

## PLANNING COMMITTEE – 7 AUGUST 2018

Application No:	18/00413/FUL
Proposal:	Demolition of existing garages and development of 1 x 3 bed unit
Location:	Former Garage Site, Thorpe Close, Coddington, Nottinghamshire
Applicant:	Newark and Sherwood District Council
Registered:	06 March 2018 <span style="float: right;">Target Date: 01 May 2018</span>
	Extension of Time Agreed

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Coddington Parish Council has objected to the application which differs to the professional officer recommendation.

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing remains high on the Council's agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NSH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council's constitution, schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

### Update

This application was deferred from the June planning committee to enable the consultation period to conclude. As this report was published on a previous agenda, the report that follows remains as published with items received after the publication of the agenda now included in bold text and updates in bold and ~~striketrough~~ text where necessary. The recommendation remains for approval.

Since the June Planning Committee, Officers have sought clarification (in the form of a double check given the continued concerns raised by both the Parish Council and neighbours) from NCC Highways Authority with regards to the acceptability of the plan, specifically in terms of the maneuverability to the existing/retained right of access to no. 20 Thorpe Close. Their revised comments based on an amended tracking plan (provided since the June committee) are printed in full within the consultation section but in essence they advise that the revised plan (version K) is acceptable but appear to acknowledge that this is not ideal in terms of the number of movements required to enable an average sized car to be able to gain access in and out of no.20 Thorpe Close.

### The Site

The site comprises a garage court located on the western side of Thorpe Close with its access taken between numbers 20 and 22. This garage court is laid with a bound hardstanding and

comprises 10 single storey garages which are sited along the western site boundary.

Two storey residential dwellings surround the site. There are three existing vehicular accesses/rights of way off the garage court serving numbers 20, 22 & 24 Thorpe Close. It was noted at the time of the officer site visit that the garage court is also being used for the parking of cars on an informal basis.

The site lies within an area prone to surface water run-off and is outside of the Coddington Conservation Area which lies to the south-west.

### Relevant Planning History

None relevant.

### The Proposal

Full planning permission is sought for the demolition of an existing garage court and the erection of one bungalow. There are currently 10 garages on site which are proposed to be demolished.

The proposed bungalow has a rectangular footprint and would measure c11.6m wide by c7.57m deep to a ridge height of c5.45m. It has a simple ridge roof and its front elevation has two small projecting rendered gables. The dwelling would comprise hall, open plan kitchen/diner and lounge, bathroom and three bedrooms. It should be noted that the application description has been changed to reflect this as it originally referred to a 2 bedroom unit. Proposed materials are cited as Cadeby red multi facing bricks with the render being off white and the use of Russell Grampion roof tiles in slate grey.

The application is accompanied by the following plans and supporting information:

Site Location Plan, Ref 40860/ID43001B (amended and received 18/05/2018)

Proposed Site Layout Op 4, 40860/ID43009F K (amended and received ~~24/05/2018~~ 01/06/2018)

Proposed Plans & Elevations, 40860/ID4306A

Materials Elevations, 40860/ID43006B

Proposed Drainage, 100 P02

Phase 1 Desktop Study Report, by Collinshallgreen, November 2017

Phase 2 Desktop Study Report, by Collinshallgreen, November 2017

Information provided in respect of Garage Usage

Proposed Tracking, E454/150/P03 4 (as amended, received ~~16<sup>th</sup> May 2018~~ 18<sup>th</sup> June 2018)

Amended Application Form (received 11/05/2018) with confirmation of Notice having been served on neighbouring land owner.

**The application has been amended several times during the lifetime of the application.**

**Layout plan version K has been submitted in response to concerns raised via Cllr J Lee, a local resident and the Parish Council. The bin store has been relocated and the strip of planting along the rear boundary with the concerned neighbour has been removed. This now provides 6.34m of reversing space from the back edge of no. 20 Thorpe Close to the path in front of the proposed bungalow to allow vehicles to reverse out. NASH have confirmed they are unable to re-site the bungalow any further back due to an easement.**

## Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter. A site notice has also been displayed near to the site giving an overall expiry date of 30<sup>th</sup> March 2018.

## **Planning Policy Framework**

### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1 - Settlement hierarchy  
Spatial Policy 2 - Spatial distribution of growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 6 - Infrastructure for Growth  
Spatial Policy 7 - Sustainable transport  
Core Policy 1 - Affordable Housing Provision  
Core Policy 3 - Housing Mix, Type and Density  
Core Policy 9 – Sustainable design  
Core Policy 10 - Climate Change  
Core Policy 12 - Biodiversity and Green Infrastructure

#### **Allocations & Development Management DPD**

DM1 – Development within settlements central to delivering the spatial strategy  
DM3 - Developer Contributions  
DM5 – Design  
DM7 - Biodiversity and Green Infrastructure  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- ~~National Planning Policy Framework 2012~~
- ~~Planning Practice Guidance 2014~~
- **National Planning Policy Framework July 2018**
- **Planning Practice Guidance 2018**
- Publication Core Strategy 2017

### **Consultations**

Amendments have been sought during the lifetime of the application which have been subject to re-consultation. Comments on the final amendments will be reported to Members are late items where necessary.

