enough to provide mandatory 8m of hard-bound drives/parking to aid surface water run-off.
- Where will sewage go, drains already get blocked.

Ecology

- The boundary hedge and trees have diverse animal life (owls, foxes, hedgehogs, birds, insects, moths, butterflies etc) which will be destroyed.
- The hedge should be protected.
- previous reasons for refusal not addressed.
- It will remove access to rear of adjacent garden.
- Over intensive development and is not the answer to providing more housing.
- Previously advised that this land could not be built on.
- Money making initiative.

The Coal Authority

The site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make.

Environment Agency

The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

NCC Highways

The application states that the site formerly housed garages associated with allotments which have been developed.

Munks Avenue is a cul-de-sac which takes access from Garden Road. It currently serves 12 dwellings. The Highway Authority considers that the addition of a further dwelling to Munks Avenue will not give rise to a material impact on highway capacity or safety on Munks Avenue.

The 3 bedroom dwelling would require 2 parking spaces in accordance with the Local Planning Authority's car parking standards. 2 parking spaces are shown on site with one providing an electric vehicle charging point.

There is clear demarcation on Munks Avenue of the highway boundary. The access will not involve works within the highway and a dropped vehicular crossing already exists. The Highway Authority therefore has no objections and recommends planning conditions to require parking and turning to be provided in hard bound material with surface water restricted from discharging into the highway and secure cycle parking to be provided.

Local Lead Flood Authority

Having considered the scale of this application the LLFA believes it is not required to respond to this application, as such, we will not be making any bespoke comments.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

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

V/2022/0888

Details: Outline application with some matters reserved for a dwelling

Decision: Refusal

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 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 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.

Since the previous refusal of planning permission the plans have been amended and now show the property meets the space between buildings standards as required in

the Council's Supplementary Planning Document, "Residential Design Guide (2014)". This was the main concern in the reason for refusal which has now been overcome. This is further explained in detail below.

Visual Amenity

The proposed dwelling will be a two storey detached dwelling with 3 bedrooms. 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. There are detached dwellings amongst other house types within the wider vicinity of the street. 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 light 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:

- 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
- Varying distances of 12m+ between the blank side elevation of the proposed dwelling and rear elevations of properties on Linnet Way
- Approximately 2.5m between the blank side elevation of the proposed dwelling and the side elevation of No.11 Munks Avenue.

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 blank side elevation of the proposed dwelling.

The windows and door with the exception of a hall window previously had obscure glazing. The first-floor window appears to serve a landing area and has recently been changed to not be obscure. None of the windows serve habitable rooms it is considered unlikely that any detrimental overlooking or loss of privacy would occur.

It is accepted that the windows serving the side of No.11 will be impacted to some extent in relation to a loss of light however as they are mostly obscure glazed and serve non-habitable rooms or are secondary windows It is considered that a refusal on this basis would not be warranted.

The proposal now meets the required separation distances set out within the Council's adopted supplementary planning document 'Residential Design Guide' therefore overcoming the policy reason for refusal in the previously refused application, as such no concerns are raised in relation to overlooking, overshadowing, overbearing or a loss of privacy on

A concern has been raised in relation to a possible impact on the site's 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.

Further concerns have been raised surrounding noise, nuisance, and disturbance from the proposal and construction as well as the impact on the mental health. 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.

A claim is made that the land could not be built on. It is unknown where this arose but each application is assessed based on its own merits.

Highway Safety

Nottinghamshire County Council Highways have raised no objections to the proposal stating the addition of a further dwelling to Munks Avenue will not give rise to a material impact on highway capacity or safety on Munks Avenue. The two parking spaces proposed accord with the local planning authority's standards and an electric vehicle charging point is included.

Residents have raised concerns in respect highway matters however this proposal is for 1 dwelling only on what was previously a parking /garage site, it therefore reduces the possible vehicles attracted to the site via Munks Avenue. It provides

adequate off street parking and it is unlikely that it would significantly increase any existing on street parking issues or increase any danger towards pedestrians and cars. The access to the site is as existing which provides sufficient space to access and egress from the site, there are therefore no concerns in relation to the access. 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 lack 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 relation to concerns raised about damage to vehicles during construction this would be for the applicant and their builders to address if issues were to occur.

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 and was not a reason to refuse the proposal previously.

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 Local Lead Flood Authority have also commented and do not provide any bespoke comments only a general guide for all developments.

The concerns raised are acknowledged however no concerns have been raised by the Environment Agency or Local Lead Flood Authority 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. Concerns in respect of flooding were not a reason planning permission was previously refused.

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. Ecology and trees were not a reason planning permission was previously refused.

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. The application is considered to have overcome the policy reasons for refusal set out within the previous decision by demonstrating adequate separation distances in line with the Council's adopted supplementary planning document. 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.

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 1, received 26/02/2024
 - Proposed Block Plan, Dwg No. (90)005, Rev 1, received 26/02/2024
 - Proposed Ground Site Plan, Dwg No. (90)002, Rev 2, received 26/02/2024
 - Proposed First Floor Site Plan, Dwg No. (90)003, Rev 1, received 26/02/2024
 - Proposed Roof Floor Site Plan, Dwg No. (90)004, Rev 1, received 26/02/2024
 - Proposed Elevations & Floor Plans, Dwg No. (20)001, Rev 1, received 26/02/2024
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. 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 8m 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.

10. 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.
11. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure parking of cycles, provision of secure cycle equipment storage facilities and electric vehicle charging facilities in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.
12. 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 shall be formed on the side elevation(s) of the hereby approved dwelling without the prior written approval of the Local Planning Authority.
13. 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.
14. 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 reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
10. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
11. In the interest of promoting sustainable transport.
12. To safeguard the amenities of residents living in the vicinity of the application site.
13. To safeguard the amenities of residents living in the vicinity of the application site.
14. 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).