

## **PLANNING COMMITTEE – 10 SEPTEMBER 2019**

<b>Application No:</b>	<b>19/01243/FUL</b>
<b>Proposal:</b>	<b>Demolition of existing buildings and construction of 4no new terraced town houses</b>
<b>Location:</b>	<b>298 Southwell Road East, Rainworth, Nottinghamshire, NG21 0EB</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs R Northey</b>
<b>Registered:</b>	<b>03.07.2019</b>
<b>Target Date: 28.08.2019</b> <i>Extension agreed until 13.9.19</i>	

**This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation of refusal is contrary to the view of the Parish Council who support the scheme.**

### **The Site**

The application site comprises a c. 432m<sup>2</sup> parcel of land to the west of Southwell Road East in Rainworth. The site occupies a prominent position at the traffic light junction and comprises two semi-detached dwellings with a side shop extension (c. 11.5 x 8.5 m in total) which are currently in a poor state of repair. To the rear of the site is a flat roofed former garage/workshop unit (c. 14 x 7m) that is also in disrepair. The site is accessed from the SE down Ramsdens Croft which is a narrow road flanked by buildings on either side. The NE elevations of the existing semi-detached properties are flush with the back edge of the pavement and between this and the highway is a metal railed fence line.

The land to the NE of the workshop building on the site is currently overgrown. The rear garage workshop has vehicular access directly off Ramsden Croft which is an unadopted/private access road – access out of this road is currently through a traffic light control with limited visibility either side as a result of flanking built form. On the site directly to the NE is a Funeral Directors and Hair and Beauty Salon, to the NE there is a collection of shops including a number of hot food takeaways. To the SE is a Co-Op foodstore. To the SW and NW is the built up residential area of Rainworth. There is a free public car park c. 55 m to the north of the site across Southwell Road East.

### **Relevant Planning History**

#### **63830323**

CHANGE OF USE COACH DEPOT TO VEHICLE REPAIR WORKSHOP – Permitted 07.06.1983

#### **6382643**

CHANGE USE OF EXISTING COACH DEPOT TO VEHICLE REPAIR WORKSHOP – Refused 08.09.1983

#### **6381746**

ESTAB. USE CERTIFICATE FOR CAR. REPAIR & MAINT. OF VEHICLES USE CONNEXION + CARRIAGE PASSENGER SETC – Permitted 02.09.1981

**63811265**

PARKING VEHICLES USED IN CONNECTION WITH CONVEYANCE OF PASSENGERS FOR HIRE & REWARD ETC – Permitted 02.04.1982

**6376152**

PROPOSED PARKING SPACE BY REMOVAL OF FENCE – Refused 13.04.1976

The Proposal

Full planning permission is sought for the demolition of the existing two storey semi-detached properties and vehicle garage workshop and the erection of 4 no 3-bed terrace style dwellings.

The proposed terrace has a rectangular footprint which measures c17.6m wide by c8.4m deep to a ridge height of c9m and eaves of c.5.8m – each unit is c.4.5m wide. The block has a simple ridge roof and its front elevation has a small porch canopy over the front door and a centralised gable style dormer set back from the eaves. The dwellings would comprise lounge, open plan dining room and kitchen and a WC at ground floor, two bedrooms and a bathroom at first floor and a third bedroom and an ensuite at second floor. The first bedroom on the first floor (labelled Bedroom 1 is a single sized bedroom).

Proposed materials are cited as facing bricks and clay roof tile. Windows and doors are proposed to be uPVC. The building is proposed to be set back c.1 m from the edge of the pavement to provide improved visibility splays from Ramsden Croft onto Southwell Road East.

6 No. parking spaces would be provided to the side (SE) in a row and access would be taken from Ramsden Croft.

Gardens (c. 4.4m wide x 8m deep) are to be provided to the rear (SW) of the properties – access would be provided down the SW rear boundaries and through the dwellings. The boundary treatments of the gardens would be closed board timber fencing. Bin storage would be provided within the rear garden areas.

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

- Planning Statement
- Design and Access Statement
- Location Plan
- Revised Proposed Site Plan
- Proposed 3 bed Plans and Elevations
- Existing Site Layout Plan
- Proposed Floor Plans
- Proposed Elevations
- Photo: View to site with vehicles parked on Ramsden Croft

Departure/Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter.

## **Planning Policy Framework**

### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2019)**

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

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM6 – Pollution and Hazardous Materials  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance

### **Consultations**

**Rainworth Parish Council** – Support the proposal.

**NCC Highways Authority** – “This proposal is for the construction of 4 x 3 bedroomed dwellings following demolition of the existing dwellings, shop unit and rear workshop. The dwellings are to be served by the existing vehicular access off Ramsden Croft, which is a private road with a width of approx. 6m controlled by traffic signals at the junction with Southwell Road East. One car parking space per unit and 2 visitor spaces are proposed within the site.