**Coddington Parish Council –**

**(02/07/2018)**

**Coddington Parish Council objects to this application, for the reasons previously submitted.**

An updated tracking plan for Thorpe Close 2 has recently been published on the planning website. The tracking lines are unchanged, with only the site layout updated:

- This provides No. 24 Thorpe Close with a small amount of additional room, although the bins are now close to the corner of their car movements.
- Moving the footpath back near No. 20 Thorpe Close has zero impact as the pinch points are where the tracking line is tangential to the part of the bungalow garden boundary (which has not been moved at all).
- The garden needs to be reduced along the full length of the tangent points to make the vehicle right of way for No. 20 Thorpe Close usable, and revised tracking plans provided that demonstrate this.

(11/06/2018)

“Thorpe Close 2 planning application 18/00416/FUL revised plans 4 June 2018

In addition to the previous objections, Coddington Parish Council submits the following objections:

**1. SP3 IMPACT**

Loss of Amenities.

The owner of no.24 Thorpe Close cannot exit from his garage, or enter his garage without an excessive number of steering manoeuvres.

The owner of no. 20 Thorpe Close cannot reverse into his parking space which has been in use for 30 years. The revised plan shows that the measurement of land available for access has been taken from inside the gate posts of no. 20 and includes a section of the property's own driveway. The plan also shows that the measured available access would encroach beyond the boundary of the proposed development. The plan shows a potential extension of the gateway to ease access, but states that this is not provided for within the scope of the current application. CPC suggests that the provision of a wider gateway access should be a condition of this application.

There has been no formal agreement that residents of 20 and 24 Thorpe Close and of 7a Beckingham Road have rights of access.

The provision of fencing for the boundary is inadequate and should be replaced by a wall.

There is no provision for the area to be lit, thus creating even more difficulties for residents access their garage/parking space.

**2. SCALE.**

This location is inappropriate for a three bedroomed bungalow causing over-development and reliance on land outside of the applicant's ownership. The site would be more appropriate for a smaller two bedroomed bungalow.”

*Previous comments:*

**01/06/2018 - "Coddington Parish Council objects to the above application which does not Address Policy SP3 of the Core Strategy on the following grounds:**

- Loss of amenities
- Need and specification of the proposed dwelling.

The Parish Council also considers that more detailed conditions are required during the demolition and construction works being planned by the applicant in Coddington to control the impacts on the residents and local transport.

A revised plan (version G, following numerous earlier versions) is mentioned in a letter published on 29 May 2018, but as of 31 May 2018 the plan had not been published with a closing date for comments of the following day, so was obtained direct from the consultants! It is of concern that no additional consultation period has been provided following these very late changes in layout, and the latest plan has still not been published on the closing date for comments.

#### **Loss of amenities.**

These garages are well used but have since been given up due to letters issued to tenants of the garages by Newark and Sherwood Homes. These will be the last remaining garages for rent from Newark and Sherwood Homes in Coddington. The complete loss of these garages and additional off-street parking spaces (which have been ignored in the officer's report) represents a significant cumulative impact in the village on:

- Residents, including those with limited mobility, using the garages near their homes.
- Congestion along the only regular bus route around the village.

This will mean that there will be increased street parking with the associated problems of access for local residents, emergency vehicles, utility vehicles and buses. There are no replacement garages or car parking spaces provided for the residents in any of the developments proposed by the applicant, even though nearby land is in the ownership of the applicant.

#### **Need and specification**

The 2014 Housing Market Needs survey assessment for the rural sub area clearly states that the need is for one and two bedroom dwellings. Permission for seven 1 and 2-bedroom social dwellings by the applicant has already been approved within the village. This application for a 3-bedroom bungalow does not fulfil the need criteria, with no justification being offered for proposing a dwelling not meeting the identified market need for smaller properties, and the size and alignment of the building is contributing to the difficulties with demonstrating access to rights of way for vehicles.

Coddington Parish Council objects to the application on the grounds set out above. Residents attended a public meeting with the Parish Council and there were widespread concerns about the impact of the demolition and construction work on neighbouring residents, which are not fully addressed in the proposed conditions.

