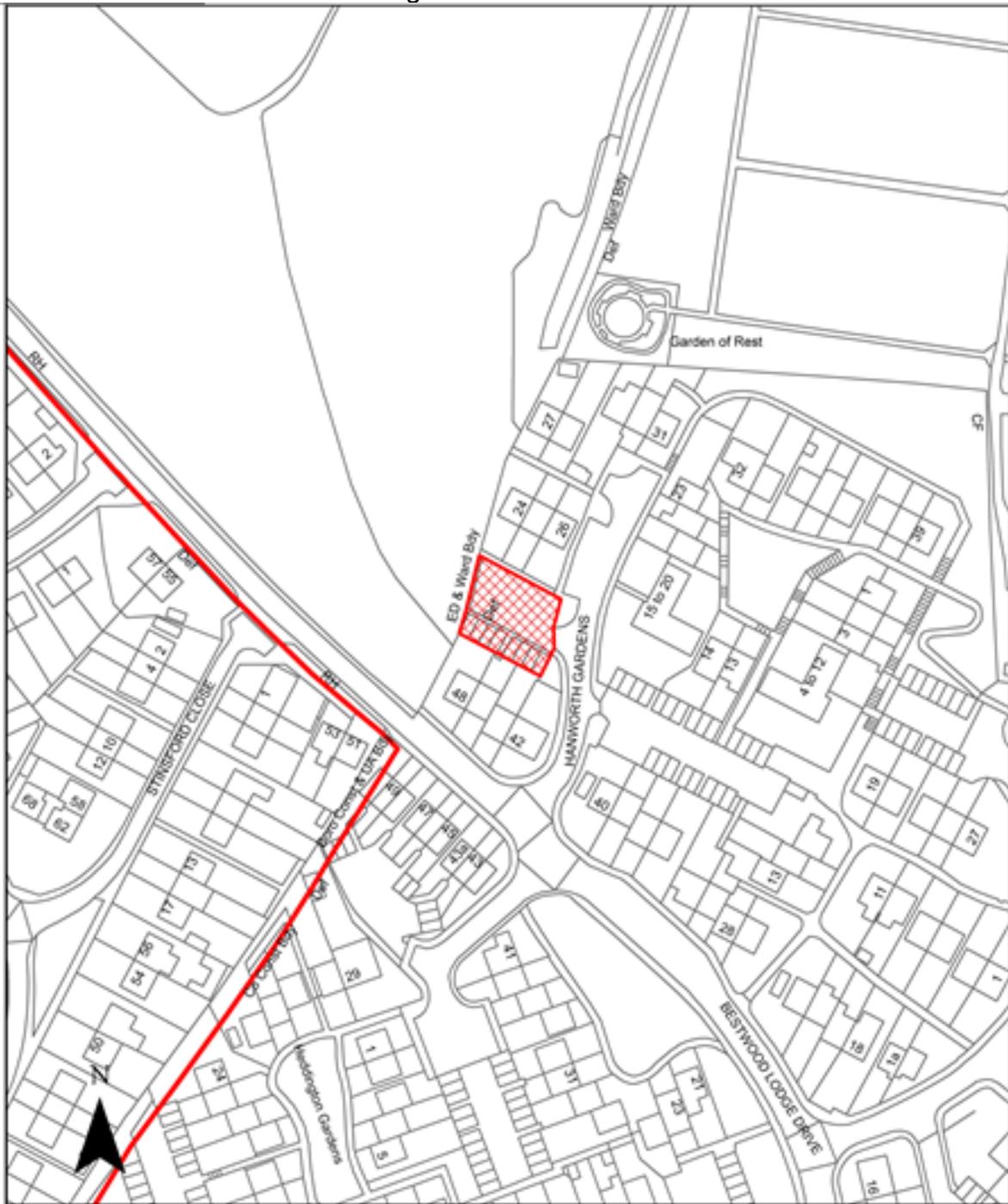


Application Number:

2016/0336

Location:

Garage Site 9, Hanworth Gardens, Arnold,
Nottinghamshire.