In accordance with the current Highway Design Guide, parking bays are required to be a minimum 2.4m x 5.5m with 6m maneuvering space behind each bay. The parking bay dimensions shown on the proposed site layout plan are less than this (2.5m x 4.5m) and will result in vehicles overhanging into Ramsden Croft, reducing its available width for vehicles entering/egressing. Also, parked vehicles are positioned in close proximity (approx. 2.5m) to the junction with Southwell Road East, increasing the risk of vehicular conflict should a vehicle enter the site as another is maneuvering to exit.

For 3 bedroomed dwellings, it is reasonable to expect that two parking spaces per dwelling are provided. The low number of spaces proposed will result in vehicles being parked elsewhere in the vicinity to the detriment of highway safety.

In view of the above, it is recommended that this application be refused for the following reasons:

1. The proposed development fails to make adequate provision for the parking of vehicles and also provides inadequate sized parking bays within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to an increased number of vehicles being parked in the vicinity.
2. The proposed development would increase the risk of vehicular conflict as it would be likely to affect the free flow and safety of vehicular traffic along Ramsden Croft and at the Ramsden Croft/Southwell Road East junction."

**NSDC Environmental Health** – "Proposal: Demolition of existing buildings and construction of 4no new terraced town houses

Site Address: 298 Southwell Road East Rainworth Nottinghamshire NG21 0EB

Planning Application Ref: 19/01243/FUL

I refer to the above application and have no comments to make regarding the development. I would be grateful if approved that the following conditions are applied:

No development shall be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed 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 machinery
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

No demolition or construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 08:00 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

In addition, the 'Best Practicable Means' (BPM) of controlling noise should be employed at all times."

**NSDC Contaminated Land** – "This application includes the demolition of a garage and workshop and the construction of residential units. There is clearly the potential for contamination to be present from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent."

**Representations have been received from 4 local residents/interested parties which can be summarised as follows:**

**Objection:**

- Insufficient car parking spaces for the number of dwellings/bedrooms and therefore displacement of vehicles

- Ramsden Croft is narrow and the turning spaces are insufficient to accommodate more vehicles and emergency vehicles
- Objection to the three storey building not being in keeping with the area.
- Road safety concerns
- Loss of privacy
- Overshadowing and overlooking concerns
- Proposal will detrimentally impact the character of the area

**Support:**

- The proposal will enhance the look of Ramsden Croft

Comments of the Business Manager

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making.

*Principle of Development*

The site is located within the built up area of Rainworth and within the Rainworth District Centre as shown on the Proposals Maps in the Allocations and Development Management DPD. Under Spatial Policy 1 of the Core Strategy, Rainworth is identified as a Service Centre which has a good range of local facilities and is therefore considered to be an appropriate location for new housing and employment as it is considered to be a sustainable location for new development. The principle of development is therefore considered to be sustainable, acceptable and in accordance with the Local Development Framework, the NPPF and its Planning Policy Guidance, subject to consideration of the following matters.

*Impact on the Character of the Area*

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. 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. Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form.

The development proposes one block of four terrace properties located to the front of the site adjacent to the highway which would be constructed of red brick with clay tiles. The application site falls within a mixed use area which has a number of shops and residential properties – the area does not have a prevailing character, however on the SW side of Southwell Road East adjacent to the development site there is a number of two storey semi-detached dwellings; to the rear properties on Ramsden Croft are also a mix of two storey detached and semi-detached dwellings. There is no consistent urban grain within the area.

Chapter 11 of the NPPF refers to making effective use of land, advising that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117). This chapter goes on to state how planning decisions should also promote and support the development of under-utilised land especially if this would help to meet identified needs for

housing (para.118.d). Para. 119 explains how LPA's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, such as the supply of affordable housing with para 120 reiterating that planning decisions "need to reflect changes in the demand for land".

This site currently comprises two semi-detached properties and a flat roofed garage workshop building, all of which are in a state of disrepair. Neither of the buildings possesses any architectural or historic merit that would warrant their preservation such that I have no objection to the demolition of the buildings on the site, which ultimately given their current state and configuration do not contribute positively to the character of the area. I therefore consider the proposal would present an opportunity to enhance the site and wider area in replacing some disused and low value buildings with a terrace block of houses.

