

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No: 19/01526/FUL

No:

Proposal: Demolition of the existing garage court and development of 1no. 2-bed dwelling

Location: Garage Units Off Lansbury Road
Bilsthorpe

Applicant: Newark & Sherwood District Council

Agent: Vicky Heath - rg+p Ltd.

Registered: 22.08.2019

Target Date: 17.10.2019

Website Link: <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PWC7A9LBKWT00>

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 only need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council which is the case here.

The Site

The application site is a broadly rectangular plot of land at the end of Lansbury Road within the village envelope of Bilsthorpe towards the northern boundary of the settlement. The site as existing accommodates a garage court of 12 garages arranged in two linear arrangements running broadly north to south. The eastern range comprises 5 garages with the western ranging occupying 7. There is also a garage in the neighbouring properties ownership adjacent to this range but outside of the application site (albeit the application site includes the right of access to this garage).

The site is surrounded by residential curtilages including semi-detached two storey dwellings on Lansbury Road and a more modern housing scheme to the east on Lumley Close. The latter development is separated from the site by a public right of way which runs through the mobile home park to the south west of the site through the disused railway line to the north of Lansbury Road.

Relevant Planning History

There is no planning history of relevance to the site.

The Proposal

The proposal seeks full planning permission for the demolition of the existing garage court (albeit with the retention of the walls which form the boundaries of the site). The site is then intended to deliver a single detached bungalow in the south western corner of the site orientated northwards with a small projecting gable on the principle elevation. The dwelling would deliver two bedrooms across an approximate footprint of 62m². The maximum pitch height would be approximately 5.69m. Materials proposed have been clarified during the life of the application to be red brick and slate grey roof tiles.

The application has been considered on the basis of the following plans and documents:

- Site Location Plan - 41289-ID114-001B (received 18th September 2019);
- Proposed Site Layout Op5 - 41289-ID114-012D (received 18th September 2019);
- Proposed Boundary Treatment - 41289-ID114-013A (received 18th September 2019);
- Proposed Plans and Elevations Type C - 41289-ID114-014;
- Material Elevations - 41289-ID114-015 Rev. A received 12th September 2019;
- Proposed Drainage - NSH114-CHG-EX-XX-DR-C-0100 P2;
- Phase 2 Ground Investigation Report by collinshallgreen Ref ID114.

Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of 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

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019

- Planning Practice Guidance (online resource)

Consultations

Bilsthorpe Parish Council – Objected to the application as the roads are too narrow, there will be parking issues for the cars that will no longer have a garage allocated, turning issues especially for larger vehicles i.e. refuse collections, there will be additional cars with the proposed build.

NSDC Environmental Health - I have now had the opportunity to review the submitted Phase I Desktop Study and Phase II Ground Investigation Reports, submitted by Collins Hall Green in support of the above development.

Following intrusive sampling, the phase II records that no elevated contamination has been identified. I can generally concur with this assessment however I note that clean material is to be imported to make up garden areas.

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. This shall be done in compliance with YALPAG Verification Requirements For Cover Systems (Ver 3.4) document and evidenced in a validation report submitted to the LPA for approval.

NCC Highways – This proposal is for the construction of a single dwelling served by the existing access, following demolition of the existing garages within the site. The application site is located at the western end of Lansbury Road.

The site layout plan, no. 41289/ID114/012D, demonstrates 3 current 'rights of access', including 1 which is to be relocated, within the application site. Although there is no turning head adjacent the site, there is an existing turning area near 21 Lansbury Road allowing vehicles to turn if required.

As the number of vehicles using the access will be reduced as a result of this proposal, the Highway Authority would not wish to raise objection.

Therefore, the following condition should be imposed:

No part of the development hereby permitted shall be brought into use until the parking/rights of access areas are provided in accordance with plan 41289/ID114/012D. The parking/rights of access areas shall not be used for any purpose other than the parking and access of vehicles.

Reason: In the interests of highway safety.

Ramblers Association - No comments received.

Representations have been received from 6 local residents/interested parties which can be summarised as follows:

- The garages were only recently refurbished;
- The street is already overcrowded with parking;
- The garage court is used as a turnover for vehicles including for emergency vehicles;
- The dwelling will add further cars to the street;

- People losing the garages will park on the street instead;
- The Council should offer people the right to buy the garages;
- Construction traffic will cause a disruption;
- The line on the boundary is incorrect to the neighbouring garage;
- Lansbury Road is a narrow road with only one point of access;
- The garages are used for parking and for visitors in front of garages;
- Bin lorries and deliveries use the space for turning;
- The NPPF is designed to mitigate the impact of any proposals for existing residents – Section 8: Promoting healthy and safe communities; Section 9: Promoting sustainable transport and Section 12: Achieving well-designed places;
- A lot of residents have children / grandchildren who play outside, the traffic from building work would not be safe;
- If approved plans may be altered to accommodate more dwellings;
- There are no alternative parking provisions for some properties using the garages;
- A lot of residents already have to illegally park to allow access and accommodate each other;
- Access for bin lorries and emergency vehicles will be restricted;
- The financial amount that is collectively paid in garage rent as opposed to the financial amount that will be paid in housing rent does not feel productive or necessary;
- The development will cause unnecessary stress and aggravation;