**If the application is approved, to ensure the safety of residents and workers, a condition should be placed such that no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:**

- i. the parking of vehicles of site operatives and visitors;**
- ii. loading and unloading of plant and materials;**
- iii. storage of plant and materials used in constructing the development;**
- iv. the erection and maintenance of security hoarding;**
- v. reinstatement of boundaries and gardens;**
- vi. wheel washing facilities;**
- vii. measures to control the emission of dust and dirt during construction;**
- viii. a scheme for recycling/disposing of waste resulting from construction works;**
- ix. delivery, and construction working hours.**

**The approved Construction Method Statement shall be adhered to throughout the construction period for the development. A similar condition was applied by the Planning Inspectorate in a recent appeal decision on another site in Coddington, and the same standards should be applied to this development proposed by the Local Planning Authority.**

**A similar approach should be adopted for the other construction work by the applicant and other developers in Coddington, and there needs to be managed coordination between the applicant's construction sites in Coddington to limit the cumulative impacts on village residents and bus routes."**

04/05/2018 – 'We note from the web site that the closing date for comments on this application is now 15 May. Following concerns raised by the Parish Council on behalf of residents adjacent to the proposed development site, we have not been notified of any changes to the plans to allow unrestricted vehicle access to the neighbouring driveways. There is a new diagram of tracking on the web site, but no explanation of what has changed or any practical proof that this will resolve the problems.

At the site meeting with Newark and Sherwood Homes, questions over encroachment on to privately owned land of a house on Ross Close and the right of rear access to a house on Beckingham Road were also raised. Have these issues been addressed?'

27/03/2018 - 'Coddington Parish Council unanimously objects to the application for a 3-bedroom bungalow to be built on the site of the Thorpe Close garages.

The position of the new dwelling and its car parking spaces would restrict the vehicular access of residents living on either side of the access road, to the extent that they could not get their vehicles in and out of their own driveways. In addition, the newly-built detached house on Beckingham Road which was granted vehicular access at the rear of the property through the Thorpe Close garages' forecourt would be left with no vehicular access.

The Council is in agreement that there is a need for more social housing to be built, but not in this confined space which is particularly unsuitable for what is designed to be a family home. The development would be an over-intensification of the site, resulting in loss of privacy for existing homes and for the new dwelling, being over-looked on three sides by two-storey houses. Furthermore, it would appear from the plans that the site of the proposed bungalow encroaches on the privately-owned land of a property on Ross Close.

Residents have complained of a lack of communication, and there has been conflicting information on the type of property to be built. The plans show that this is an application for a 3 bed bungalow, not a 2 bed bungalow as stated in the consultation letter and on the site notice.'

**NCC Highways Authority –**

**29/06/2018 – (in response to the revised tracking plan submitted 11/06/2018) “Further to previous emails I believe Drwg 40860/ID43/009K is acceptable but the ‘snaking’ manoeuvre shown on the tracking drawings do not demonstrate how a car could be reversed from the car space relating to 20 Thorpe Close and as one might normally reverse a car from a car parking space i.e. reverse straight back and put full right lock on to exit the close.”**

**31/05/2018 - “Further to comments dated 27 March 2018, submissions of car swept path drawings and a revised drawing 40860-ID43-009F have now been received to address earlier concerns about vehicular access to 20 Thorpe Close.**

**Ideally the entrance to the gateway of 20 Thorpe Close should have a small radius instead of a right-angled kerb line, but this is a minor detail that can either be resolved prior to permission or agreed as part of the construction works.**

**No objections are raised.”**

24/05/2018 – Comments on plan Proposed Site Layout Op 4, 40860/ID43009E:

“I have just seen the latest submission and remain concerned (23 & 24.5.18). I don't think that all is as clear as it may first appear. Please can we have a chat?”