NOTE:

This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings



Report to Planning Committee

Application Number: 2016/0336

Location: Garage Site 9, Hanworth Gardens, Arnold, Nottinghamshire.

Proposal: SITE 9 - Demolition of existing garages and construction of 2 No 2 Bed apartments and associated external works.

Applicant: Mrs Deborah Higgins

Agent: Mr Paul Sykes

Case Officer: Cristina Dinescu

Background

This application is being referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

The application site relates to an existing garage site located within the built up area of Arnold and with access off Hanworth Gardens.

The application site is comprised of 8 garages organised in two blocks situated on the left hand side of a hardstanding area used as an access drive. The garage blocks are single storey brick constructions with concrete bases and fibre corrugated sheet roofing.

The application site is adjoined to the south by the rear gardens of two-storey properties at no's 48, 46 and 44 Bestwood Lodge Drive, to the north by the front gardens of other two-storey properties at no's 24, 25 and 26 Hanworth Gardens, and to the west by an open field.

The adjoining properties on the southern side of the application site have pedestrian access points between the garage blocks and the properties on the northern side also have vehicular and pedestrian access through the application site.

A tree is present on the right hand side of the access point and a shrub mass is present outside the site boundary, along the rear boundary.

Relevant Planning History

No relevant planning history.

Proposed Development

Full planning permission is sought to demolish the existing garage blocks and erect a two-storey building with 2 flats, one on each storey. It is understood that the flats would be affordable units.

The proposal includes retaining the existing vehicular access point and pedestrian access points to both neighbouring properties on Bestwood Lodge Drive and the ones on Hanworth Gardens. 3 off-street parking spaces would serve the proposed flats: 1 for visitors and 1 for each flat.

The proposed flats would have 2 bedrooms and the building would have maximum footprint dimensions of 8.3m in depth x 10.2m in width, would measure 5.1m at eaves height and 8.1m at ridge height from ground level. The proposed design includes a dual pitched roof with side facing gables, and bay windows on the front elevation serving the lounge rooms and kitchens at both ground floor and first floor.

An Arboricultural Survey and Assessment, an Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey and a Design Statement were submitted in support of the application.

In the Design Statement it is stated that this site has 8 garages of which 7 are void and throughout the Arnold area there are 168 garages available of which only 75 (45%) are being occupied (rented) with the remaining (55%) being void. A list of factors is presented with reasons for loss in occupation (and subsequent rental income) of the garages:

- “Tenants no longer wish to rent the garage spaces;
- The garages are falling into a state of disrepair and are financially unviable;
- The garages are subject to vandalism and magnets for anti-social behaviour as a result of first point;
- The costs to repair all garages including removal of asbestos are too high;
- Some vacant garages having been broken into are now attracting fly tipping.

Based on the factors above it was decided that the land could be put to a better use and solve a number of these social issues whilst adding to the government's needs for new housing.”

Furthermore it is stated stat the residents have been consulted and involved in the design process and that 3 other garage sites in the area will be refurbished and upgraded.

The Arboricultural Survey and Assessment has revealed that the existing sycamore tree is of low landscape value and the off-site shrub mass should be removed.

Details regarding materials to be used in the exterior elevations, means of surfacing of the unbuilt on portions of the site and means of enclosure have been submitted as part of this application.

The Protected Species Survey has revealed that there were no potential roosting

features identified, the potential for nesting birds to be present within the garages is likely to be low, there were no evidence of badger activity and the sites are considered to be unsuitable for other protected species such as reptiles and amphibians. A number of recommendations are provided at the end.

Consultations

The Highways Authority – The existing access is to be utilised to serve the flats which is acceptable, therefore the Highways Authority would have no further concerns, subject to conditions.

Severn Trent – No objection to the proposal. A condition regarding submission of drainage plans before commencement is recommended and an informative.

