



Application Reference:	P1939.18
Location:	Land R/O 9-11 Elm Road
Ward:	Mawneys
Description:	Demolition of lock up garages and erection of 7 x 3 bed 5 person dwelling Houses and provision of 14 car parking spaces.
Case Officer:	Cole Hodder
Reason for Report to Committee:	A Councillor call-in has been received.

1. BACKGROUND

- 1.1 The application was called in by Councillor Patel.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The approach to the site is design led and responds to the constraints associated with the site successfully. The applicant has worked proactively with the Council to mitigate any residual impacts associated with the proposed development.

The proposed development would deliver seven family homes of a high standard of accommodation for those future occupiers, with limited implications for the amenity of surrounding neighbouring occupiers. Weight is attributed to the current unrestricted use of the site and it is considered that the current proposals represent an efficient use of land, which is in a sustainable location.

Having regard to the alternative use of the site, the NPPF presumption in favour of sustainable development, the development plan and in the absence of any other quantifiable harm arising from the proposals, officers consider on balance, that planning permission should be granted subject to a legal agreement and conditions.

3 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to the completion of a legal agreement within 4 months of the date of resolution to secure the following planning obligations:

- A financial contribution of £42,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

3.2 That the Assistant Director of Planning is delegated authority to negotiate the legal agreement indicated above.

3.3 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions to secure the following matters and informatives:

Conditions

- 1 Time limit for implementation
- 2 Accordance with plans
- 3 Materials samples
- 4 Ground Contamination
- 5 Accordance with Plans
- 6 Landscaping (as per details submitted)
- 7 Flank Window restriction
- 8 Boundary Treatment
- 9 External Lighting
- 10 Refuse & Recycling
- 11 Cycle Storage
- 12 Hours of construction
- 13 Construction Methodology
- 14 Wheel Wash Facilities
- 15 Removal of Permitted Development Rights
- 16 NOx Boilers
- 17 Sound Insulation
- 18 Compliance with M4(2) of Building Regulations
- 19 Regulation 36 (2)(b) and Part G2 of the Building Regulations

Informatives

1. Approval following negotiation

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- This application seeks permission for Demolition of lock up garages and the erection of 7 x 3 bed 5 person dwelling Houses and provision of 14 car parking spaces and associated areas of landscaping.
- The proposals would introduce a more formalised surface for the access with a more defined shared space for non-car users.

4.2 Site and Surroundings

4.1 The application site comprises of an area of land to the rear of Elm Road. The site is occupied presently by 26 lock-up garages with access taken between 9 and 11 Elm Road via an existing vehicle crossover. The garages are currently vacant and use of the site has been limited, with the site appearing neglected. The applicant suggests that the site has been the subject of fly-tipping in the past. At the time of site inspection it was observed to be poorly maintained however access to the site was secured.

4.2 The surrounding area is predominantly residential.

4.3 Planning History

The following planning decisions are relevant to the application:

P1169.18 - Demolition of lock up garages and erection of 7 x 4 bed 6 person dwelling Houses and provision of 14 car parking spaces, associated refuse and recycling and associated landscape works – Withdrawn

P0270.88 – 3no. single storey detached dwellings with garages using existing access for residential purposes - Withdrawn

5 LOCAL REPRESENTATION

5.1 A total of 108 neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 21
No of petitions: 1, 156 signatures

The following Councillor made representations:

- Councillor Patel
- Poor access to Emergency services
- Over development in small space
- Loss of privacy

With regards to the above, the access arrangements have been fully considered by officers, mindful of the existing use of the site, as have the implications for the development on local character.

It is acknowledged that the comments made by Councillor Patel were made prior to revisions being secured by planning staff to further mitigate the amenity impacts of the development. Those measures and an assessment on the amenity impacts associated, in particular with regards to loss of privacy will be outlined within the material considerations section of this report.

Representations

5.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Insufficient parking for number of units
- Increased parking stress within surrounding roads
- Noise and disturbance
- Loss of privacy/overlooking
- Inability for emergency services to access the site
- Increased pollution
- Loss of light/overshadowing
- Increased flood risk
- Wildlife
- Pedestrian safety
- Discrepancies/inaccuracies on submitted plans

Some matters raised are immaterial in the consideration of a planning application. Matters such as loss of property value cannot be attributed weight in a planning decision for example. Any material matters raised in response to the statutory consultation have been fully considered by officers in making this recommendation.

In the case of matters concerning surface water run-off, in the event of an approval, a condition would be imposed requiring full details of a sustainable

drainage scheme. Similarly, a scheme requiring the approval of details of all internal and external lighting, detailed refuse and recycling arrangements would also be required to reinforce the information that has already been provided. The Council accepts in principle the location of the refuse storage.

- 5.4 Highway Authority: Objection
Environmental Health: No Objection subject to conditions
Fire Brigade: No objection, no further hydrants required
Fire Brigade: In the absence of a pump appliance being able to enter site, provision of sprinklers may be acceptable subject to the conditions of sub clause 50.1.2 a) or b) of BS 9991:2015.