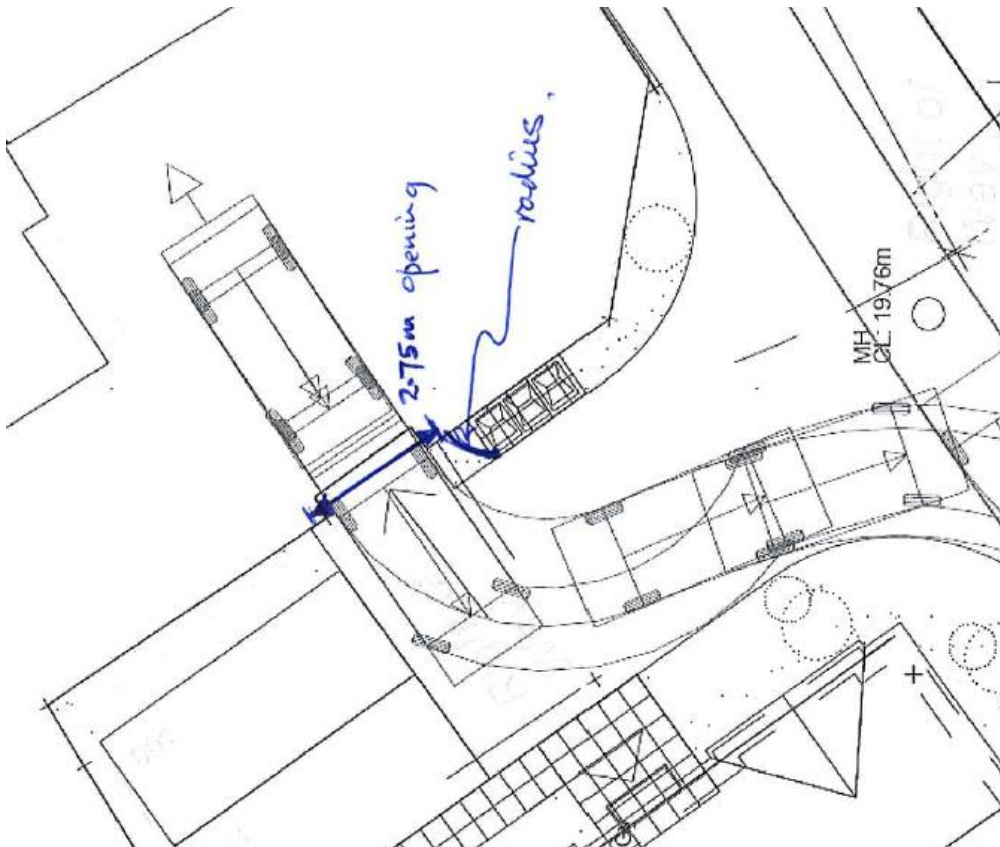
**A discussion took place with NCC and it was established that if the access to no. 20 Thorpe Close could not be widened (which this application cannot secure due to ownership issues) then the amount of reversing space rear of the access would need to be increased by 600mm in which case it would remove NCC's concerns. This was relayed to the applicants and an amended plan has been submitted to reflect this overcoming their concern.**

18/05/2018 – Comments on amended tracking plan:

“It is unnecessarily very tight.

I think they should widen the rear access to 2.75m and have radius kerb (I have illustrated this roughly on the sketch below).

If they can meet this, then all should be ok.”



Previous Comments:

27/03/2018 - "The loss of off-street parking provision is regrettable and, ideally, alternative provision should be made for any existing users of the garages. However, consideration has to be given to the proposed use rather than the consequence of the loss of the existing use.

The access off Thorpe Close is sufficiently wide to cater for the traffic associated with the proposed dwelling and benefits from a separate footpath. It is assumed that the access will remain private, but consideration may be given to lighting the access/parking area.

Parking provision is acceptable and turning facilities are provided.

Notwithstanding the above, if the right of way to the rear of 20 Thorpe Close is intended for vehicular use, a swept path drawing should be submitted to demonstrate how a car may conveniently manoeuvre in and out of the access. Alternatively, I suspect that minor scheme amendments will need to be made to provide adequate turning space. Subject to seeing the above matter resolved, I would offer no objection."

**Trent Valley Internal Drainage Board – Comment as follows:**

"The site is outside of the Trent Valley Internal Board's district but within the Board's catchment.

There are no Board maintained watercourses in close proximity to the site.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.



The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”

**NSDC (Environmental Health) – 07/03/2018**

The EHO has reviewed the submitted Site Investigation and recommends that the outstanding matters are dealt with via a condition (see proposed Condition 2)

**Cadent Gas (14/03/2018)** – ‘Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent’s legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent’s Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent’s Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent’s Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.’

**Two representations have been received from local residents making the following summarized comments:**

- No objection to the bungalow but object to the insufficient space allowed to enable vehicles to manouvre into the gardens of existing properties through the site; making it impossible for residents to access their properties over their existing right of way.
- Concern that cars will now have to be parked on the road because there would be no garage.

*It should be noted that these comments above were made in respect of the first tracking plan which has since been amended. Since the revised tracking plan was consulted upon the following comments have been received **through 4 representations**;*

- Access is required on foot or by vehicle to the rear of 7a Beckingham Road – the proposed tracking plan submitted on the planning application does not consider this nor does it consider the impact it has on the right of access for the residents of 24 Thorpe Close;
- Concerns that right of access to 24 Thorpe Close, 20 Thorpe Close and 7a Beckingham Road will be restricted in the event the occupiers of the proposed development have guests or own more than two cars;
- Assumed the 3 bed bungalow would be occupied by a family which could own least 2 cars and possibly 3 and will most certainly have guests that will require a parking provision which has not been considered;
- Concerns that the revised planning application may infringe on the garden to the rear of 7a Beckingham Road;
- Loss of privacy as the proposed garden backs onto the garden of 7a Beckingham Road. The proposed garden boundary will replace a brick garage wall. If the proposed development is

approved what measures will be taken to maintain our privacy and restore the property boundary on a like for like basis?

