



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 23/05/2024**

**COMMITTEE DATE** 31/07/2024                      **WARD** Annesley and Kirkby  
Woodhouse

**APP REF** V/2023/0691

**APPLICANT** J Taylor

**PROPOSAL** Residential Development for 8 Dwellings

**LOCATION** J.T. Timber Supplies, Cross Road, Annesley, Nottingham,  
NG15 0AH

**WEB-LINK** [https://www.google.com/maps/@53.0758235,-  
1.2344382,20z?entry=ttu](https://www.google.com/maps/@53.0758235,-1.2344382,20z?entry=ttu)

**BACKGROUND PAPERS** A, B, C, D, E, F, G, K

App Registered 06/12/2023                      Expiry Date 30/01/2024

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

*This application has been referred to Planning Committee by Cllr Huskinson to discuss highway safety, impact on the street and impact on the conservation area.*

### **The Application**

This is an application for a residential development of 8 semi-detached dwellings with associated parking spaces. The application site comprises an existing timber yard which falls within the Annesley Conservation Area as identified under policy EV2 of the Ashfield Local Plan Review (2002). To the north of the site is open space with dwellings beyond, to the west is open space also in the ownership of the applicant with dwellings beyond, to the south is a wooded area and to the east is an old commercial building with dwellings beyond.

### **Consultations**

A site notice and press notice have been posted together with individual notification of surrounding residents.

### **Residents**

(1<sup>st</sup> Consultation)

8 letters of objection have been received raising the following:

- Restricted visibility
- Witnessed accidents happen
- Impact on view
- Substantial development for small area
- Sharp turn onto road, narrow road, bottle neck
- Existing bus stops on both sides of road
- Have to swing across road into opposing traffic as existing
- Already unsafe for traffic
- Already struggle to get around the bend
- No amenities, schools are full, drs are full
- Impact from more parked cars
- Impact on safety of pedestrians and drivers
- Impact on trees and wildlife
- Impact on conservation area
- Dangerous junction
- Increase in vehicles during construction
- Disruption during construction, where will vehicles park
- Increase in parked vehicles from second vehicles, vans and visitors
- Impact from noise
- Impact getting in and out of junction
- Stress and upset with noise, dust, mess, lack of consideration from drivers during construction
- Don't need more housing
- Could local shop or community hub be considered

3 letters of support have been received raising the following:

- 8 new houses will be better for the area than the current business, if they have their own off road parking
- Speeding traffic in the area needs to be addressed to make the turning from Annesley Cutting into Cross Road safer.
- Use of brownfield site
- Looks to provide great affordable family homes
- No detriment to the area
- Properties have 2 off street parking spaces and continuous dropped curb, believe this will have negligible impact on public highway
- 

(2<sup>nd</sup> Consultation following submission of amended plans)

2 letters have been received objecting and raising the following:

- Impact from extra vehicles
- Impact during building
- Existing situation is bad with vehicles blocking traffic entering and existing junction
- Impact on residents that use the section or road to access their properties
- Village is too small for more houses
- Dangerous junction, numerous accidents

- Concerns around children crossing road
- Vehicles have to wait to get past

### **Nottinghamshire County Council Highways**

#### (1<sup>st</sup> Comments)

- All proposed dwellings are to be served by a single dropped kerb footway crossing to be provided along the whole length of the site frontage to Byron Road.
- Each dwelling has 2 car parking spaces, in accordance with the local planning authority's minimum standard. Cycle parking and EV charging are also to be provided.
- Applicant has shown 2.4m x43m visibility splays from the site access points. A 43m major road visibility distance is appropriate for an 85<sup>th</sup> percentile approach speed of 28mph. However, the applicant has provided no traffic surveys to justify the choice of distance. Traffic speed surveys are needed to confirm the required major road visibility splay distances for the site access.
- The site layout plan appears to be based on Ordnance Survey mapping, rather than on a topographical survey. It is not possible to determine with certainty that the visibility splay shown to the west of the site can be achieved within highway land or whether the splay crosses the open space land to the west of the site.
- Once the appropriate visibility splay requirements have been determined, the splays should be accurately plotted on a topographical survey base map to confirm whether they can be achieved over highway land.

#### (2<sup>nd</sup> comments following amended plans being submitted)

- Proposal shows a widening of the footway along the site frontage and an amendment to the planning application boundary which ensure provision of satisfactory visibility splays from reach of the driveways.
- No objections subject to a number of recommended conditions.
- The area of land which is used to accommodate the widened footway should be dedicated to the highway authority as public highway. The applicant should confirm this in writing following the grant of planning permission.