Nottinghamshire Wildlife Trust – Generally satisfied with the methodology and conclusions of the Ecology Survey. The recommendations given in the report could be secured through planning conditions. It is recommended that any new fencing includes features to enable hedgehogs to move freely through the gardens, such as holes at the base of fencing (13cm x 13cm approx.) or being raised a similar distance off the ground.

NCC Rights of Way – No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not yet been registered.

Arboricultural Officer – The proposed works are likely to have a direct impact to the root protection area of the tree. A Tree Protection Plan will be required following the recommendations as set out within BS5837:2012 and to include any special measures appropriate with safe tree retention for the proposed works.

Public Protection – The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. This matter may be controlled by way of a condition.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point per dwelling; to allow future residents to charge electric/hybrid vehicles into the future.

Adjoining Properties were notified and a Site Notice posted and letters of representation were received in relation to the application and other proposals in the locality which appear elsewhere in the agenda:

- 15 letters containing concerns about the application site and general concerns about other garage sites proposed to be developed in the area;

- 99 letters containing general concerns about the proposal to develop the garage sites in the area;
- A petition “Against Affordable Housing” signed by 94 residents with general concerns about all the garage sites proposed to be developed in the area, including the application site;
- 4 petitions (signed by 512 residents) that could not be recorded due to missing addresses; and
- 1 letter that could not be recorded due to missing address.

The concerns raised can be summarised as follows: -

- More on-street parking;
- Dust and noise pollution during demolition and construction works;
- Loss of privacy in the neighbourhood;
- Overlooking and overshadowing impact;
- Fundamental errors contained in the plans;
- Anti-social behaviour around the garage areas including car theft and burning of vehicles;
- The consultation held by Gedling Homes was poor;
- The increase of traffic generated will increase the risk of injury to children (Arnbrook Primary School);
- The proposals would result in additional barriers for disabled people, people with young children and others, therefore the proposals are discriminatory and illegal;
- The current drainage system is already inadequate, frequent flooding in the area – the proposal would make the situation even worse;
- Certain protected species will be detrimentally impacted, including protected species present within Bestwood Country Park;
- Some of the residents that have electrical cars will not have direct access to their properties to charge the vehicles;
- Some protected trees will be felled as part of the developments;
- Overlooking impact onto adjacent rear gardens and intrusive views into living areas;
- Overshadowing impact into rear gardens where residents grow vegetables;
- The developments do not provide an equivalent number of parking spaces to the garages that will be demolished – will lead to road congestion and potential accidents;
- Severe impact on people’s lives and the potential of making elderly residents prisoners within their own homes;
- The sites are not suitable for development;
- A flood risk assessment should be undertaken due to flooding;
- A full environmental impact assessment should be undertaken;
- The demolition of the garages will lead to asbestos elements being damaged and particulates spread in the air;
- A method of demolition should be undertaken;

- Parking restrictions should be improved in front of the school;
- A secure parking area should be provided, prior to any works starting, for existing garage tenants, a number equal to the garages to be demolished, close to the tenants' homes, and for disabled people.

A full re-consultation has been undertaken following submission of revised drawings. No letters of representation have been received up to this date, however, if any letters of representation are received before the Committee date the raised concerns will be reported verbally at the Planning Committee meeting.

Planning Considerations

In my view the main planning considerations in determining this application are:

- The principle of development;
- The design, scale, mass, layout of development;
- Impact on residential amenity;
- Car parking and highway safety;
- Trees, vegetation and protected species;
- Land Contamination;
- Other issues.

The following policies are relevant in the consideration of this application:

- NPPF paragraphs 47-55 (Delivering a wide choice of high quality homes);
- NPPF paragraphs 56-68 (Requiring good design);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);
- RLP Policy ENV1 (Development Criteria);
- RLP Policy H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes).

In respect to car parking, regard should be had to the Borough Council's Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).

The Principle of Development

The site is located within the existing built up area of Arnold, in an area where other garage sites are available to be used by the local residents. The proposal is for the demolition of the existing garage blocks and residential development of 2 units.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value. The NPPF's definition of brown field land is 'previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.'