- The proposed site is a small area overlooked on all sides by homes that require and have the right to continued access to the site;
- Due to the approved development of the other garage site on Thorpe Close, street parking will be reduced further;
- Concerns about safety and land access during the construction phase.
- Object due to concerns of being able to get in and out of the their rear yard which backs onto the garage court, especially in the dark, but due to concerns that there is insufficient space. There are two brick pillars that need to be positioned and new gates will be required. This should be at the applicant's expense. Even if done it will still be difficult to reverse in. This is causing a lot of worry and stress and it is not fair. The bungalow should be moved.
- **Continue to object to latest tracking plan for the reasons set out in the above bullet points.**

### Comments of the Business Manager

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless (emphasis added) material considerations indicate otherwise.

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This was confirmed by the Secretary of State in dismissing the appeals for the housing developments at Farnsfield (heard through a Public Inquiry which sat in November 2017) in April 2018. The policies of the Development Plan are therefore considered up to date for the purposes of decision making.

### Principle of Development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-Regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'Other Villages' in the district, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Coddington is defined as an 'other village.'

The five criteria outlined by SP3 are location, scale, need, impact and character, which are considered below.

#### *Location*

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the main built up area of the village adjacent to existing residential development on Thorpe Close and Beckingham Road. With regards the provision of services; whilst Coddington is defined as an 'Other Village' in the settlement hierarchy it does contain a Primary School, two public houses, a shop, a village hall, recreation ground and church. In addition, Coddington is

served by regular bus connections to Newark where a wider range of services can be found. I therefore consider the site accords with the locational requirement of Policy SP3.

### *Scale and Impact of Development*

The guidance note to accompany SP3 confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. One single storey dwelling is considered relatively small scale in numerical terms in a village which was detailed as having 1,684 residents in 2016. As such the proposal is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that one additional dwelling is highly unlikely to materially affect the transport network in terms of increased traffic levels in volume particularly as two off street car parking spaces would be provided for it. The displacement of parked cars is discussed in detail within the highway section of this report.

### *Impact on Character/Visual Amenities*

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the **revised NPPF continue to** state that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application site falls within a residential area which has a mix of single and two storey semi-detached, and terrace dwellings.

The development proposes one single storey dwelling located centrally within the site and would be constructed of red brick with rendered elements. Its positioning on what would become a private drive would make the dwelling discreet when combined with its height and I am satisfied that the design of the proposed dwellings is acceptable and that in terms of appearance, the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting, meeting the policy requirements of SP3, CP9 and DM5.

### *Need for Development*

With respect to the local need criterion of SP3, it is noted that the bungalow proposed would be a dwelling offered for social rent and thus a type of house that meets with the definition of affordable housing which forms part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt there is an affordable housing need across the District, which includes Coddington. The need is not Coddington specific in that there is no local housing needs survey for the village. The need covers a slightly wider geographical area, including Newark. The district wide Housing Market and Needs Assessment (2014) identified that within the rural south sub area (of which Coddington is a part of) there is a housing need for smaller homes (1 bedroom - 234 units and 2 Bedroom - 458), with a clear demand for bungalows in particular. The Council's housing register indicates a demand for

affordable housing for older people's accommodation and for small dwellings. It is therefore considered that a need exists within Coddington for small, single storey affordable units and this proposed development would assist in meeting that need. The proposal is therefore considered to accord with the need element of policy SP3.

#### Impact on Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The **revised** NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The site is surrounded by existing residential properties on all boundaries and as such consideration of the perceived impact on neighbouring amenity forms a material consideration.

The proposed dwelling is single storey being approximately 5.45m in height. It is considered that the separation distances of the proposed bungalow to neighbouring properties are sufficient (they range from 12.39m (NE) to 16.78m (N) at their closest points) to ensure that the dwellings would not result in an unacceptable degree of overbearing impact or loss of light for existing neighbours. Given the proposal is single storey in height, it is not considered that the development would result in overlooking of neighbouring properties subject to appropriate boundary treatment which would be secured by way of condition. Given the distances involved there will inevitably be overlooking of the garden of the proposed bungalow from existing dwellings. However I do not consider that this is any worse than many existing relationships in the area and is not so harmful as to warrant a reason for refusal.