Comments of the Business Manager

Principle of Development

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). 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. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

The site is within the village envelope for Bilsthorpe which is intended in the Spatial Strategy as a Principal Village expected to act a secondary focus for service provision in the Sherwood sub-area. The principle of residential development within the site is therefore acceptable in principle. The development is proposed as part of the Council's programme for the delivery of affordable homes. Any contribution towards affordable delivery, even for a single unit in this case, should be given positive weight in the overall planning balance.

Impact on Character

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 states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF continues 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.

Lansbury Road is largely characterized by two storey semi-detached dwellings. The proposal for a detached bungalow would therefore be a departure from this established built form. However, the site is positioned at the end of the cul-de-sac occupies a setback positioning from the access which serves the driveway. In reality therefore, the proposal dwelling is unlikely to be visible in the street scene. Even in the vantage points where it would be appreciated, given the single storey nature of the proposal, it would in no way be interpreted as a prominent feature of the street scene.

There is a case to be made that the dwelling would create a backland plot ordinarily resisted by Policy DM5. However, it is not considered that this would be harmful in character terms noting that the application relates to a site already developed in built form (the existing garages). Moreover, the constraints of the site are self-governing in their size in that it would not set a precedent for further forms of backland development in the area.

In terms of the specific design of the dwelling, the bungalow proposed is of modest proportions with a footprint of 62m². The detailing is simple but the principle elevation has a small pitch projection which adds visual interest. Materials have been clarified during the life of the application to be red brick with a slate roof which will assimilate well with the site surroundings. I consider that the design sits comfortably within its context and accords with CP9 and DM5.

Impact on 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 NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

The site is landlocked by residential curtilages and therefore there are a number of potentially sensitive receptors to the proposal. One of the closest relationships spatially would be with no. 60 Lansbury Road to the north of the site. The proposed bungalow would not align with the building line of the neighbouring property such that the principle elevation would be perpendicular to the neighbouring property with the outlook towards their rear garden. However, the proposed bungalow would be set back from the shared boundary creating a distance of approximately 14m and any outlook from the principle elevation (noting again the single storey nature of the development) to the neighbouring rear garden would be intervened by the neighbours garage and an existing close boarded fence to be retained. On this basis I do not consider that the proposed bungalow would impose a loss of privacy through overlooking or overbearing.

The dwelling would also share a close spatial relationship with the property to the east; no. 31 Lansbury Road. Again, the proposed unit would be set to the rear of the neighbouring elevation adjacent to their rear garden. However, again there is a set back from the shared boundary, this time creating a distance of approximately 16.5m between the two properties. The intention is for the boundary to retain the existing garage wall. There would also be a close boarded fence within the site which would create privacy for the proposed dwellings garden. On this basis the impact of the dwelling to no. 31 would be relatively imperceptible.

Dwellings to the west are separated by the public right of way. Moreover the side gable does not align with the rear elevation of any neighbouring properties such that the outlook from their rear elevations towards the bungalow will be at an oblique line of site.

The dwelling to the south, no. 4 Oak Rise has a relatively wide side garden which ensures a separation distance of over 18m from the side gable of the neighbouring plot to the rear elevation of the proposed bungalow. The bungalow would be relatively tight to the shared boundary such that the windows on the rear elevation would predominantly look towards the retained garage wall rather than the neighbouring garden beyond. I therefore have not identified any detrimental amenity impacts on neighbouring properties which would warrant concern.

Moving then to assess the amenity provision for the proposed occupier, the dwelling would be served by a small grassed amenity area to the side of the dwelling. The intention is for this to be enclosed by a 1.8m high fence. Whilst the constraints of the site mean that the garden is small, it would at least be a private area for the occupiers. The presence of two storey dwellings surrounding the site would mean that first floor windows may have a vantage into the garden but this would be from an oblique line of site and therefore is not considered harmful enough to resist the application.

Overall the proposed development is compliant with the relevant amenity criteria of Policy DM5. The effect on the amenity of the area in respect to on street parking (raised as a concern through the consultation process) will be discussed in the relevant section on highways impacts below.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to secure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The site forms a garage court comprising 12 garages. At the time of the site visit there was one covered car parked in front of one of the garages but no other cars in the forecourt. It is unclear how many of the garages are in regular use but it was noted that some of them appear to be used infrequently by the presence of weeds in front of the doors which would have been disturbed if a car was regularly going in and out of the garages. Data provided by the applicant confirms that 9 of the garages are leased to non-council tenants and the other 3 to council tenants. The majority of the postcodes are local with the exception of one outside of the District.