At the heart of the NPPF there is presumption in favour of sustainable development.

For decision-taking this means approving development proposals that accord with the development plan without delay.

Whilst the NPPF advises that previously developed land should be re-used effectively, the proposal for residential re-development of the site would result in the loss of garages which were originally designed to serve the residential properties in the immediate area. The application site together with the other garage sites present in the area amount to a total of 168 garage spaces. However, as it is stated in the Design Statement, "a large number of the garages have become void with no immediate sign/demonstration that they will become occupied in the future due to the lack of demand". It is also stated that 7 of the 8 existing garages within the application site are void and that the tenants who occupy a garage will be offered a replacement garage in the area where the garage blocks would be refurbished and upgraded.

I note the comments received from local residents with regards to the existing tenants that need the garages, however, in my opinion the applicant's solution to offer replacement garages represents a mitigation measure that addresses the existing need for provision of garages in the area.

In light of the above, given the proposed residential use of the site and the high demand for new housing, I am of the opinion the proposal represents an effective use of a previously developed site by providing a mix of new homes and therefore promoting inclusive and mixed communities. As such, I am of the opinion the principle of the development would be in line with the advice contained within the NPPF.

The Design Scale, Mass, Layout of Development

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy 10 – 1 of the ACS states inter-alia that development should be designed to:

- a) make a positive contribution to the public realm and the sense of place;
- b) create attractive, safe, inclusive and healthy environment;
- c) reinforce valued local characteristics;
- d) be adaptable to meet changing needs of occupiers and the effects of climate change; and
- e) reflect the need to reduce the dominance of motor vehicles.

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion.

Criterion a, c. and d. of Policy ENV1 and criterion a. and c. of Policy H7 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. This policy states inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

I note the site is located within the existing built up area of Arnold when referred to the Proposals Map, the site being adjoined on all sides by other residential properties.

I note that the surrounding area is characterised by two-storey dwellings on varying plot sizes. I also consider that the application site is of sufficient size to occupy the two-storey building with flats with the layout proposed without appearing cramped or over intensive. I also note the layout includes maintaining the existing pedestrian accesses to the rear gardens of neighbouring properties whilst providing satisfactory amenity area to serve the proposed flats.

Given the predominant types and sizes of properties in the immediate vicinity and the size of the application site I consider that the development is in keeping with the character of the area. I also consider that the incorporation of contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene. As such I consider the proposed dwellings would be in keeping with the existing properties on Hawthorne Gardens.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 and H7 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. I am also of the opinion the proposed dwellings would be visually acceptable in the streetscene and in keeping scale and character with the area and the wider locality.

Impact on Residential Amenity

Criterion f) of Policy 10 of the ACS refers to the impact on the amenity of nearby residents.

Criterion b) of RLP policy ENV1 states that Planning permission will be granted for development provided it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of traffic generated.

I note the comments received from neighbours with regards to the undue impact on neighbouring residential amenity. I also note from the revised drawings submitted that the proposed building would not have windows on the side elevations and the building would be set back from the adjoining properties by 15 to 17 metres.

Given the plot orientation and separation distances, I am satisfied the proposed building of flats would not result in a significant undue overlooking, overbearing or overshadowing impact on any adjacent residential property.

Given the above I consider the proposal to be in accordance with the aims of policy ENV1 of the RLP and policy 10 of the ACS.

Highway Safety

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD a flat with up to 3 rooms would require off street car parking provision for 1 vehicle. The proposed scheme includes 3 off-street parking spaces to serve the flats – 1 for each flat and 1 for visitors. I am therefore satisfied that the design layout is sufficient to satisfy the requirements of the SPD.

I am mindful about the comments received from local residents with regards to the existing situation where on-street parking causes narrowing of the highway; however the proposal would provide off-street car parking and the proposal would not therefore compound the existing levels of on-street car parking. I also note the Highways Authority has not raised an objection, as such I am satisfied the proposal would be acceptable from a highway safety viewpoint.

