



Appeal Decision

Site visit made on 26 September 2024

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2024

Appeal Ref: APP/W3005/W/24/3344977

Land off Marion Avenue, Hucknall, Nottinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Chevin Homes (Derby) Ltd against the decision of Ashfield District Council.
 - The application Ref V/2023/0226, dated 9 March 2023, was refused by notice dated 17 April 2024.
 - The development proposed is residential development of 30 dwellings with associated infrastructure, open space and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for access to serve a residential development of 30 dwellings with associated infrastructure, open space and landscaping at land off Marion Avenue, Hucknall, Nottinghamshire in accordance with the terms of application reference V/2023/0226 and the conditions set out in the schedule attached to this decision.

Application for Costs

2. An application for costs was made by Chevin Homes (Derby) Limited against Ashfield District Council. This application is the subject of a separate Decision.

Procedural Matter

3. Notwithstanding the description of development in the heading above, which has been taken from the planning application form, it is clear that the application relates to a proposed access to serve a development of 30 dwellings. The access is located within Ashfield District Council area whilst the 30 dwellings are to be located within the administrative area of Gedling Borough Council. Gedling Borough Council resolved to grant planning permission for the 30 dwellings on 27 March 2024, subject to the completion of a S106 agreement covering the necessary infrastructure to mitigate the impact of the development.
4. My consideration of this appeal is restricted to the proposed access and not the development that it would serve, in line with the approach taken by Ashfield District Council. Reflecting this, and with the agreement of the appellant, I have amended the description of development to be 'access to serve a residential development of 30 dwellings with associated infrastructure, open space and landscaping'.

Main Issues

5. The main issues are:

- The effect on the living conditions of the residents of Marion Avenue in terms of noise and disturbance.
- The effect on highway safety.
- Whether the development would compromise the ability to deliver a comprehensive scheme.

Reasons

Living Conditions

6. Marion Avenue is currently a cul de sac serving a limited number of properties. Post development the road would serve an additional 30 dwellings and so there would be an increase in traffic travelling along the road. However, there is some distance between the dwellings on Marion Avenue and the road with properties set back behind driveways and front gardens. The Council's Environment Health Officer has not raised any objection in terms of noise and disturbance and there is little before me that would lead me to take a different view.
7. There would be an element of disruption to the residents of Marion Avenue during the construction of the development in terms of construction traffic, noise and dust. However, this would be for a limited time period and the impacts can be mitigated by appropriately worded planning conditions requiring a construction management plan and restricting hours of operation.
8. The development would not have a harmful impact on the living conditions of the residents of Marion Avenue with regards noise and disturbance. It would not therefore conflict with Policy ST1 and Policy HG5 of the Ashfield Local Plan Review 2002 (Local Plan). Amongst other things, these policies require new development to not adversely affect the amenity of neighbouring properties.

Highway Safety

9. A Transport Technical Note was submitted to support the planning application and demonstrates that the access from Marion Avenue is acceptable. This has been confirmed by the Highways Authority.
10. Interested parties have raised concerns about the impact of the proposed development on the road network and at key junctions within the vicinity of the site. The Transport Technical Note identifies that the 30 dwellings would generate 23 2 way trips during the AM peak hour and 27 2 way trips during the PM peak hour. The junction modelling analysis concludes that nearby junctions and the surrounding highway network would be able to accommodate the additional traffic. In addition, the existing pedestrian infrastructure and public transport links in the area mean that there are alternative sustainable transport options. As such residents of the development would not be solely dependent on the car. There is an absence of substantive evidence to indicate that the development would generate an adverse impact on the surrounding highway network.

11. The proposed parking provision in the development equates to 60 spaces and complies with guidance in both the Gedling Parking Provision for Residential and Non-Residential Developments SPD and Ashfield's Residential Car Parking Standards SPD. There is no reason to expect that development would lead to increased on street parking in the area and pose a risk to highway safety.
12. The development would not increase the risk to highway safety. As such it would not conflict with the parts of Policies ST1 and HG5 of the Local Plan that require the access of a development to be safe and that a scheme does not adversely affect highway safety.

Comprehensive Development

13. The Council in their reasons for refusal identified that it has not been evidenced that the scheme can be comprehensively developed in conjunction with neighbouring development. The Council has provided little additional information on this to substantiate their assertion.
14. The appeal site adjoins Sherwood Gate, a residential development of 255 dwellings, the majority of which the Council identifies as having been built out and occupied. There is little before me to indicate that the proposal would prevent a comprehensive development of the area. It would not therefore conflict with the part of Policy ST1 of the Local Plan which supports development where it will not prejudice the comprehensive development of an area.

Other Matters

15. Local residents have raised concerns about the impact of the development on local services and facilities. Planning permission for the 30 dwellings was granted by Gedling Borough Council subject to a planning obligation to secure contributions towards healthcare, education, transport and travel. The contributions include facilities that serve the Hucknall area and therefore the impact of the development on such services and facilities will be mitigated.
16. Whilst drainage and flooding matters have been raised the site falls within flood zone one and therefore is at a low risk of flooding. No objections were raised by Nottinghamshire County Council Local Lead Flood Authority, subject to an appropriately worded planning condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy.
17. The issue of anti-social behaviour has been raised. Whilst I do not doubt that the concerns raised by residents are genuine, I have no substantive evidence before me to show that the appeal scheme would result in an increase in crime. Without a reasonable evidential basis for the concern the weight I can attach to the matter is limited.
18. Interested parties have also raised concerns on matters that include the impact of the development on the environment. I note the concerns raised. However, this is a site specific matter related to the development of the 30 dwellings and so it is outside the scope of this appeal.

Conclusion and Conditions

19. For the reasons identified I conclude that the development should be allowed and planning permission granted subject to necessary planning conditions.
20. In attaching conditions I am mindful of paragraph 56 of the National Planning Policy Framework which states that they should only be imposed where they are necessary, relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects. I have sought the appellant's agreement to the pre-commencement conditions.
21. The Council has suggested a total of 34 planning conditions should the appeal be allowed. However, many of them relate to elements of the scheme that are not before me in this appeal.
22. In addition to the standard time limitations for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty (conditions 1, 2).
23. A condition requiring details of materials to be used for the hard surfaced areas is necessary to protect the character and appearance of the area (3). A condition requiring submission and adherence to a Construction Management Plan (4) and restrictions on the timings of deliveries and works is necessary in the interests of the living conditions of nearby residents (5). It is necessary to restrict occupation of the proposed dwellings until after the access arrangement via Marion Avenue is provided in full to ensure highway safety (6). Conditions 3 and 4 are pre-commencement conditions because the details need to be agreed before work starts on site.

K Ford

INSPECTOR

CONDITIONS

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
 - Site Location Plan, Drawing Ref: n2064_001
 - Planning Layout, Drawing Ref: n2064_008F
 - Transport Technical Note, Document Ref: 2206730-02
3. No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.
4. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited to, the following:
 - a) Details of noise, dust and vibration suppression;
 - b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting;
 - c) Details of on-site materials storage areas;
 - d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials;
 - e) Details of any crusher to be used on site;
 - f) Details of any piling which is required;
 - g) Details of reasonable avoidance measures (RAMs) in respect of protected species;
 - h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - i) Details of wheel washing facilities during construction;
 - j) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - k) Details of the routing of deliveries and construction vehicles to site and any temporary access points;
 - l) Details of any hoarding to be erected.

The development shall be carried out in accordance with the approved details for its entire construction phase.

5. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.

6. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement via Marion Avenue as shown on drawing number Planning Layout (ref: n2064_008F) has been provided in full.