### **Annesley and Felley Parish Council**

- Highway safety
  - o Junction of Annesley Cutting/Cross Road/Moseley Road is already dangerous
  - o On entering into cross Road from Annesley Cutting cars have to move to the centre of the road and generally enter on the wrong side of the road
  - o Proposed development will necessitate vehicles moving on and off their driveways from and onto Cross Road, by reversing.
  - o Significant increase in the risk of a collision taking place

- Bus stops on Annesley Cutting close to the junction which present another hazard for road users and pedestrians with the increase in traffic
- Potential contaminated Land
  - Understood that the land on which the proposed development will take place has a past record of contamination from leaking chemicals.
  - Suggest a ground survey is conducted prior to any decision being made.

### **ADC Conservation Officer**

(1<sup>st</sup> Comments)

- Principle of development is acceptable
- Design and details of the proposed are poor, whilst the excessive use of PV to the front elevation would also detract from the character and appearance of the Conservation Area.
- Considering the adjacent site which we have worked closely with the architect to achieve a much higher quality design, I think that the effect on the Conservation Area would result in a degree of less than substantial harm, against which the public benefits of the scheme should be weighed.

(2<sup>nd</sup> comments following receipt of amended plans)

- No objections, consider that they will relate well to the Conservation Area and the street scene.
- Recommend conditions on all facing materials and sections and details of all windows to be submitted prior to commencement.

### **ADC Land Contamination**

(1<sup>st</sup> Comments)

- Number of potential contaminative activities on the site including factory works, major fires, reported chemical leak, and therefore I would recommend a full contaminated land condition be appended to any permit issued to this proposed development.
- Condition recommended

(2<sup>nd</sup> Comments following receipt of amended plans)

- Confirm previous comments still stand

### **Nottinghamshire County Council Policy**

- The application is for 8 dwellings thus falling below the current threshold of 10 dwellings or more for consultation.

### **Severn Trent Water**

- Condition recommended for drainage plans for surface water and foul sewage to be submitted and approved prior to commencement
- 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 also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. Severn Trent objects to any proposal to dispose of surface water to a combined or foul sewer.

- Suggested informative

### **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

ST3 – Named Settlement

EV10 - Conservation Area

RC3 – Formal Open Space

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

Part 16 – Conserving and enhancing the historic environment

#### **Supplementary Planning Documents (SPD)**

Residential Design Guide

Residential Extensions Design Guide

Residential Car Parking Standards

### **Relevant Planning History**

V/1982/0480 – Site for Light Industrial Building – Refuse

V/1984/0201 – Site for Residential Development Roadworks, Landscaping & Amenity Areas – Conditional

V/1986/0091 – Change of Use to Retail Sale of Caravans with Car Parking – Refuse

V/1986/0233 – Site for Residential Development - Refuse

V/1986/0699 – 1. Landscaping of 4 ha. of Derelict Land, 2. Provision of Rear Access to Houses on Byron Road, 3. Upgrading of Rear Access to Houses on Mosley Road, 4. Provision of Car Parking Areas to Houses on Mosley Road - Conditional

V/2000/0843 – Change of Use to Car Park and Storage – Refusal

V/2001/0629 – Outline Application for Prefabricated Warehouse – Refusal

V/2004/1199 – Site for Residential Development – Withdrawn

V/2009/0562 – Construction of New B1 Light Industrial Units and Associated Car Parking and Servicing Area – Conditional

V/2018/0363 – Construction of Industrial Unit (B1) and Associated Car Parking and Servicing Areas – Withdrawn

V/2022/0849 – 2 Dwellings with Parking Spaces – Withdrawn

V/2023/0219 – Dwelling and Associated Works - Refusal

### **Comment :**

#### **Main Considerations**

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

- Principle of development
- Heritage and visual amenity
- Residential amenity
- Highway safety

#### **Principle of Development**

The site is identified as being within a conservation area with a small part of the site being designated as formal open space within the ALPR (2002).

Policy RC3 sets out that development which would lead to the loss of formal open space will only be permitted where it complies with the criteria set out. It also goes on to state a planning condition or planning obligation will be negotiated as appropriate to secure off site provision. The area of site identified as formal open space has been included within the site boundary to ensure that adequate visibility splays can be provided and no development is proposed on the section of formal open space. Therefore it is considered that the proposal would not impact the formal open space or result in its loss.