The loss of the garages and indeed the loss of the land for the ability of turning vehicles is one of the most significant concerns raised by both local residents and the Parish Council in their comments. It is fully appreciated that the loss of the garages is regrettable and equally it is acknowledged that they appear to be relatively recently refurbished and are in a generally good state of repair. However, the application has been submitted as part of the Councils programme for the delivery of affordable housing which remains a high priority. Having visited the site, the majority of the properties along Lansbury Road are served by driveways and / or garages which would allow for off-street parking. At the time of the site visit (pre-9am on a weekday) there was not a significant amount of on street parking in the area such that the loss of these garages is a cause for concern which would justify refusal in its own right. It is therefore not considered that the loss of the garages should be fatal to the scheme.

The site access would utilise the existing access used for the garage court and is therefore likely to represent a less intensive usage than the existing situation. The proposed dwelling would be served by two parking spaces and appropriate turning area. NCC Highways have been consulted on the proposal with their comments listed in full above but in short they concur that the number of vehicles using the access will likely be reduced and raise no objection subject to a condition

relating to the provision of the parking area indicated.

I consider that there would be no unacceptable impact on the highway network and that the parking would be satisfactory so that the proposal would accord with SP7 and DM5.

Flood Risk & Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the revised NPPF set out the approach to managing flood risk.

This application falls within Flood Zone 1 of the Environment Agency's maps which is at lowest risk of flooding. The site is also at very low risk from surface water flooding.

Surface water disposal is required to meet the requirements of the approved building regulations Part H: drainage and water disposal and the application needs to ensure that the disposal of surface water is appropriate and in line with the hierarchy approach, based on sustainable urban drainage principles. Drainage plans have been submitted showing discharge into the foul sewer and a combined sewer. No further conditions are considered to be necessary in terms of controlling drainage.

Other Matters

A neighbouring comment received during the life of the application made reference to the application detailing an incorrect boundary line. The agent has been asked to review this matter and in doing so has submitted revised plans showing a slightly altered red line site boundary which corroborates the neighbours comments and confirms the correct extent of the site.

The application submission includes a boundary plan which details the boundaries both within the site and the treatment for the boundaries surrounding the site. In some respects this refers to the retention of existing garage walls. Whilst this is considered potentially acceptable in principle, it is reasonable and necessary to attach a condition requiring further details to understand better how the garages will be demolished and the finish of the walls to be retained.

The site is close to a public right of way to the west of the site. However, the development would not affect the legibility or accessibility of the right of way and so there are no concerns in this respect.

The application has been accompanied by a Phase 2 Ground Investigation Report which has been reviewed by colleagues in Environmental Health. No elevated contamination has been identified to warrant concern and it is intended that the garden area will be imported with clean material. This will require testing prior to being brought on to the site which as suggested by the comments above could be secured by condition.

Overall Balance and Conclusion

Having regard to all material matters I have concluded that the loss of the garages from the site would not give rise to unacceptable knock on consequences such as on-street car parking and congestion that would warrant a reason for refusal. The dwelling would contribute towards the Council's delivery of affordable homes and I have concluded that the design is acceptable for its

context and that there are no amenity or highway issues subject to conditions. I therefore recommend approval subject to the following conditions.

RECOMMENDATION

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

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 accordance with the following approved plans:

- Site Location Plan - 41289-ID114-001B (received 18th September 2019);
- Proposed Site Layout Op5 - 41289-ID114-012D (received 18th September 2019);
- Proposed Boundary Treatment - 41289-ID114-013A (received 18th September 2019);
- Proposed Plans and Elevations Type C - 41289-ID114-014;
- Material Elevations - 41289-ID114-015 Rev. A;
- Proposed Drainage - NSH114-CHG-EX-XX-DR-C-0100 P2;

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 approval.

03

The development shall be constructed of the material details submitted with the application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until the parking/rights of access areas are provided in accordance with plan 41289/ID114/012D. The parking/rights of access areas shall not be used for any purpose other than the parking and access of vehicles.

Reason: In the interests of highway safety.

05

No development shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by, the local planning authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The methodology for the demolition of the garages; including details of temporary fencing to be erected and retained during the construction period;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- any measures to control the emission of noise, dust and dirt during construction;
- hours/days of proposed construction.

Reason: The site is surrounded by residential dwellings so this condition is necessary in the interests of residential amenity.

06

Prior to the occupation of the dwelling hereby approved, details of the treatment and finish of any retained garage walls shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

07

Prior to the importation of any soil material into the site, the imported material shall be tested in compliance with YALPAG Verification Requirements For Cover Systems (Ver 3.4) document as evidenced through a validation report to be submitted and agreed in writing with the local planning authority. The materials shall thereafter be brought onto the site in accordance with the approved details.

Reason: To prevent risk to human health.

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 view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

03

Should any works be required to be carried out within the public highway, they should be constructed to the satisfaction of the Highway Authority. You would, therefore, be required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01526/FUL