Trees, Vegetation and Protected Species

I am mindful about the comments received from the Arboricultural Officer and also about the assessment of the shrub mass given in the Arboricultural Survey, as such; I recommend a pre-commencement condition be attached to any planning permission requiring a Tree Protection Plan as set out within BS5837:2012.

With regards to the impact on protected species, I note the comments received from Nottinghamshire Wildlife Trust. Following receipt of revised drawings showing adequate holes for hedgehog movements incorporated in the proposed design of the means of enclosure, and the recommendations given in the Ecology Survey, I am satisfied the proposal would not result in an undue impact on any protected species. I would recommend, should planning permission be forthcoming, the recommendations given in the Ecology Survey should be implemented. This matter

may be controlled by way of a planning condition.

I note the comments received from local residents with regards to the impact the proposal would have on the existing wildlife including protected species present in Bestwood Country Park, however, given the significant distance from the application site to the country park and the findings of the Ecology Survey, I am of the opinion the proposal would have no undue impact on the wildlife of Bestwood Country Park.

Land Contamination

I note the comments received from the Scientific Officer with regards to land contamination and air pollution, as such; I suggest a condition be attached to any planning permission.

Other Considerations

Concerns have been raised by local residents regarding the cumulative impact of the proposal to re-develop some of the garage sites on the wider area. Each application must however be considered on its merits and in this particular case, replacement garage provision is proposed.

With regards to flooding, I note that Severn Trent have not made any comments to the proposal. I would recommend however, should planning permission be forthcoming, a pre-commencement condition be attached requiring drainage plans for the disposal of surface water and foul sewage.

I am mindful about the comments regarding the demolition of the existing garage blocks; however this matter would be dealt with under Building Regulations. Should planning permission be forthcoming I would suggest attaching an informative advising the applicant to contact the Building Control section within the Borough Council.

I note the comments received from NCC Rights of Way and that the proposed site layout has been design so as to retain existing rights of way. I am therefore of the opinion the proposed development would not result in an undue impact on any existing rights of way.

I note the comments received from the Scientific Officer with regards to air pollution. Therefore I suggest attaching an informative to any planning permission in order to encourage the developer to consider mitigation in the form of electric vehicle charging infrastructure.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

GRANT PLANNING PERMISSION, subject to the following conditions:-

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be built in accordance with the application form, site location plan and Design Statement, received on 11th March 2016, Arboricultural Survey and Assessment and Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey received on 15th June 2016, and revised plans, drawing no's SK20.009 rev F received on 11th August 2016, and SK90.009 rev K received on 22nd July 2016.
3. No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number SK090.009 rev K. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
4. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme shall include only native species of local provenance and ornamental species that attract wildlife as recommended in section 6.3.2 of the Ecology Survey. The recommended bird boxes presented in section 6.4.1 of the Ecology Survey shall be integrated in the landscape scheme. Once approved, the landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Borough Council. Once approved the scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.

7. Before development is commenced a Tree Protection Plan, as set out within BS5837:2012 including any special measures appropriate with safe tree retention for the proposed works, shall be submitted to and approved in writing by the Borough Council.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
4. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
6. The site may be contaminated due to previous activities on site.
7. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

In the opinion of the Borough Council the principle of the residential development is acceptable, it results in no significant undue impact on the amenity of neighbouring properties or the wider area. The proposed development would be visually acceptable in the streetscene and it is in keeping with the scale and character of the area and the wider locality. The proposal therefore accords with the National Planning Policy Framework (2012), Policies 8 (Housing Size, Mix and Choice) and 10 (Design and enhancing Local Identity) of the Aligned Core Strategy (September 2014), policies ENV1 (Development Criteria) and H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and the Supplementary Planning Document "Parking Provision for Residential Developments" (May 2012).

Notes to Applicant

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the

National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. 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.

The applicants attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard.

(See <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

Demolition works should not be undertaken during the bird breeding season (1st March to the 31st August inclusive). If this cannot be avoided, an ecologist will need to search for active bird nests immediately prior to works commencing.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.