#### **Heritage and Visual Amenity**

Policy EV10 sets out criteria where development will be permitted in Conservation Areas. The supporting text for the policy details that the new development should respect the character of the existing architecture in terms of scale, grouping and materials. The overall character of the area will also be an important consideration, applying to features such as walls, paving, verges, trees, street furniture and spaces between dwellings which can be as significant as the buildings themselves. Part a of Policy EV10 states that development will be permitted where it preserves or enhances the character and appearance of the area, or its setting.

Following amendments to the proposal the Councils Conservation Officer has commented that they have no objections to the proposal and consider that they will relate well to the Conservation Area and the Street Scene.

Concerns have been raised in relation to an impact on the conservation area and the village being too small for more houses.

The proposal consists of the erection of 8 semi-detached dwellings with brick detailing, canopies over the doors and chimneys. Materials are to be secured through a condition prior to commencement of the works. Within the vicinity of the site are a mixture of materials therefore it is considered that appropriate materials can be agreed. Due to the proposal being within the Conservation Area a condition is also recommended for details of windows to be submitted prior to commencement to ensure they are appropriate. The design of the dwellings is considered acceptable and will create a positive visual contribution to the entrance to this part of the Conservation Area. Overall, it is considered that the proposal would not have a detrimental impact on the visual amenity of the area, character of the street scene and character of the conservation area.

The application proposes 1.8m high timber fences around the rear gardens of each dwelling. It is recommended that a condition requiring fencing details to be submitted is appended to any forthcoming favourable decision to ensure that the fencing is acceptable within the Conservation Area.

### **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 SPD 'Residential Design Guide' (2014).

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

- Approximately 59m+ between the side elevation of Plot 1 and the front elevation of dwellings on Byron road
- Approximately 128m+ between the rear elevation of all plots and the rear elevations of dwellings on Byron Fields
- Approximately 37m+ between the side elevation of Plot 8 and the rear elevation of properties on Moseley Road however there is also the old Coop Building in between the side elevation and rear elevation.
- Approximately 1m between the side elevation of plot 8 and side elevation of the Old Coop building.

The proposal exceeds the required separation distances apart from the 1m distance between plot 8 and the Old Coop building. However there are no windows proposed in the side elevation of the dwelling and no windows in the side elevation of the Old Coop building therefore it is considered that there would not be any impact on residential amenity in relation to this aspect.



Concerns have been raised in relation to noise impacts, stress and upset, impacts from dust, lack of consideration from drivers. 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 properties. 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 properties 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 and beyond what could reasonably be expected for dwellings being built. In relation to a lack of consideration from drivers, the local planning authority cannot enforce safe driving or parking, only ensure that sufficient off-road parking is available. This would be an issue for the police if it occurs.

Due to the siting of the proposal it is considered unlikely that the proposal would have a detrimental impact on the residential amenity of neighbouring properties in terms of overlooking, overshadowing, overbearing and loss of privacy and is unlikely to have a detrimental impact on the amenity of future occupiers.

### **Highway Safety**

Multiple concerns have been raised by residents in relation to there being a sharp bend near the site, narrow road, impact from existing bus stops, traffic having to swing across the road, highway already being unsafe, impact on driver and pedestrians, impact from more parked cars impact on existing junction and restricted visibility amongst other things.

Initially Nottinghamshire County Council Highways raised concerns with the proposal in relation to visibility splays but did comment that the dwellings would be afforded 2 car parking spaces in accordance with the local planning authority's minimum standards along with cycle parking and EV charging points. Following submission of amended plans they have commented that the proposal now shows widening of the footpath along the site frontage and satisfactory visibility splays from each driveway. Therefore, they raise no objection subject to a set of conditions.

In accordance with the Councils adopted supplementary planning document 'Residential Car Parking Standards' a 3 bedroomed property should provide 2 off-road parking spaces. The plans demonstrate that each property will have 2 off-road parking spaces.

It is acknowledged that there are concerns around the existing junction onto Cross Road and how traffic accesses the junction and any impact from additional parking. The proposal provides an adequate level of off-street parking and by dropping the whole kerb in front of the properties should deter people from parking outside of the properties which in turn is likely to make access onto Cross Road from Annesley Cutting easier by reducing the number of vehicles parked in proximity to the junction.

Concerns have also been raised in relation to accidents at the site however no evidence has been put forward to substantiate these claims and there is no evidence to suggest that the development would be likely to cause any road accidents.

### **Other**

Residents have raised concerns in relation to an impact on wildlife and trees. The site is a hard surfaced timber yard as existing with the only planting being located on a small piece of land identified as formal open space which is not proposed to have development on it. It is considered that the proposal would be unlikely to have an impact on trees and wildlife which are mostly located outside of the site boundary.

