

PLANNING COMMITTEE – 08.09.2020

Application No:	20/00886/FUL	
Proposal:	Replace existing garage with a self-contained unit to provide additional guest accommodation	
Location:	Garage Off Bull Yard, Southwell, Nottinghamshire	
Applicant:	Mr and Mrs Leach	
Agent:	Joseph Kemish Architects Ltd	
Registered:	16.06.2020	Target Date: 11.08.2020
	Extension of Time Agreed Until 10 September 2020	
Weblink:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

The application has been referred to the Committee by Cllr Brock due to concerns relating to parking and highways safety and it has been decided that the application should be decided by the Planning Committee.

The Site

The site is within the centre of the market town of Southwell and is accessed off Queen Street. The Bull Yard has a pedestrianised area with a variety of shops and a walkway through to King Street. The proposal relates to an existing single storey garage associated with The Stables, to the south of the site. The Stables is currently used as holiday accommodation.

Relevant Planning History

PREAPP/00241/19 – Pre-application advice was sought to ‘Replace existing garage with a self-contained unit to provide additional guest accommodation’. Advice was given in November 2019 which suggested reducing the number of parking spaces from 2 to 1 in order to address a design concern which was considered to be harmful to the conservation area.

The Proposal

The proposal is to demolish the existing garage and construct a replacement building to comprise a small holiday let with one parking space. The building would measure a maximum of 5.23m in depth, 5.84m in width with a gable to the front elevation, 3.62m to the eaves, and 6.57m to the ridge-line. The proposed materials are red brick and slate roof tiles. The design includes details such as brick corbelling, brick arches and timber windows and doors. There would be an area of paving to the front of the building which provide 1 parking space. The access door would be to the side elevation.

Submitted Documents

1950 P 00 Site Location Plan
1950 P 01 Ground and First Existing
1950 P 02 Elevations Existing

1950 P 03 Site Plan Proposed
1950 P 04 Proposed Plans
1950 P 05 Elevations Proposed
6 A Visual
Design and Access Statement received 1 June 2020
Supporting Statement Rev C received 21 August 2020
Heritage Statement received 1 June 2020
Amended Supporting Statement received 15 June 2020

Departure/Public Advertisement Procedure

Occupiers of 13 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (made 11 October 2016)

Policy SD1: Delivering Sustainable Development
Policy DH1: Sense of Place
Policy DH3: Historic Environment
Policy CF4 – Tourism
Policy TA4 – Parking Standards

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 7 – Tourism Development
Core Policy 9 – Sustainable Design
Core Policy 14 – Historic Environment
Policy SoAP1 – Role and Setting of Southwell

Allocations & Development Management DPD

DM5 – Design
DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

National Planning Policy Framework 2019
Planning Practice Guidance
Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Southwell Town Council Object to the application and commented:

Southwell Town Council considered application 20/00886/FUL Garage off Bull Yard and agreed by majority to object to this application for the following reasons:
-the disruption that will be caused in the area during construction

NSDC Conservation:

The Site:

The site is within the centre of the market town of Southwell with a vehicular access off Queen Street leading to a pedestrianised area with a number of small retail units and a walkway through to King Street. The site is currently occupied by a modern single-storey brick-built garage with slate roof. A site visit was made on 29.06.2020.

The Proposal:

The proposal is to demolish the existing modern garage and construct a replacement building to comprise a small holiday let with 1no. parking space and an area of resin bound paving to the front. The footprint of the building would be irregular in shape with the north gable sitting at an angle.

Heritage Assets Affected:

The proposal site lies:

- within Southwell Conservation Area (Appraisal date, 2005).
- adjacent to Grade II listed '4 Shepherd's Row' originally a row of three late 18th Century cottages, now one dwelling (see below)
- in close proximity to several non-designated buildings of local interest including the rear elevations of those fronting onto Queen Street.

Setting of listed building 4 Shepherd's Row:



The proposed development is to the rear of grade II listed building '4 Shepherd's Row' which is set to the front of its plot. A brick boundary wall divides the proposed development site from the garden of the listed building.

4 Shepherd's Row, Southwell.
(Photo by Notts County Council)

Assessment of the Proposal:

The issues regarding the design of the proposed structure raised in pre-application advice (Ref: PREAPP/00241/19) have been addressed. The main elevation is now in keeping with the appearance of an ancillary building which helps retain the character of this part of the conservation area and the former history of the site. Conservation welcomes the historic detailing of the proposed scheme, with its brick corbelling and true brick arched lintels, reflecting the detailing of the rear elevations of the historic buildings opposite that front onto Queen Street.

This one and a half-storey building will be of a height consistent with the double garage to the west of the proposed development site. It will be subservient to the listed building to the east, the buildings of local interest backing onto Bull Yard as well as the W.I. Hall to the north-west. Although taller than the existing garage the proposed building is confined to the rear of the development site and will not be overly dominant within the context of Bull Yard or in relation to 4 Shepherd's Row.

