

Application No:	17/02308/FUL	
Proposal:	Demolition of existing garages and the development of 1 No. 2-bed bungalow.	
Location:	Garage Units Off, Knotts Court, Main Street, Balderton, Nottinghamshire	
Applicant:	Newark & Sherwood District Council	
Registered:	19 December 2017	Target Date: 27 February 2018

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.

The Site

The site lies centrally within Balderton and is therefore within the Newark Urban Area as defined by the Core Strategy settlement hierarchy. The site is comprises a garage court of 8 units in two blocks running roughly north south and is accessed from Bullpit Road. The properties of Knott’s Court sit between the proposal site and Main Street.

The properties in the locality are a mixture of detached semi-detached and terraced with a number of non-residential uses also in evidence including convenience store, public houses, Church of St Giles (a Grade II Listed Building), Children's Nursery, and a veterinary clinic. The site itself comprises 8 number garages and part of the existing rear open space to Knott’s Court. The rear wall of the block of 5 garages forms the western boundary and walling of varying styles and condition to a varying height of approximately 1.5m along with the garage wall to a height of approximately 3.5m (to peak of the mono pitch roof) run along the northern boundary.

The site is not within a conservation area and is designated as being within Flood Zone 1 according to Environment Agency mapping.

Information provided by Newark and Sherwood Homes details the occupancy of the 28 garages as follows;

Unoccupied	0
Occupied by private tenant	5
Occupied by NSDC tenant	3
Sold	0

Relevant Planning History

There is no recorded planning history to the site.

The Proposal

The proposed development seeks planning permission for the erection of one two bedroom bungalow following the demolition of the existing garages on the site. The bungalow would measure 8.65 metres by 8.54 metres and 5.69 metres to the ridge. Access onto Bullpit Road would be taken from the existing vehicular access with two dedicated parking spaces being provided for the property and a further two visitor spaces being provided for both the proposal property and the properties at Knott's Court. The boundaries to Knott's court would be retained as open with the proposal including additional footpaths to link to the existing formal shared space of Knott's Court.

Departure/Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy
Spatial Policy 2 - Spatial distribution of growth
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
- Newark and Sherwood Amended Core Strategy DPD 2017

Consultations

Balderton Parish Council – Members considered that the loss of eight garages for just one small bungalow will have a disproportionate impact on the neighbouring properties by creating further parking problems on the adjacent highway. Main Street and Bullpit Road are already busy owing to the businesses located there. District Council Members are urged to hold a site meeting to fully assess the potential implications of this proposal.

NSDC Environmental Health Officer (contaminated land) – With reference to the above development, I have received a Phase I Desktop Study report submitted by the consultant (CollinsHallGreen Ltd) acting on behalf of the developer.

This includes an environmental screening report, an assessment of potential contaminant sources and a description of the site walkover.

The report then identifies made ground as a potential source of contamination. Following this, the risk to all receptors is described in the report as very low.

The report then suggests that a phase 2 intrusive investigation will be carried out. I am somewhat surprised that intrusive sampling is deemed necessary given the stated very low risk but I shall await the submission of the phase 2 report prior to commenting further.

The Environmental Health Officer was reconsulted on additional information and provided: I have now had the opportunity to review the submitted Phase 2 Ground Investigation Report, submitted by Collins Hall Green in support of the above planning application. The site investigations provide clear characterisation of the contamination at the site, with subsequent analysis and risk assessment identifying that there are no significant issues with respect to contamination.

Given this evidence, I am in agreement that the on-site soils do not present a potential risk to human health for the proposed use as residential dwellings.

However I note that 300mm topsoil is to be imported into garden areas, I would therefore request continued use of the contamination condition until the chemical suitability of this material has been proven.

Our requirements in terms of imported material are highlighted below:

Any soils being brought onto site for use in gardens or soft landscaping areas will require validity testing to be carried out to ensure suitability. We recommend that an appropriate testing regime of these materials is carried out and should include heavy metals, speciated PAH and other tests dependant on the source of the soil material (such as asbestos screen). The selected testing regime and screening values used for assessing the results shall require approval from this Section.

An appropriate frequency of testing should be carried out to give statistical confidence of the validation results. For garden areas we generally accept a topsoil sample frequency of 1 per 50 cubic metres and a subsoil sample frequency of 1 per 200 cubic metres or a minimum of 3 samples per soil type to give statistical confidence, whichever is the greatest.