Concerns have been received in relation to an impact on views. It should be noted that impacting views is not a material planning consideration.

Concerns have been raised regarding insufficient infrastructure being available for the proposal such as schools and GP's being full. As per the local development plan and planning practice guidance planning contributions are not typically sought for developments of less than 10 dwellings.

Residents have also questioned in their comments whether a local shop or community hub could be considered. Consideration can only be given to the proposal submitted.

### **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 the Conservation Area, visual amenity, residential amenity and highway safety. Instead it will provide 8 new homes which are considered to assimilate into the surrounding area and Conservation Area and which will also go towards meeting the Councils housing targets. As such conditional consent is recommended.

### **Recommendation: - Grant Consent Conditionally**

### **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, Dwg No. VED761 02 PL2, received 19/04/2024
  - Site Block Plan & Street Scene As Proposed, Dwg No. VED761 03 PL2, received 19/04/2024
  - Visibility Layout As Proposed, Dwg No. VED761 04 PL1, received 19/04/2024

- Proposed Layouts, Elevations & Roof Plan, Dwg No. VED761 01 PL1, received 19/04/2024

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. No development shall take place 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.
4. No development shall take place until details of the material, design, specification, method of opening, method of fixing and finish of all windows and doors in the form of drawings and sections to 1:10 scale shall be submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing before works commence. The works shall be carried out only in accordance with the agreed details.
5. No development shall take place until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. No development shall take place 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.
7. a) No works shall take place (save for above ground demolition works and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i. A preliminary risk assessment which identifies:
  - All previous uses;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating sources, pathways and receptors; and
  - Potentially unacceptable risks arising from contamination at the Site.
- ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

- iii. The results of the site investigation and detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
    - iv. A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard; and
    - v. If required, a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.
    - vi. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report.
  - b) 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.
  - c) Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.
8. The development shall not be occupied until a post completion verification report demonstrating that the site remediation criteria have been met, has first been submitted to, and approved in writing, by the local planning authority.
9. No development shall take place past slab level until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
10. 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 dwellings. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.

11. No part of the development hereby permitted shall be brought into use until the site access arrangements and driveway/parking areas are provided in accordance with the scheme illustrated on the approved site plan (drawing number VED761-03 Rev PL2). The driveway/parking areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.
12. No part of the development hereby permitted shall be brought into use until a hard surfaced footway crossing along the site frontage to serve the driveways is available for use and has been constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.
13. Visibility splays shall be provided as shown on drawing number VED761-04 Rev PL1 and shall be kept clear of obstructions above a height of 0.6m above carriageway level. Such visibility splays shall be maintained for the life of the development.
14. No part of the development hereby permitted shall be brought into use until the driveways are surfaced in a bound material, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The driveways shall be maintained in the bound material for the life of the development.
15. 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.
16. No gates shall be erected at the access to the development from the public highway.

## **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 ensure the satisfactory appearance of the development.
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. In the interests of residential amenity and enhancing local ecology.

7. 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.
8. To protect future occupiers of the development from unacceptable land contamination risk in accordance with NPPF, paragraphs 183 & 184.
9. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
10. In the interests of enhancing local ecology.
11. In the interests of Highway Safety.
12. In the interests of Highway Safety.
13. In the interests of Highway Safety.
14. In the interests of Highway Safety.
15. In the interests of furthering travel by sustainable transport modes
16. In the interests of Highway Safety.

## **INFORMATIVE**

1. Ashfield District Council does not provide wheeled bins for household waste for new properties free of charge. Developers are expected to contribute all the costs of the waste and recycling infrastructure where the need arises directly from the development. This includes existing properties that are sub divided and require additional bin capacity. There are charges for the bin supply. Wheeled bins can be purchased from Ashfield District Council and advice can be provided on the appropriate number and size of bins to the type of new properties being built or created. When residents move on, the bins remain for the next resident to use. Bins can be ordered by contacting Ashfield District Council's Waste team by email [environment@ashfield.gov.uk](mailto:environment@ashfield.gov.uk) or phone 0800 1830 8484.
2. 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).
3. The development makes it necessary to alter a vehicular crossing on Cross Road. These works shall be constructed to the satisfaction of the Highway Authority. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed and implemented.
4. The Highways Authority have advised that the area of land which is used to accommodate the widened footway should be dedicated to the highway

authority as public highway. The applicant should confirm this in writing following the grant of planning permission.

5. 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.