



**COMMITTEE DATE**    09/09/2020                      **WARD**            Larwood

**APP REF**                      V/2020/0362

**APPLICANT**                      W Westerman Ltd

**PROPOSAL**                      6 Dwellings and Access

**LOCATION**                      Land adj, Twickenham Road, Kirkby in Ashfield, Nottingham,  
NG17 8SF

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.1121256,-1.2655011,17z>

**BACKGROUND PAPERS**    A, C, D, E & K

App Registered: 30/06/2020                      Expiry Date: 24/08/2020

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

*This application has been referred to Planning Committee by Councillor Zadrozny on the grounds of policy implications.*

### **The Application**

This is an application that seeks planning consent for the construction of six dwellings with associated off-street parking and amenity space off Twickenham Road, Kirkby in Ashfield. The dwellings will form part of the wider Larwood Park Development.

The application site currently comprises of a grassed verge adjacent to the south of Twickenham Road. Beyond the grass verge is a 2m high close boarded fence which presently obscures a parcel land laid with hard core which was previously utilised as the site office and storage compound during the construction of the wider development.

### **Consultations**

A site notice have been posted together with individual notification to surrounding residents.

The following responses have been received:

#### ***Resident Comments:***

2x Letters of objection or concern have been received from local residents raising the following:

- Increased on-street parking
- Increase in traffic
- Road closure/disruption during construction
- Advised that there would be no further development at Larwood Park by the developer

***Ashfield District Council Environmental Health:***

No objections to the proposed development. Recommend conditions requiring a noise impact assessment to be submitted and construction hours to be restricted to protect the amenity of nearby residents. Considerations should also be given to noise and dust during the construction phase.

***Ashfield District Council Landscaping:***

The proposal is for the construction of 6 dwellings on an area of land formally agreed as amenity space under planning approval V/2013/0656. The land forms the entrance to the Rugby club site. Consideration should be given to how the construction of the houses will block natural surveillance of the car park and the rugby clubhouse. The general layout of the proposed dwellings replicates the existing Larwood Park development. No objections are raised, subject to a condition requiring a hard and soft landscaping scheme to be submitted prior to the commencement of the development.

***Nottinghamshire County Council Highways:***

This proposal is for the construction of 6 dwellings served by individual vehicular accesses from Twickenham Road, constructed as part of the larger Larwood Park development, which relates to planning application V/2013/0656. The proposal should provide key dimensions for visibility splays and the parking spaces. Three bedroom properties should benefit from two parking spaces, whilst four bedroom properties should benefit from three parking spaces. For garages to be considered as a parking space, the internal dimensions are required to be 6m x 3m with a minimum door width of 2.3m.

Twickenham Road is subject to a Section 38 Road Adoption Agreement, but is not yet adopted. The proposal will require 6 vehicular crossings to be constructed over a footway of the prospective public highway, and will therefore need to be constructed to the satisfaction of the Highway Authority, in accordance with their specification.

***Natural England:***

No comments to make on the application.

**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) 2019**

Part 5 – Delivering a Sufficient Supply of Homes

Part 8 – Promoting Healthy and Safe Communities

Part 9 – Promoting Sustainable Transport  
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  
HG5 – New Residential Development  
HG6 – Public Open Space in New Residential Development

### **Supplementary Planning Documents**

Residential Design Guide 2014  
Residential Car Parking Standards 2014

### **Relevant Planning History**

#### **V/2013/0656**

Details: Proposed Development of 225 Dwellings, Community Sports Facilities, Associated Infrastructure Works and Open Space Provision  
Decision: Conditional Consent

### **Comment:**

The application site is located within the main urban area of Kirkby in Ashfield, and comprises of both a grass verge and an area of hardcore, which was previously utilised as the site office and compound whilst the wider Larwood Park development to the east and south of the site was under construction.

Sited immediately adjacent to the site to the east and south is an existing sports facility comprising of a clubhouse building and sports pitches, which were constructed under planning application V/2013/0656. To the north-east of the site, and to the east beyond the adjacent playing pitches is existing residential development, known as the Larwood Park development, whilst to the west is existing residential development along Sutton Road. Directly opposite the site is a small area of woodland, separating the Larwood Park development from Ashfield fire station to the north.

As part of the proposal, six dwellings are proposed to be constructed. One dwelling is proposed to comprise of three bedrooms, whilst the other five will comprises of four bedrooms respectively. Each dwelling will benefit from its own area of private amenity space to the rear, and off-street parking provision accessed directly off Twickenham Road.

The existing vehicular and pedestrian access to the sports facility to the south of the site is to be retained as part of the proposal.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on visual and residential amenity, as well as matters relating highway safety.

***Principle of Development:***

The proposal site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The policy identifies that development will be concentrated within the Main Urban Areas.