Turning now to the aesthetics of the proposed terrace block I note that the properties have been designed sympathetically to the surrounding area. I note that a number of interested parties have commented regarding the design of the dwellings being out of character particularly given there are three storey however I note that the second floor of the properties is contained within the roof space with a gable style dormer window set in from the eaves and the ridge height is 9m. I appreciate that there are no examples of gable style dormer windows in the vicinity, however there is also no prevailing uniformity within the streetscene as surrounding built form is of varying styles and design. I therefore do not consider the aesthetics of this terrace block or the overall height to be wholly out of character with surrounding properties. I also consider the materials proposed will further aid the assimilation of the dwellings into the locality such that the proposal would not be inappropriate in this context. I also consider the proposal is of a suitable scale and density for the location.

I note that the dwellings are proposed to be moved further SW within the plot such that the properties will sit 1m back from the edge of the pavement, however I do not consider this would result in a detrimental impact to the street scene, particularly noting the properties to the NW, adjacent to the site, which are set c. 10 m further SW.

Overall in conclusion I consider the proposal to demolish the existing low quality buildings on the site and construct a new block of 4 no. dwellings will materially enhance the character of the area, the dwellings are of a suitable scale and density for the location and have been designed suitably so that they will not appear incongruous within the streetscene. I therefore consider the proposal to be in accordance with Policy DM5 of the ADMDPD and CP9 of the Core Strategy.

#### *Housing Need*

I note that this proposal is for 4no. 3 bedroom houses - the district wide Housing Market and Needs Assessment (2014) identified that within the Mansfield Fringe sub area (of which Rainworth is a part of) the main type of property required is bungalows followed by semi-detached. Two bedroom properties are required (32.3%) in addition to three bedroom dwellings (24.8%). It is therefore considered that a need exists within the Rainworth area for 3 bedroom semi-detached/terraced style units and this proposed development would assist in meeting that need in accordance with CP1.

#### *Impact on Neighbouring Amenity*

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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 site is surrounded by a mix of uses such that residential properties lie to the SE and NE across the highway, to the SW down Ramsden Croft and NW down Southwell Road East.

The application is for a terrace block of two and a half storey properties – the principle elevations would face NE and the rear SW. The principle elevations are identical for all four properties with one dormer window at second floor serving bedroom 3, two windows at first floor serving bedroom 2 and one at ground floor to serve the lounge as well as the front door. The rear elevation has a dormer window at second floor serving the ensuite, two first floor windows serving bedroom 1 and a bathroom and a window and door at ground floor serving the open plan kitchen/dining room. Both side elevations are blank. The terrace block would have a ridge height of c9m and eaves of c.5.8m.

Given the site context, with residential properties either set across the highway or 10 m further SW within their plots I do not consider the proposed terrace block would result in any overbearing or overshadowing impact that would be materially worse than the current situation at the site. The properties are of a suitable height and positioning such that I do not consider there would be any overbearing or overshadowing impact as a result of the proposal.

Turning now to overlooking, I note that comments from interested parties refers to a loss of privacy as a result of this proposal, however I note that two semi-detached properties are currently in-situ on the site with windows in the front and rear elevations such that the proposal to replace this built form with similar glazing arrangements would not significantly alter the existing arrangement. Nevertheless I do note that a dormer window is proposed on the front and rear elevations at effectively 2<sup>nd</sup> floor which would be a new addition to the site, in addition to the number of units increasing from 2 to four – however having assessed the proximity of surrounding neighbours, c. 30 m across the highway to the NE and 50 m across the rear gardens (and intervening built form) of the proposed properties to dwellings on Ramsden Croft, which are set at a perpendicular line of sight to the properties proposed I do not consider there would be any overlooking issue that would result from this proposal. Similarly to the NW and SE, the side elevations are proposed to be blank.

With regard to the proposed dwellings themselves I note that close board fencing is proposed to the rear gardens, which are a sufficient size commensurate with the size of the dwellings such that the amenity of future occupiers would not be compromised.

Overall, whilst noting comments from local resident regarding amenity impacts, taking into account the above considerations it is considered the proposal would not conflict with the amenity criteria under Policy DM5.

#### *Impact on Highways Safety*

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.

The application comprises 4 no. 3 bed properties which would be served off an existing vehicular access of Ramsden Croft which is approx. 6 m wide and controlled by traffic signals at the junction with Southwell Road East. One car parking space per unit and 2 visitor spaces have been proposed within the site. NCC Highways have commented on the application, previously advising that the size of the parking bays was too small to meet the Highway Design Guide (required to be a minimum of 2.4 m x 5.5 m) – the applicant has now revised the size of the parking bays to meet this requirement so that vehicles will not overhang onto Ramsden Croft or reduce the width of the carriageway for vehicles entering/egressing. Nevertheless, vehicles are proposed to be parked in close proximity to the junction with Southwell Road East (c.9.1 m back from the edge of the existing kerb line to the footpath) which NCC Highways have commented will increase the risk of vehicular conflict should a vehicle enter the site as another is maneuvering to exit.

