



**MAP SCALE 1:** 1250  
**CREATED DATE:** 01/02/2021

**COMMITTEE DATE**    17/02/2021                      **WARD**            Hucknall Central

**APP REF**                      V/2020/0872

**APPLICANT**                      Ashfield District Council

**PROPOSAL**                      Demolition of Existing Garages and Erection of One Block of 4 Flats

**LOCATION**                      Land Off, Chatsworth Drive, Hucknall, Nottinghamshire

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.0330197,-1.2060437,19z>

**BACKGROUND PAPERS**    A, C, D

App Registered: 22/12/2020                      Expiry Date: 15/02/2021

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

*This application has been referred to Planning Committee because the Council is the applicant.*

### **The Application**

This is an application that seeks full planning consent for the demolition of existing garages on Chatsworth Drive and the construction of a block of four flats, with associated off-street parking and amenity space, to be used for social housing. Each flat will comprise of two bedrooms.

### **Consultations**

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

The following responses have been received:

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

3x Letters of objection/concern have been received from local residents in respect of the following:

- Loss of off-street parking used by visitors
- Loss of turning space
- Increased congestion/traffic along Chatsworth Drive
- Loss of space used by local community (i.e. play space)
- Noise disturbance from use
- Noise and disruption during construction
- Trees should be protected, and space provided to allow pruning works

- Boundary treatments should be as shown on the proposed plans

***Nottinghamshire County Council Highways:***

This is a proposal to replace garages with a block of four flats. The site is located at the end of a cul-de-sac with good pedestrian links. No new pedestrian or vehicular accesses are proposed, and four parking spaces are to be provided. A robust Construction and Traffic Management Plan has been submitted. The Highway Authority do not raise objection to the proposal subject to conditions.

**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 11 – Making Effective Use of Land

Part 12 – Achieving Well Designed Places

**Ashfield Local Plan Review (ALPR) 2002:**

ST1 – Development

ST2 – Main Urban Area

EV8 – Trees and Woodland

HG5 – New Residential Development

**SPD Residential Design Guide**

**SPD Residential Car Parking Standards**

**Relevant Planning History**

None.

**Comment:**

The application site comprises of a block of five, single storey garages along the sites southern boundary with the remainder of the site comprising of hardstanding. The site is located at the end of a cul de sac on Chatsworth Drive, Hucknall, and is sited approximately 0.5km to the south of Hucknall town centre.

Existing residential development, some of which is presently owned by the Council, surrounds the application site to the north, south, east and west, and the area is subsequently residential in nature.

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 highway safety.

***Principle of Development:***

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

The Council are presently unable to demonstrate a five year housing land supply, and therefore the presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The site is owned by the Local Council. The applicant has confirmed that only one of the five garages is currently occupied. Subsequently, limited income is collected by the Council for the site, despite ongoing maintenance costs. Notice to vacate has been served on the individual currently occupying one of the garage units.

Paragraph 118 of the NPPF 2019 stipulates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, and the development of under utilised land, which amongst other things includes car parks and lock-ups, should be promoted and supported where it would help to meet identified housing need.

The proposal represents a modest, but nevertheless important boost to the districts housing supply, providing four new residential units in a sustainable, main urban area location. The scheme would also provide a number of economic benefits that would be generated during the construction of the dwellings and occupation thereafter.

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:***

As previously mentioned, the area surrounding the application site is predominantly residential in nature. Properties within the vicinity of the site vary in terms of size, type and design, with examples of single storey and two storey units, comprising of flats, terraced and semi-detached properties.

The proposed development will comprise of a two-storey block, consisting of four flats; two at ground floor and two at first floor. The block is to be sited in line with the observed pattern of development along the eastern side of Chatsworth Drive, ensuring the prevailing pattern of development is retained.

The block is to be constructed from buff coloured brick and grey roof tiles and will incorporate feature rendered panels on the front and rear elevations. Existing blocks of flats directly to the north of the site have been constructed from comparable

materials, and also incorporate the render feature on the front elevations. In this respect, it is considered that the proposed development would assimilate well into the street scene.

An area of shared amenity space is proposed to be provided to the rear of the block of flats. The applicant has confirmed that the amenity space is required to remain open, rather than sub-divided, as maintenance of the site will fall under the jurisdiction of Ashfield District Council. The existing flats to the north of the site have an open communal space to the rear of the buildings, and therefore the proposal will mirror this existing arrangement.

The southern elevation of the existing garages currently forms a boundary with a number of properties on Storth Avenue. Following demolition of the garages, a new 1.8m high brick wall will be constructed along the sites southern boundary. The existing retaining brick wall along the sites eastern boundary will remain in situ, as will the existing timber fencing along the sites northern boundary. The boundary treatments proposed are in keeping with those found within the vicinity of the site and therefore considered acceptable. Low level shrub planting is also proposed to the front, side and rear of the proposed block of flats to further improve the appearance of the development.

The site comprises of a number of mature trees which are planted to the south-west of the site along the boundary of 19 and 21 Storth Avenue and are considered to offer a positive contribution to the visual amenity of the area. These trees are proposed to be retained due to their overall health and amenity value as part of the development, and an Arboricultural Method Statement and Tree Protection plan have been submitted with the application to demonstrate their protection during demolition and construction works.

***Residential Amenity:***

The proposed development is to be sited approximately 2.5m from an existing block of flats (no. 119 to 125 Chatsworth Drive) to the north of the site. The existing block of flats has no windows sited in the side elevation facing the application site. Given the location of the proposed development and the orientation of the existing block of flats to the north, it is considered that the proposal will result in no detrimental massing, overshadowing or overlooking impact on these units.