The NPPF 2019 sets out three overarching objectives to achieving sustainable development. These are an economic objective, a social objective, and an environmental objective. The social objective, amongst other things, seeks to support strong, vibrant and healthy communities, by ensuring that a sufficient number and ranges of homes can be provided to meet the needs of present and future generations. This objective is reflected in Part 5 – Delivering a Sufficient Supply of Homes of the NPPF 2019, which sets out the Government's aim to significantly boost the supply of homes.

The Council are presently unable to demonstrate a five year housing land supply, and consequently, under the NPPF 2019, the policies which are most important for determining the application should be considered out of date in relation to housing supply, and the presumption in favour of sustainable development is applied to decision making. This means that planning permission should be granted for development unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework when taken as a whole or where specific policies indicate that development should be restricted.

The parcel of land upon which the development is proposed to be located was previously shown to comprise of a small parcel of amenity space as part of the original Larwood Park development scheme (planning ref: V/2013/0656), providing a green space between Twickenham Road and the sporting facility to the south. The wider Larwood Park site comprises of approximately 15.3 hectares of land, of which approximately 7 hectares has already been developed for housing. The remainder of the developable land has been retained to provide areas of multifunctional public open space.

The application site covers approximately 0.25 hectares of land, which when taken with the area of land already developed for housing, would result in approximately 47% of the wider site being developed for residential use, leaving in excess of 50% of the developable land for public open space. Policy HG6 of the ALPR 2002 stipulates that on sites of 2 hectares and above, a minimum of 10% of the gross housing area will be required as open space. Given that over 50% of the developable land will continue to be retained as public open space, it is considered that in this instance, the loss of the small parcel of future open space would have a negligible impact on the amenity of surrounding residential occupiers.

The proposal also represents a modest, but nevertheless important boost to the districts housing supply, providing six new dwellings 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.

Having regard to the presumption in favour of development, as outlined in paragraph 11 of the Framework, the principle of the proposed development is considered acceptable provided all other material planning considerations can be appropriately satisfied.

***Visual Amenity:***

The proposed scheme will be a continuation of development along the south of Twickenham Road, using four house types, comprising of either three or four bedrooms, previously accepted on the adjacent Larwood Park development.

The proposed dwellings will be 2 and 2.5 storeys in height reflecting the existing scale of properties adjacent to the site, and have been designed to have a variation in their ground to eaves and ridge heights through the use of gable ends to create a varied roofline, adding to the visual interest of the development. Design features used in the adjacent development have also been incorporated into the design. This amongst other things includes: dormer windows, bay windows, stone cills and brick headers.

The dwellings are proposed to be constructed from a mixed pallet of materials, which are similar in colour and texture to those used in the adjacent development. Materials to be used will comprise primarily of red brick, cream render and grey roof tiles.

It is considered that the proposal will not appear out of keeping with the wider surrounding development, and will instead appear as a continuation of the existing Larwood Park development.

Whilst the proposal will reduce the opportunity for natural surveillance of the sports facilities car parking area from the public highway on Twickenham Road, the dwellings proposed will directly overlook this area, offering natural surveillance in this form. Further, the dwellings sited either side of the sport facilities access driveway will benefit from bay windows on the side elevations, which offer further natural surveillance of the access.

The Council's Landscaping team have offered no objections to the proposed development on the proviso that a condition requiring a hard and soft landscaping plan is attached to any approval. This will ensure that appropriate shrub and tree planting is secured as part of the proposal, to add further interest to the

development. It is also deemed necessary for a condition requiring details of the boundary treatments to be attached to any approval, for the same reason.

***Residential Amenity:***

The nearest residential property to the proposal is sited approximately 10m to the north-east on Twickenham Road. Given the distance and orientation of the nearest proposed dwelling to the existing residential development, it is considered that the proposal will not result in any undue harm to nearby residents, by virtue of massing or overshadowing.

In regards to overlooking, main aspect windows in the front elevations of the proposed dwelling will overlook the small area of woodland directly opposite the site to the north, whilst the main aspect windows in the rear elevations will overlook the sports facility, including its car park and sports pitches. It is therefore considered that the proposal will not give rise to any overlooking impact on existing neighbouring residents.

Each of the six dwellings provide an acceptable level of internal space to adequately accommodate the family of household which is likely to occupy it. In addition to this, each dwelling benefits from an area of outdoor amenity space which exceeds the minimum requirements outlined in the Council's Residential Design Guide SPD 2014.

Given the proximity of the proposed dwellings to the sports facility to the south, the Council's Environmental Health team have requested that a Noise Impact Assessment is carried out prior to the occupation of the dwellings to ensure that the dwellings have appropriate mitigation measures in place to prevent noise disturbance to future occupiers from the sports facility. Additionally, they have suggested a condition restricting the hours of construction to reduce incidences of noise disturbance to nearby residents. Both of these conditions would be attached to any approval.

It is subsequently considered that the proposal will afford any future occupiers with an acceptable standard of amenity, whilst ensuring the amenity of nearby residents is retained and protected.