NCC Highways have also commented on the lack of adequate parking provision for 4 no 3 bedroom dwellings which would be expected to have two parking spaces per dwelling. However I do note that out of the three bedrooms, 1 is a single bedroom which could only accommodate a single bed. Nevertheless, NCC Highways have advised that the low number of spaces provided will result in vehicles being parked elsewhere in the vicinity to the detriment of highways safety. The agent has advised that there is a free to use and publically accessible car park across Southwell Road East park c. 55 m to the north which residents could use to park, however I acknowledge that there would be preference for residents to park closer to their properties such that cars are likely to be displaced onto the highway along Ramsden Croft which would exacerbate on street parking issues.

The agent has stated that there is no current parking provision within the site and thus vehicles currently park along Ramsden Croft adjacent to the existing building on the site which reduces the width of the access to the properties (providing the image in Figure 1). However from my site visit I noted that there is an area of hardstanding to the rear of the existing properties on the site which is free for vehicular access and no cars were parked adjacent to the building on Ramsden Croft. I also note that the picture provided by the agent appears to have been taken some time ago and does not reflect the current site appearance as shown in my site photo in Figure 2 (despite the different photo angles). The agent also argues that the repositioning of the built form within the site will improve the visibility of the junction to the benefit of highways safety.



Figure 1 - Agents image of the site from Southwell Road East



Figure 2 – Officers image of the site from Southwell Road East

Despite the agent's argument about occupiers being able to park in the nearby public car park, and the enhancement to the highway as a result of the proposal I must give substantial weight to the comments of NCC Highways as the technical highways experts who have concluded that the proposed development fails to make adequate provision for the parking of vehicles, would



increase the likelihood of danger to other users of the highway due to an increased number of vehicles being parked in the vicinity and would increase the risk of vehicular conflict as it would be likely to affect the free flow and safety of vehicular traffic along Ramsden Croft and at the Ramsden Croft/Southwell Road East junction. As such the proposal is therefore contrary to Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

#### *CIL*

The site is located in the 'Housing Low Zone' area which is zero rated for CIL purposes and therefore no CIL will be payable for this development.

#### *Other Matters*

I note the comments from the Environmental Health and Contaminated Land Officers in relation to the proposed development. Given the application includes the demolition of a garage and workshop and the construction of residential units the Contaminated Land officer has advised that there is the potential for contamination to be present from this former use. They raise no objection to the proposal provided a condition is attached to investigate potential contamination on the site. The EHO has also advised that they have no objection to the proposal subject to a construction method statement condition to consider the demolition approach and the future construction plan on the site. I therefore consider that subject to the above conditions there would be no unacceptable environmental health consideration.

#### *Planning Balance and Conclusion*

I have concluded that the proposal to demolish the existing low quality buildings on the site and construct a new block of 4 no. dwellings will materially enhance the character of the area; the dwellings are of a suitable scale and density for the location and have been designed suitably so that they will not appear incongruous within the streetscene I also recognise that the design of the dwellings is appropriate in this context and is sympathetic to surrounding built form. The proposal would also provide four units that would accord with the housing need within the Rainworth area for semi-detached/terrace 3 bedroom properties.

I note that there would be no unacceptable impact on neighbouring amenity or objections from an environmental health perspective as a result of these new dwellings.

However it has been concluded that the proposed development fails to make adequate provision for the parking of vehicles; would increase the likelihood of danger to other users of the highway due to an increased number of vehicles being parked in the vicinity and would increase the risk of vehicular conflict as it would be likely to affect the free flow and safety of vehicular traffic along Ramsden Croft and at the Ramsden Croft/Southwell Road East junction.

Overall I must give substantial weight to the technical advice of the highways officer who has concluded that the application would detrimentally impact the safety of the highway contrary to Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD and I therefore consider that the application should be refused on this basis.

#### **RECOMMENDATION**

**That planning permission is refused for the following reason:**

01

In the opinion of the Local Planning Authority the proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to an increased number of vehicles being parked in the vicinity. The proposed development would also increase the risk of vehicular conflict as it would be likely to affect the free flow and safety of vehicular traffic along Ramsden Croft and at the Ramsden Croft/Southwell Road East junction. The proposal does not therefore accord with the requirements of Spatial Policy 7 (Sustainable Transport) of the adopted Newark & Sherwood Core Strategy nor Policy DM5 (Design) of the adopted Allocations and Development Management DPD which together form the Development Plan as well as the NPPF, a material planning consideration. There are no matters that outweigh the harm identified.

#### Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

#### Background Papers

Application case file.

For further information, please contact Honor Whitfield on ext. 5827.

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)

**Lisa Hughes**

**Business Manager – Planning Development**