While the proposed scheme has hard-standing to the front of the site, this is consistent with the character and appearance of this part of the Conservation Area.

While it is noted that Conservation raised concerns at pre-application stage these have broadly been addressed.

Recommendations/Summary of Opinion:

On the basis of the above, it is considered that the proposal would help to preserve the setting of the adjacent listed building and will preserve the character and appearance of this part of Southwell Conservation Area.

Therefore, Conservation has no concerns, subject to the following conditions:

1. Brick samples to be submitted to and approved by LPA.
2. Details of the brick bond to be submitted to and approved by LPA.
3. Roof material to be natural slate only.

Notes:

- A heritage brick type should be sought to compliment the surrounding historic buildings.
- Flemish stretcher bond is the predominant bond seen on Bull Yard.

In reaching the above views, Conservation has had regard to:

- Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- Core Policy 14 of Newark and Sherwood Amended Core Strategy DPD (adopted March 2019).
- Policy DM9 of Allocations and Development Management DPD.
- Paragraphs 184, 188, 189, 190, 192, 193, 194, 197 and 200 of the NPPF;
- Guidance contained in the Southwell Conservation Area Appraisal & Management Plan (2015).

(27.07.20) Additional conditions for 20-00886-FUL Garage off Bull Yard Southwell

- Condition 4: Joinery for windows and doors to be submitted to and approved by LPA.
- Condition 5: Before they are installed, full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed by the LPA.

Reason for conditions: Inadequate details of these matters have been submitted with the application and in order to ensure that the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

NCC Highways Authority commented:

This proposal is for the replacement of the existing garage with a self-contained unit which provides additional guest accommodation. Two parking spaces are proposed for this facility.

Bull Yard is a private drive and a Public Right of Way (Bridleway), therefore, consultation should be carried out with the Rights of Way Officer for advice/approval.

This proposal is not expected to have a significant impact on the public highway, therefore, the Highway Authority would not wish to raise objection.

NCC Rights of Way commented:

Thank you for consulting with the Rights of Way Team. I have checked the Definitive Map of recorded Public Rights of Way and can confirm that the route of **Southwell Public Bridleway No. 48** (also known as Bull Plain) is along the private access to the proposal site. I attach an extract of the working copy of the Definitive Map showing Public Right of Way in the vicinity. This is a well walked path used by pedestrians as a useful link both to the Bramley Centre Car Park along Southwell Public Footpath No. 49 and to King Street from Queen Street. The applicant has made no comment with regard to the Public Right of Way or mentioned whether there will be vehicular access to the accommodation and this is a concern.

Although we have no objection to the development in principle we are concerned that this proposal should not impact on this short section of very well used path in the centre of Southwell. The proposal should not result in increased vehicular traffic or cars parking on the Right of Way and we would request that this is made a condition of the planning permission.

Please make the applicant aware of the following:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. **Vehicles should not be parked on the Public Right of Way** or materials unloaded or stored on the Public Bridleway so as to obstruct the path.
- There should be no disturbance to the surface of the path without prior authorisation from the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Public Right of Way may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
- Should scaffold be required on or over the Public Right of Way then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption.

<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoardingand-advertising-boards>

If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottscc.gov.uk

- If a skip is required and is sited on a highway, which includes a Public Right of Way then the company supplying the skip must apply for a permit.

<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit>

and also ensure that the Public Right of Way can still be accessed appropriately by the users permitted by its status i.e. equestrians if on bridleway.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council'

Southwell Civic Society commented:

We object to this application. We consider this as an overdevelopment of a very small site. The proposal will result in the removal of a garage and the addition of an extra vehicle in an overcrowded parking area.

Representations have been received from 5 local residents/interested parties objecting to the application which can be summarised as follows:

- The Bull Yard is used for deliveries for a number of businesses and access is crucial;
- The construction of the proposal will cause excess traffic within the Bull Yard and Queen Street which is narrow and has limited parking;
- The proposal will be detrimental to the surrounding businesses;
- An increase in traffic will be a danger to users of both the Bull Yard and the nearby footpath including the elderly;
- Not appropriate within the Conservation Area – building in a tight space near to a listed building;
- There is no room to dismantle, build, and connect to sewers/facilities and would cause chaos;
- Proposed development will solely benefit the applicants;
- Clients of The Stables have caused disruption and obstruction previously;
- Comments from one neighbour refer to a parking easement they have on part of the site. The comments also say that if planning is approved they would have to fence off their part of the forecourt currently used for turning to protect their own parking space which would further limit available space.