#### Highway Impacts

SP7 provides, amongst other things, that development should provide for safe, convenient access, be appropriate for the highway network in terms of the volume and nature of traffic generated, ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected; provide appropriate and effective parking provision and ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 reflects this.

NCC Highways Authority has commented that the proposed access to the new dwelling and the level of parking are acceptable such that they do not raise any objections. However there are other factors that require consideration;

#### *Displacement of Parked Cars*

It was noted that several cars were parked on the site during the officer site inspection, which I understand belong to local residents who park there on an informal basis, without any express permission to do so as confirmed by the agents of this application.

It is noted that the NCC Highways Authority have not made comments/raised concerns regarding the loss of car parking spaces. Nevertheless it is a matter that warrants consideration.

The table below provided by the applicants (which has been edited to remove personal information) shows that of the 10 garages, only 4 are rented out to properties within a 10 minutes (approx.) walking distance of the site. Of these, 3 use the garages to park their car one of which

has a driveway as an alternative option. The other 2 do not have a driveway where they could park their cars so arguably the scheme would displace these 2 cars to on-street parking onto both Thorpe Close and Ross Close.

Address of current garage renter	Postcode of garage renter	Garage Address	Tenant has off street parking	Garage Use	Is property in local area
Beckingham Road	NG24	1 Thorpe Close	Property Not local	Storage	Yes 10 mins walk
The Osiers	NG24	2 Thorpe Close	Property Not local	Storage	No 1hr walk
Thorpe Close	NG24	3 Thorpe Close	No Drive	Daily use car	Yes 2 mins walk
Vacant		4 Thorpe Close	Vacant	Vacant	Vacant
Primrose Avenue	NG24	6 Thorpe Close	Property Not local	Storage	No 1hr walk
Butt Lane	LN6	7 Thorpe Close	Property Not local	Storage	No 2hr walk
Vacant		8 Thorpe Close	Vacant	Vacant	Vacant
Thorpe Close	NG24	9 Thorpe Close	Yes Property has drive	Daily use car	Yes 2 mins walk
Ross Close	NG24	10 Thorpe Close	No Drive	Daily use car	Yes 2 mins walk

I have also had regard to the cumulative impact specifically in relation to the scheme (17/02294/FUL) that was approved by Members at the March 2018 Planning Committee relating to the garage court to the north of this, also at Thorpe Close. It was established that of the 19 occupied garages 9 could potentially be used for tenant vehicle parking that are within a 5 minute walk, 3 benefitted from off street parking (driveway or parking bay) which leaves a total of 6 tenants which could potentially be using their garages for vehicle parking. For clarity of these 6 tenants 1 is a NSH resident and 5 are private occupiers. The report goes on to state:

*It is not possible to categorically state that 6 of the total 28 garages (21%) are being used for vehicle parking, however having reviewed street view imagery it would appear that should this be the case that all of the 6 properties which currently do not have off street parking and rent a garage within the development site could, should they so wish, accommodate a driveway to the side/front of their properties to accommodate a vehicle. It is therefore not considered that the removal of the garages on the development site would result in such a significant increase in on-street parking in the area to such a detriment to highway safety to warrant refusal of the application.*

Even taking into account the worst case cumulative situation, I do not consider that the displacement of 8 cars (cumulatively) would amount to such harm that would warrant a reason for refusal that could be successfully defended on appeal.

## *Rights of Access*

Two properties (no.20 & 24 Thorpe Close) currently enjoy rights of access over the land/garage court to get to their properties. No. 20 has an existing gated access that opens onto to the garage court whilst no. 24 has two accesses to their front boundary and to a garage to their west. These accesses are shown to be maintained as part of the planning application.

However residents and the Parish Council have commented that the layout is such that users would find it difficult to maneuver a car over the right of way. A tracking plan was submitted in an attempt to demonstrate that the rights of accesses worked for residents and NCC Highways Authority raised some concerns that this appeared tight and that a small car had been used for the tracking. An amended tracking plan was subsequently provided on 16<sup>th</sup> May 2018. In response NCC commented that the tracking plan in respect of No. 20 was unnecessarily very tight and suggested widening the access to 2.75m and to use a radius kerb and that if this were to be achieved it would be acceptable.

The applicant has indicated that they are able to add the curb radius (**not yet shown on revised plan revision K – see Condition 012**) but that the existing access point to number 20 lies outside of their control and they are unable to widen it. Separately and via the Parish Council, the owners of no. 20 have expressed a wish to widen their access (which does not require planning permission) and the agents have confirmed there would be no objection to this. There is now a separate 'in principle' agreement in place for the agents to undertake these works if the owners give consent albeit this is a matter that lies outside of the planning regime as it would not be possible to require the applicant to widen an access that they do not control.