The nearest property on Highfields Court, no. 12, is to be sited approximately 7m to the east of the proposed development. 12 Highfields Court lies perpendicular to the application site and is sited on land approximately 400mm lower than that of Chatsworth Drive. No main habitable room windows are sited in the side elevation of no. 12 facing the application site. The proposal will result in no direct overlooking of habitable rooms at no. 12. The BRE 45-degree code has been used to assess whether the proposed development will give rise to any overshadowing impact on the main aspect windows sited in the rear elevation of this property. The 45-degree code is not breached in plan or elevation, indicating that the proposal will have a

negligible impact upon the neighbouring property in regards to overshadowing, and given the proposed separation distance, it is considered that the proposal will also not result in any undue massing impact on this neighbouring property.

The separation distance between the front elevation of the proposed development and the rear elevation of nos. 5 and 6 Chatsworth Court will measure approximately 20.5m, whilst the separation distance between the proposal and no. 4 Chatsworth Court will measure 18m due to the provision of a conservatory at the aforementioned property. Although the separation distances between main aspect windows will fall marginally below the recommended requirement of 21m, the proposed separation distances are consistent with the existing separation distances between properties on Chatsworth Drive and Chatsworth Court.

Properties on Storth Avenue will be sited approximately 28m to the south of the proposed development, raising no significant concerns in respect of massing, overshadowing or overlooking.

In respect of future occupiers, each of the four flats will provide an acceptable level of internal space to adequately accommodate the family or household which is likely to occupy it. In addition to this, an area of amenity space measuring approximately 105sqm is to be sited to the rear of the flats, providing each flat with a minimum of 25sqm, in accordance with the minimum requirements outlined in the Council's Residential Design Guide SPD 2014.

Concerns have been raised in respect of increased noise disturbance arising from the proposal during construction and occupation thereafter. A construction management plan has been submitted with the application which details that construction works would take place between the hours of 8am to 6pm Monday to Friday and 8am to 1pm Saturdays, which are typical working hours. Any noise emitted from the flats once occupied will likely be domestic in nature and therefore will not be at odds with noise emitted from surrounding residential properties. In any event, should the proposal cause any noise nuisance during or after construction, such matters can be dealt with under other legislative powers.

***Highway Safety:***

Concerns have been raised by local residents in regards to increased traffic/congestion along Chatsworth Drive as a result of the proposal, in addition to the loss of off-street parking provision for visitors to nearby properties and turning space.

As previously mentioned, the application site is private land belonging to the Local Council, and the applicant has confirmed that no agreement is in place allowing the site to be used for off-street parking or turning by local residents or their visitors, with the only exception being the one individual who currently occupies one of the garage units. An existing turning head at the culmination of Chatsworth Drive is to remain

unaffected by the proposed development, ensuring vehicles still benefit from adequate turning provision.

The proposed block of flats will be accessed off Chatsworth Drive and each of the flats will be afforded one off-street parking spaces. Whilst the parking provision falls below the standards outlined with Council's Residential Car Parking Standards SPD 2014, the application site is located a short walk from Hucknall town centre and is close to shops and amenities on Watnall Road. In addition, a secure cycle storage shed is proposed to encourage future occupiers to use more sustainable modes of transport.

It is considered that the traffic generated from four new flats in this location would have a negligible impact upon highway capacity in this location.

The Highway Authority have noted that a robust Construction and Traffic Management Plan has been submitted with the application. This plan details that the access route to the site (Chatsworth Drive) is to be kept clear and unobstructed at all times, and that an individual will be employed to check this regularly throughout the working day to maintain the access route. The plan also details that access to neighbouring properties will be retained at all times.

The Highways Authority have confirmed that they have no objections to the proposed development scheme.

It is therefore considered that the proposal will not result in any detrimental impact on highway safety in this location, nor would it give rise to any substantial impact on highway capacity.

**Conclusion:**

The Council are presently unable to demonstrate a five year housing land supply, and as such, the presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The proposed development site offers the opportunity for the construction of four new residential units in a sustainable, main urban area location, which will also contribute to the districts social housing stock providing social benefits, as well as economic benefits during the construction of the dwellings and occupation thereafter.

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 flat is afforded off-street parking provision, and the cumulative impact of an additional four residential units on the highway network is deemed to be insignificant.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

**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. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.**
- 3. The hereby permitted development shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan (received 21/12/20).**
- 4. The hereby permitted development shall be carried out in accordance with the submitted Construction Management Plan (received 21/12/20).**
- 5. The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Preliminary Risk Assessment & Geo-Environmental Assessment (received 12/01/21).**
- 6. 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 5 metres 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.**
- 7. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the access driveway 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.**
- 8. This permission shall be read in accordance with the following plans: Proposed Site Layout Plan, Drawing No. 31468 511 02 Rev B, Received 25/01/21; Proposed Elevations and Floor Plans, Drawing No. 31468 511 03 Rev A, Received 21/12/20; Proposed Drainage Layout, Drawing No. 31468 511 04, received 21/12/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**



## **REASONS**

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure the satisfactory appearance of the development.**
- 3. To safeguard the visual amenity of the area.**
- 4. In order to minimise disturbance to surrounding properties.**
- 5. To ensure the site, once developed, is free from contamination, in the interests of safety.**
- 6. In the interests of highway safety.**
- 7. In the interests of highway safety.**
- 8. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**

## **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.**