Comments of the Business Manager

Principle of Development

Spatial Policies 1 and 2 of the Amended Core Strategy define Southwell as a 'service centre'. Features of a service centre include a range of facilities and their function is to act as a focus for service provision for a large local population and a rural hinterland.

One of the aims of Policy SoAP1 (Role and Setting of Southwell) of the Amended Core Strategy, is to promote the town as a destination for tourism and leisure activities. Policy CF4 of the Southwell Neighbourhood Plan encourages applications for tourism and related uses (including overnight accommodation) subject to compliance with other Neighbourhood Plan policies. Core Policy 7 of the Amended Core Strategy also encourages appropriate tourism development. Wherever possible, significant tourism and tourist related development within Southwell should be accessible by sustainable modes of transport and/or be located within walking distance from the centre of the town or adjacent to an existing asset.

With the above in mind, a new holiday let in the proposed location is acceptable in principle subject to a site specific assessment.

Impact on Visual Amenity, Character of the Area and the Conservation Area

As the site lies within Southwell Conservation Area, the impacts on heritage require careful assessment.

Paragraph 2.11 of the Southwell Neighbourhood Plan states that Southwell has received formal recognition as being one of four towns in Nottinghamshire which has an 'outstanding historic quality'. The Design Guide criteria in the Southwell Neighbourhood Plan states that 'all new development should respond to the unique characteristics of the site and its context'. Policy DH3 states development proposals within the Historic Town Centre must not negatively impact on the spaces, links or relationships between listed buildings, particularly those associated with the Minster where the aim is to maintain a sense of place within and around its precinct.

Core Policy 14 of the Amended Core Strategy states that the Council will aim to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment and the preservation of the special character of Conservation Areas – including such character identified in Conservation Area Character Appraisals. This is also reflected in Policy DM9.

Policy DM5 of the DPD refers to local distinctiveness and character and states that where local distinctiveness derives from the presence of heritage assets, proposals will also need to satisfy Policy DM9.

Policy DM9 (Protecting and Enhancing the Historic Environment) states development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing. Impact on the character and appearance of Conservation Areas will require justification in accordance with the aims of Core Policy 14.

Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.

Part 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 192 states that when determining applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Part 12 of the NPPF (Achieving Well Designed Spaces) paragraph 127 states inter-alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place.

The existing garage is modern and makes a neutral contribution to the character of the Conservation Area. I therefore have no concern regarding its demolition in terms of impact on the character of the area. I concur with the comments from the Conservation Officer and consider that the design and siting of the proposed building would not cause harm to the character and appearance of the Conservation Area, nor the setting of the adjacent listed building, in line with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I consider the proposal to accord with all the above policies.

Impact on Residential Amenity

Policy DM5 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 proposed building would replace an existing single storey garage. The new building would be one and a half storeys in height. The closest dwelling to the site is 4 Sheppards Row, a Grade II listed building, approximately 5.5m from the existing garage, separated by a brick boundary wall. There only first floor window would front and look onto the Bull Yard and there is a rooflight to the west elevation. The site lies to the south west of the dwelling. Given the position of the proposed building, the separation distance and intervening boundary treatment, I do not consider that it would impact negatively on the residential amenity of 4 Sheppards Row in terms of having an overbearing impact, loss of privacy, or loss of light, nor for any other nearby dwellings.

Impact on Highways, Parking and Rights of Way

Spatial Policy 7 of the Core Strategy seeks to ensure 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.

Policy TA4 of the Southwell Neighbourhood Plan states that non-residential development must take into consideration the following criteria in determining the acceptability of proposed parking:

- Accessibility
- Type of development
- Availability of public transport
- Number of visitors and employees at peak times

The site is accessed via the existing vehicular access to the Bull Yard from Queen Street. The proposed development is for tourist accommodation. There is access to Southwell via public transport, however it is considered acceptable for overnight accommodation to include parking facilities. The scale of the development would include one parking space in place of an existing space within the garage (to be demolished). Given the town centre location it is unlikely the user would require use of the vehicle during their stay, limiting the number of journeys in and out of the site.

NCC Rights of Way have commented that 'the proposal should not result in increased vehicular traffic or cars parking on the Right of Way' and 'request that this is make a condition of the planning permission'. They stop short of raising objection and have not explained what they mean or suggested wording of a suitable condition. There would be no increased parking on the right of way and I do not consider the proposal would unacceptably increase the amount of traffic using the Right of Way given the modest proposal. It is not possible to impose conditions on these matters other than to ensure that the off-street parking is provided prior to first occupation to discourage inappropriate parking. Furthermore, the access from Queen Street has a sharp turn in order to enter which could not be done at a high speed and would therefore force drivers to slow down upon entering the Bull Yard. I therefore do not consider that the use of the access for the proposal would cause a danger to pedestrians or other road users, or alter the existing situation.