For landscaped areas we generally accept a topsoil sample frequency of 1 per 200 cubic metres and a subsoil sample frequency of 1 per 250 cubic metres or a minimum of 3 samples per soil type to give statistical confidence, which ever is the greatest. The topsoil should also conform to BS3882 Specification for topsoil and the source recorded.

Further discussions on the wording of an appropriate condition have confirmed that it is only the potential for unexpected contamination and the control of imported topsoil which require control.

NCC Highways Authority– This proposal is for the construction of a bungalow served by the existing access onto Bullpit Road, following demolition of the existing garage units. There are no alterations proposed to the existing access. Therefore, the Highway Authority would not wish to raise objection subject to the following condition being imposed:

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan, ref. 40860/ID54/003F. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

NSDC Access and Equalities Officer - As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards. In particular, 'step-free' access to and into the dwelling is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, accessible sanitary accommodation all carefully designed to facilitate easy access and manoeuvre throughout are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Severn Trent Water Authority-

No response received. Any subsequent response will be updated at the meeting.

One letter of representation has been received from a local resident. The comments related to brick at the base of the boundary wall adjacent to the entrance from Bullpit Road. The bricks in question are four number in total and are inscribed T.S, A.S with the two below having 1824 inscribed.

Comments of the Business Manager

Principle of development

The LPA is well advanced in the process of a plan review with examination taking place in February 2018. For the avoidance of doubt the Council considers that it has a 5 year housing land supply against the only objectively assessed need (OAN) available and produced independently by consultants and colleague Authorities. Therefore for the purposes of decision making, the Development Plan is considered to be up to date.

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. Balderton falls within the Newark Urban Area and is the sub-regional centre. Policy SP2 seeks to direct 70% of housing growth to this area. Therefore the principle of developing the site for residential use is considered to be acceptable subject to an assessment of all relevant site specific issues set out below.

Impact upon Visual Amenity and Heritage Assets

Core Policy 9 requires that developments achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments and requires developments make the most efficient use of land at a level suitable to local character. Policy DM5 provides that the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals. Furthermore the NPPF states 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.

Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The proposal is located outside of Balderton Conservation Area and has good separation/built form separating the site from the nearby listed buildings at the Parish Church of St Giles and no.9 Bullpit Road. As such it is not considered that there would be any appreciable impacts upon the setting of these heritage assets from the proposal.

The proposal is for a single bungalow property as noted previous situated to the rear of Knott's Court. The locality has a variety of built form with a wide variety of building materials including red and buff brick, render and roofing materials displaying clay, slate and concrete tiles. The proposal is formed by a bungalow property of 8.65m width by 8.54m depth with an eaves height to 2.33m and ridge height of 5.9m. The proposal also has a small gable roof projection to the frontage with a ridge height to 4.3m. The property as proposed is considered to be of an acceptable design and scale to assimilate into the character of the locality. Proposed materials comprise Welford Buff bricks and slate grey Russell Grampian roof tiles which are considered appropriate to the area particularly given the broad spectrum of materials that could potentially be acceptable.

Whilst the proposal represents backland development, given the varied built form of the locality with differing depths of development from road frontages and cul de sac developments it is not considered that there would be a significant impact from the proposal being sited to the rear of Knott's Court. As such the proposal is not considered to be contrary in this respect with Policy DM5.

Overall, it is therefore considered that the proposal would be acceptable in regards to its potential for impact upon the character and form of the locality and would not result in any appreciable impact upon the setting of the heritage assets in the wider area. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the Development Management DPD.

Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

The proposal has residential properties to its north, east and south boundaries with a County Council owned Hall to the western boundary. The proposed bungalow is laid out with the main elevations facing toward the east and west. The front (east) elevation has windows serving the kitchen / dining room and second bedroom and would be approximately 16.9m from the rear elevation of 5 - 8 Knott's Court with views potentially achievable (albeit at an oblique angle) from 3 - 4 Knott's Court. This is considered to be at the cusp of acceptability given that this distance is less than the best practice separation distance of 21 metres from main habitable room window to main habitable room window. However, it is noted that the future occupiers would move in with full knowledge of the relationship with existing dwellings. Given this and the off set, notably for the kitchen/dining room, it is not considered that there would be significant impacts of overlooking to such a degree to warrant resistance of the proposal on these grounds.