Members will note that the Highways Authority were still raising concerns in relation to the ~~penultimate~~ plan revision E and it has been established that as the access cannot be widened through this application, a suitable alternative would be to lengthen the amount of turning space behind the access by 600mm to make it easier for the affected resident and avoid the snaking in and out. **The Highways Authority have essentially stated that the proposal is acceptable but acknowledge in the most recent comments that the scheme would involve the snaking in and out of the access for the occupiers of no. 20 Thorpe Close which is not ideal. However access is possible and I consider that this would therefore not sustain a reason for refusal. This has now been achieved through a slight change to the plan involving a tweak to the path to the front of the bungalow and its marginal re-siting, which in my view is acceptable.** This amended plan (revision F K) is therefore acceptable and is ~~expected to satisfy NCC Highways Authority who have already confirmed subject to this revision they would raise no objection~~ **satisfactory to the Highways Authority as confirmed by their latest comments. An additional condition (no. 12) is suggested to achieve the outcome that NCC have advised us upon. Members will need to determine whether they consider this is a matter that should be determinative.**

I am also aware that there is a concern regarding maneuvering in the dark and I consider that it would be reasonable to require the applicants to provide a low level lighting scheme to assist with this and this can be controlled by condition (see Condition 11). The right of access(es) to no. 24 are demonstrated as being acceptable and has been revised to include additional space to allow the residents an extra 1m to enable easier maneuvering of their personal truck. There is no material reason to withhold a planning permission on the basis of inability for existing residents to utilise their existing rights of way. In any event NSH have worked positively with the affected persons in order to resolve these issues and via the Parish Council, I am advised that these residents now 'welcome this development'.

The latest correspondence from Coddington Parish Council has suggested that a number of residents remain concerned with the scheme and this appears to primarily relate to their rights of access and ability to gain access.

I understand that specifically CPC are concerned that;

- ***The measurements shown for vehicle access to the rear of 20 Thorpe Close had been taken from inside the property and also extended on to the property of the proposed development. In response I would refer Members to Revision K which shows that the distance annotated of 6.34m is taken from the outside of the gates to the back edge of the footpath in front of the proposed bungalow.***
- ***The necessary widening of the gateway to no. 20 Thorpe Close was not part of the application and would be at the occupiers own expense. In response, this widening whilst acceptable from a planning perspective does not form part of the application site and we cannot require the applicants to widen this when it is not within their gift to do so. As an aside the applicant has been advised of this request to contribute to the costs of doing this and this may or may not be subject to a separate agreement outside of the planning regime.***
- ***The site allotted for bins for the new property had been moved, but soft landscaping on the corner was still shown.***
- ***The occupier of no. 24 Thorpe Close had asked for another 1m of access to his property, but this was not shown on the plan. He had demonstrated that even with an extra metre, it would take 6 manoeuvres to get his car in and out of the driveway. In response I can confirm that additional reversing space has been shown on the revised drawings. Revision D showed reversing space of 7.2m whereas later plans including version K now show 8.2m of reversing space.***

I believe that the scheme does now allow for existing residents to maintain their rights of access (which is a separate legal matter between the applicants and the residents – and not one that the regulatory planning regime can resolve) in an acceptable way which now conforms with NCC Highway advice and there are no grounds to refuse the scheme on this basis.

#### Drainage

The site lies within Flood Zone 1 albeit it is noted to lie within an area prone to surface water flooding. A surface water management plan has been submitted as part of supporting documentation which details how surface water would be managed on the site. The proposed layout is considered to be acceptable and would not result in any greater surface water flooding issues than that which currently exists from the large areas of hardstanding on the site. Rather, the level of hardstanding on site would be reduced which could improve the existing situation.

#### Other Matters

The comments received from colleagues in Environmental Health regarding potential contaminated land are noted and are capable of being controlled by condition which is necessary and reasonable.

### *Land ownership/Boundary Disputes*

Following the concerns raised by one local resident (verbally) that the site location plan was incorrect because it showed the use of part of their garden, it has been established the original site location and block plans were incorrect insofar as they show the garages protruding into the garden of a dwelling to the west, showing a doglegged shaped garden. In reality the garden of the neighbour runs straight and it was established that the Ordnance Survey layer of the plan is incorrect. Revised plans have been submitted to show that the site would not encroach into the neighbour's garden and the plans have been appropriately annotated. I am satisfied that the correct ownership certificate has been served and that no persons have been prejudiced.