NCC Highways have been consulted on the application and have raised no objections to the proposal on highway safety grounds nor on the levels of parking. The comments are detailed within the Consultation section of this report. It should be noted that NCC Highways Authority reference the provision of two spaces within their comments. I would make clear that this proposal only makes provision for one space within the application site. There would be another parking space (outside of the application site boundary, adjacent to the proposed and also fronting the proposed building) but this would serve the existing accommodation at The Stables. It is these two spaces that NCC Highways reference in their comments.

All of the objections received from neighbours/interested parties raise concern regarding highways safety. It is acknowledged that the Bull Yard is not ideal for vehicles in terms of parking arrangements and maneuverability due to its use by many of the surrounding business premises for deliveries/parking. The proposed building would have a lesser depth than the existing garage which would create sufficient space for 2no. vehicles to park in front of the building (one existing for the Stables and one proposed for the proposed accommodation) without causing obstruction within the Bull Yard. As such I do not consider that the proposed parking arrangements would have a detrimental impact on the surrounding area. One comment mentions that clients of The Stables have caused issues through parking before. I consider that the new parking arrangements would be clearer for users than the existing arrangement therefore the proposal could improve this situation.

Many of the comments relate to the construction phase of the proposal saying it would cause obstruction and highway safety issues. The construction phase of an application of this scale is not considered to be a planning matter and as such cannot be considered as a reason for refusal of the application. Notwithstanding this, the agent has submitted the following in relation to the construction phase:

Whilst the building is being constructed it is envisaged that the site area will be heras fenced to define the boundaries and provide public safety. The chosen contractor will be required to prepare a method statement for the construction phase of work which will include items such as: scheduling of deliveries, storage of materials etc. Offsite construction of certain elements could be a possible method to reduce the construction period. We believe this modest building can be constructed with the minimum disruption to all parties. (Supporting Statement received 21.8.2020)

With all of the above in mind, I consider the proposal to comply with Spatial Policy 7 of the Amended Core Strategy and DM5 of the Allocations and Development Management DPD, and Policy TA4 of the Southwell Neighbourhood Plan.

Other Matters

One of the comments refers to a parking easement on part of the site. Easements such as this are not considered to be a planning matter and do not carry weight within the decision making process. The comments also state that if planning were to go ahead, a fence would be erected around part of the forecourt (not within the application site) further limiting space for vehicles to turn. Planning applications should be considered on their own merits. With the existing situation in mind, there are no grounds to refuse the proposal and I do not consider a possible future scenario to be material. It should be noted that further to the objections being received I have spoken with the NCC Highways Officer who commented on the application. They had no further concerns regarding the development and continue to raise no objections to the proposal.

Planning Balance and Conclusion

The principle of development is considered acceptable when assessed against the relevant policies of the Development Plan and furthermore, tourism development is encouraged by Policies SoAP1 and Core Policy 7 of the Amended Core Strategy as well as Policy CF4 of the adopted Neighbourhood Plan. The proposal was subject to pre-application advice and this submission has addressed previous concerns raised regarding the impact on the Conservation Area. NCC Highways have not objected to the proposal at any stage. I do not consider that the proposal would cause a danger to pedestrians or other users of the Right of Way. Further to a site specific assessment and taking all the comments into consideration, the proposal is considered acceptable. I therefore recommend that planning permission is granted.

RECOMMENDATION

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

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, reference

1950 P 00 Site Location Plan

1950 P 03 Site Plan Proposed

1950 P 04 Proposed Plans

1950 P 05 Elevations Proposed

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

Before any construction occurs above damp proof course (DPC), a brick sample panel, showing brick, bond, and mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed sample panel details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

04

Before any construction occurs above damp proof course (DPC) level, samples or detailed specifications of all external materials to be used on the development hereby permitted (including roof tiles, brick, and timber cladding) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed materials.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

05

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes

Reason: In order to preserve or enhance the character and appearance of the conservation area.

06

Prior to the development hereby approved being first brought into use, the parking space as shown on the approved plan shall be provided and shall thereafter be made available for parking for the lifetime of the development.

Reason: To ensure adequate off-street parking provision is made available in the interests of highway safety.

07

No development shall be commenced, including any works of demolition or site clearance, 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:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- delivery times and storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of what, if any off-site construction can be undertaken,
- hours of construction;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity and to safeguard the sensitive area, including the public right of way from unnecessary disruption during the construction period.

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 gross internal area of new build is less 100 square metres

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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) (England) Order 2015 (as amended).

03

As per the comments from NCC Rights of Way:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the Public Right of Way or materials unloaded or stored on the Public Bridleway so as to obstruct the path.
- There should be no disturbance to the surface of the path without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Public Right of Way may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

BACKGROUND PAPERS

Application case file.

For further information, please contact Ellie Sillah on 01636 655770.

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