To the south, the proposed dwelling has only one window opening serving the bathroom. At approximately 10m separation the proposal is not considered to have any significant effect of overlooking in this regard. To the west the proposal has its main living room opening (double doors) and the main bedroom window. At approximately 13.1m to the Hall and with the ability to require suitable boundary treatment it is not considered that this bungalow property would result in a level of overlooking to warrant refusal on these grounds. To the north is a secondary window serving the livingroom. This window would be located approximately 2.2m from the boundary with no.3 Bullpit Road. With the property being single storey it is considered that control of boundary treatments along this boundary would be sufficient to ensure that the proposed dwelling would not result in any significant impacts of overlooking to the neighbouring property at no.3 Bullpit Road.

Given the proposed dwellings are 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. With regards to potential for overshadowing or oppressive impacts from the proposal it is considered that given the single storey nature of the dwelling its separation from neighbouring properties and orientation that there would not be effects from overshadowing or oppression to a degree which would warrant refusal on these grounds.

As such, the development is considered to be acceptable in terms of residential amenity and to comply with the above policies and guidance.

Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The Highways Authority have raised no objection to the proposed development and have requested a condition to secure the proposed parking is provide prior to occupation and retained for this use. The proposal would replace the existing eight garages on the site and therefore would potentially displace the parking provision they provide. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented (17/20) and therefore residents cannot be forced to use them nor are they necessarily associated with residents in the adjoining streets. Given the above context, it is considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

In conclusion NCC Highways are satisfied that the proposed development would not detrimentally impact upon highway safety and as the professional consultee in this regard The Authority as the determining body is satisfied with this recommendation. The proposal is therefore considered to accord with Policy SP7 and DM5.

Impact on Flooding

Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

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.

Other Matters

The comments received from colleagues in Environmental Health regarding potential unexpected contamination of the land are noted and shall, along with the content of the required topsoil be controlled by way of condition.

The neighbour comments received in respect of the dated bricks to the base of the wall along the northern boundary are noted. Research has revealed that the bricks in question are likely to have been salvaged from Knott's Court as it was redeveloped into its current layout. As noted earlier is considered prudent to attach a condition to control the boundary treatments of the site and as such it is considered that an informative to this condition can be attached to note that these bricks should be retained in any boundary treatment scheme produced.

Planning Balance and Conclusion

The site is located within Balderton where the principle of development is considered acceptable. The scheme is considered to be on the cusp of acceptability in residential amenity terms, however on balance I am of the view that the impacts would not be so detrimental to warrant refusal of the application. In reaching this view, regard has been given to the fact that the proposed development would provide affordable housing in an area where there is a need for small single storey units. The development would have an acceptable impact on the character of the area including the setting of heritage assets (including Listed Buildings) and the character and appearance of the nearby Conservation Area, neighbouring amenity, highway safety and flooding. There are no further material considerations that would warrant refusal of the application.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

Conditions

01

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

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

- Proposed Site Layout - Ref 40860/ID54/003F (Dated 07/07/2017)
- Proposed Plans and Elevations - Ref 40860/ID54/006 (Dated 19/12/2017)
- Proposed Kerbing and Drainage - Drawing Number 100 Revision P03 (received 20.02.2018)

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.

03

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan, ref. 40860/ID54/003F. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

04

No part of the development shall be brought into use until 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.

Reason: In the interests of residential and visual amenity.

05

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application and as detailed on the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

06

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. 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
an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

07

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

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

08

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

09

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Part A: Site Characterisation

An investigation and risk assessment of the unexpected contamination must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10

Prior to the importation of any topsoil material the details of validity testing to demonstrate its suitability for use shall be submitted to and approved in writing by the local authority. There after only the approved topsoil material shall be used in developing the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11

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 A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment 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).

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st 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/

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).

03

The applicant's attention is drawn to condition 04 in relation to boundary treatments. The existing walling to the northern boundary at the entrance onto Bullpit Road has four date stones from the previous development of Knotts Court. Any boundary treatment proposed should retain these features in situ.

BACKGROUND PAPERS

Application case file.

For further information, please contact Kevin Robinson on ext. 5541.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 17/02308/FUL