### *Walls of Garages*

The walls of the garages that form the boundary with the application site appear to be of sound construction and appearance. It has been requested that the applicant carefully demolish the garages to allow the walls of the garages (which would need to be suitably reinforced) be retained thus maintaining the common boundaries with neighbours and minimizing disruption to them. ~~The applicant has in principle agreed to this approach and is exploring this further and a condition (see number 5) has been imposed to reflect this.~~ **The applicant had previously agreed in principle to this but it has become apparent upon investigation that this is not possible because they are built on old slabs which will need to be replaced with different boundary treatments. However the applicant has now confirmed that where walls of garages are to be removed these will be replaced with brick walls.**

**I would draw Members attention to suggested conditions no. 5 & 6 which aim to deal with the methodology for demolition and temporary boundary treatment at the construction phase plus the required permanent boundary treatments at operational stage. It is open to Members, if minded to approve, to impose a more rigorous CEMP condition as suggested by the Parish Council if they consider it justified.**

### Conclusion and Planning Balance

Taking the above into account I am of the view that the proposed development would provide for a family home in an area where there is a need for small single storey units and conclude that the site is in a relatively sustainable location. The development would have an acceptable impact on the character of the area, neighbouring amenity, highway safety and drainage. Whilst this scheme would displace some cars from the garages lost, on balance it is considered that the limited harm through consequential on-street parking would be outweighed by the positive of providing a much needed affordable home. There are no further material considerations that would warrant refusal of the application.

### **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below.**

### Conditions

01 (Time for Implementation)

The development hereby permitted shall not begin later than three years from the date of this permission.



Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

#### 02 (Land Contamination)

No development shall take place until the applicant has verified that clean capping material imported to site for use in garden areas and soft landscaping is suitable for its proposed use, in line with current guidance, to the satisfaction of Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

#### 03 (Plan Condition)

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans

Site Location Plan, Ref 40860/ID43001B

Proposed Site Layout Op 4, 40860/ID43009D K

Proposed Plans & Elevations, 40860/ID4306A

Proposed Drainage, 100 P02

Phase 1 Desktop Study Report, by Collinshallgreen, November 2017

Phase 2 Desktop Study Report, by Collinshallgreen, November 2017

Information provided in respect of Garage Useage

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

#### 04 (External Materials)

The development hereby permitted shall be constructed entirely of the materials details as shown on drawing number Materials Elevations, 40860/ID43006B unless otherwise agreed in writing by the local planning authority through a non-material amendment application.

Reason: In the interests of visual amenity.

#### 05 (Methodology for Demolition and Boundary Treatments at Construction phase)

No development shall be commenced on site, including any demolition, until a methodology for the demolition of the garages **along with details of temporary boundary treatments to be erected during the construction phase** and the retention (and reinforcement where necessary) of the garage walls where they adjoin neighbouring gardens have been submitted to and approved in writing by the Local Planning Authority. **The demolition shall then be in accordance with the approved methodology submission.** ~~Where this is identified as not being possible, details of an alternative boundary treatment (for the construction phase) following the demolition works shall be submitted to and be agreed in writing by the LPA prior to commencement on site. The approved boundary treatment shall be implemented on site as agreed and shall be retained until construction works have been completed unless otherwise agreed in writing with the Local Planning Authority.~~

Reason: In in the interests of amenity and site safety.

#### 06 (Boundary treatments at operational phase)

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority. **These boundary treatments shall comprise brick walls where they replace the walls of garages that will be lost as part of this permission unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of residential and visual amenity.

#### 07 (Landscaping Scheme)

Prior to first occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and shall be approved in writing by the local planning authority. These details shall include:-

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

hard surfacing materials; and

Reason: In the interests of visual amenity and biodiversity.

#### 08 (Implementation of Landscaping)

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme shall be implemented prior to first occupation of the dwelling hereby approved.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

#### 09 (Removal of PDR)

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Reason: In the interest of protecting neighbouring amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

010 (Provision of car Parking)

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking of vehicles.

Reason: In the interests of highway safety.

011 (External lighting scheme)

Prior to first occupation of the dwelling hereby approved, details of an external lighting scheme shall be submitted to and be approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to help ensure that manovering of vehicles is done so safely in times of darkness.

**012 (Additional condition to require minor amendment to the plan)**

**Notwithstanding the approved layout drawing (Rev K), prior to the development commencing, a revised plan showing a small radius kerb at the entrance to the gateway of no. 20 Thorpe Close shall be submitted to and approved in writing by the LPA. The development thereafter shall be completed in accordance with the amended plan unless otherwise agreed in writing by the LPA.**

**Reasons: In the interests of amenity and highway safety.**

**Notes to Applicant**

01

The applicant is advised that all planning permissions granted on or after 1 December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Council's website.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

Background Papers

Application Case File

For further information, please contact Clare Walker on ext. 5834.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**

Committee Plan - 18/00413/FUL