***Highway Safety:***

Concerns have been raised by local residents in respect of increased on-street parking as a result of the proposal, in addition to increased traffic.

Each of the proposed dwellings will have individual off-street parking provision, which will be directly accessed off Twickenham Road.

The Highways Authority have commented on the application, stipulating that the three bedroom property should benefit from two off-street parking spaces, whilst the four bedroom properties should benefit from three off-street parking spaces. Also, for

a garage to be considered acceptable as a parking space, the internal dimensions are required to be 6m x 3m with a minimum door width of 2.3m.

Following receipt of the Highway Authority's comments, revised plans have been received which demonstrate that each of the proposed dwellings will benefit from sufficient off-street parking provision, in accordance with the Council's Residential Car Parking Standards SPD 2014. Furthermore, the proposed garages will measure 6m x 3m internally, with a door width of 2.3m, as per the minimum requirements.

Given that each property will benefit from sufficient off-street parking provision, it is considered that the proposal will not give rise to a detrimental increase in on-street parking within the immediate area. Conditions would also be attached to any approval requiring the off-street parking to be provided prior to the occupation of the dwellings, and requiring the garages to be retained for the parking of motor vehicles only.

The applicant has also provided a plan demonstrating that each private driveway can adequately achieve a 2.4m x 33m visibility splay, ensuring that the safety of other road users is not compromised by the development.

In regards to traffic generation, it is considered that the movements associated with six new dwellings would not give rise to a severe cumulative impact on the road network, in accordance with paragraph 109 of the NPPF 2019.

### **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 scheme does not raise any significant concerns with regards to the impact upon the visual amenity of the locality or upon the residential amenity of existing and future occupiers. Furthermore, each dwelling is afforded appropriate off-street parking provision, and the cumulative impact of an additional six dwellings on the highway network is deemed to be insignificant.

Whilst the proposed dwellings will be sited on a parcel of land previously allocated as an area of informal open space as part of the Larwood Park development, given that over 50% of the developable land will continue to be retained as public open space, the loss of the small parcel of future open space would have a negligible impact on the amenity of surrounding residential occupiers.

In addition to the above, the proposal would also assist in providing a contribution towards the Districts housing supply, albeit modest, 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.

In conclusion, it is therefore recommended that this application be approved, subject to the planning conditions listed 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 Layout Plan, Drawing No. 20020-01 Rev C, Received 14/08/20;
  - 'The Winchester' Floor Plans & Elevations, Drawing 20020-Win-01 Rev A, Received 18/06/20;
  - 'The Walton' Floor Plans & Elevations, Drawing 20020-Walt-01 Rev B, Received 18/06/20;
  - 'The Beaulieu' Elevations, Drawing 20020-Beau-02 Rev A, Received 18/06/20;
  - 'The Beaulieu' Floor Plans, Drawing 20020-Beau-01 Rev A, Received 18/06/20;
  - 'The Ascot' Elevations, Drawing 20020-Asc-02 Rev A, Received 18/06/20;
  - 'The Ascot' Floor Plans, Drawing 20020-Asc-01 Rev A, Received 18/06/20;
  - Double Garage, Drawing No. 20020-DG-01 Rev A, Received 18/06/20;
  - Single Garage, Drawing No. 20020-SG-01 Rev A, Received 18/06/20;
  - Materials and Boundary Treatment Plan, Drawing No. 20020-04 Rev A, Received 18/06/20.

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

3. The development hereby permitted shall not commence 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.
4. No development shall take place 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.

5. No development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:
  - (a) Full details of the proposed treatment of the site's boundaries.
  - (b) A phasing scheme for the implementation of the agreed boundary treatment.

The boundary treatment shall be undertaken in accordance with the agreed details.

6. Prior to the occupation of the dwellings, a Noise Impact Assessment (BS4142:2014 & BS8233:2014) shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall assess the impact of potential noise from the adjacent sports club on future occupiers, and outline any necessary noise mitigation measures required.
7. No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.
8. All garages hereby permitted shall be kept available for the parking of motor vehicles at all time. Garages shall be used solely for the benefit of the occupants of the dwelling of which it forms and their visitors and for no other purpose and permanently retained as such thereafter.
9. No part of the development hereby permitted shall be brought into use until the access driveway/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
10. Pedestrian visibility splays of 2m by 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall

be maintained free of all obstructions over 0.6m above the carriageway level at all times

## **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 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.**
- 4. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.**
- 5. To protect and safeguard the visual amenity of the area.**
- 6. In the interests of residential amenity.**
- 7. In the interests of residential amenity.**
- 8. To ensure adequate off-street parking provision to reduce the possibilities of the development resulting in on-street parking in the area.**
- 9. To ensure surface water from the site is not deposited on the public highway causing danger to road users.**
- 10. To ensure that there is satisfactory visibility at the access point, in the interest of highway safety.**

## **INFORMATIVES**

- 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. 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.**