6 MATERIAL PLANNING CONSIDERATIONS

- 6.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development
- Design and appearance
- Impact of the development on neighbouring amenity
- Implications for highways/servicing, pedestrian access and parking.

6.2 Principle of Development

- 6.2.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.

- 6.2.2 There are no objections in principle to the subject plot being brought forward for residential development. The NPPF requires Local Authorities to make as much use as possible of brownfield sites and underutilised land. Accordingly, the best use of the site is attributed significant weight in the decision making process. Decision takers at every level are advised in Para 38 of the NPPF that they “should seek to approve applications for sustainable development where possible.”

- 6.2.3 The proposed development is acceptable in land use terms and is considered to largely accord with the aims and objectives of the development plan.

6.3 Design and Appearance

- 6.3.1 Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context and the Nation Planning Policy Framework (NPPF) reinforces this by placing emphasis on good quality, design and architecture.

- 6.3.2 Following revisions negotiated with the applicant, the development would comply broadly with the above objectives set out by the Framework. The proposed terraced rows would benefit from a degree of uniformity and would exhibit a strong sense of place, responding positively to the constraints

associated with the site. The principal elevation of each dwelling would be regressed in places to create visual interest.

- 6.3.3 The use of high quality materials lends further weight to the acceptability of the proposals. A detailed materials specification has been provided in support of the current submission and in the event of approval a condition would be imposed to ensure that materials palette is progressed.
- 6.3.4 Whilst materially larger than the existing garage units the development viewed in totality would present an acceptable redevelopment of the site from its historic use. Accordingly no objections are made with regards to the visual impact of the development and implications for local character.

6.4 Impact on amenity of surrounding residential properties

- 6.4.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 6.4.2 Comments from residents suggest that the current use of the garages is limited and express concern over increased noise and disturbance resulting from the proposed development. Having regard to the limited use of the site at present, it is reasonable to conclude that the provision of seven dwellings would likely result in an increase over the existing. However, whilst it is unclear as to why the site has fallen into neglect members may wish to consider the potential for the site to be brought back into regular use. Particularly given the unrestricted nature of that historic use and its potential to cause noise and disturbance.
- 6.4.3 The concern expressed by residents over increased noise and disturbance as a direct result of the development is noted. Having regard to the level of prospective occupancy and the relationship of the new dwellings to adjacent sites, the resultant arrangement is not considered to be unusual or especially harmful in terms of noise and disturbance from the use of external areas or general activity within the site, no more so than what could be expected within a predominantly residential environment, nor that of any alternative use of the site.
- 6.4.4 With regard to the scale, bulk and mass of the dwellings and their position relative to neighbouring premises, it is not considered that there would be any unacceptable loss of light or undue level of overshadowing sufficient for planning permission to be withheld.
- 6.4.7 Loss of privacy and overlooking are material considerations. It was accepted that the proposed development would introduce new views of adjacent/adjoining sites owing to the two storey form of the development.

Revisions secured by staff introduced angled/oriel windows at first floor level to each of the proposed dwellings and a reduction in the size of the window serving the single bedroom at first floor level to the rear. Views over adjacent sites would either be at oblique angles over greater distances or from aspects with reduced/limited outlook. It is not considered on balance that such an arrangement would compromise the quality of the living environment experienced by future occupiers, but it is accepted that those revisions reduce further the potential for overlooking of nearby properties, even with the separation distances involved. With regards to those premises fronting Elm Road the distances at which views would be capable are within acceptable limits and the proposals are not judged to be unduly harmful in this respect.

6.4.8 In addition to loss of privacy and overlooking, a key consideration for the redevelopment of sites such as this is the perception of new buildings from adjacent sites. The dwellings would be adequately separated from shared boundaries with the closest residential occupier at a distance of 20 metres with greater distances observed throughout the remainder of the development. The current proposals are a significant departure from the earlier submission with the scale, bulk and massing of the dwellings reduced considerably in addition to their position within the site.

6.4.9 Whilst officers were satisfied that an acceptable level of amenity would be preserved for neighbouring residents, as an additional measure, subsequent revisions introduced a scheme of pleached trees to the rear boundary of the site in an arrangement that was agreed with the applicant. Whilst the scheme as a whole is viewed favourably in terms of the limited amenity impacts associated, securing additional planting is judged in this instance to reinforce the acceptability of the scheme. The planting would break up views of the dwellings from the rear gardens of adjacent plots and further reduce the perception of any residual overlooking issues. In the event of approval, the agreed arrangement would be required to be kept in perpetuity for the development.

6.4.9 In view of the historic use of the site and the positive aspects associated with its redevelopment, the measures negotiated with the applicant are considered to have mitigated any residual amenity impacts. It is not considered that there would be sufficient grounds to withhold permission on the amenity implications for neighbouring occupiers.

6.5 Implications for highways, pedestrian access and parking

6.5.1 Whilst the site is recognised to have a public transport accessibility level (PTAL) of 2 which translates to a poor level of access to public transport, there would be adequate parking and turning space within the site to accommodate vehicles for the new dwellings. A total of two off-street parking spaces are shown for each new dwelling which would exceed the policy requirement for off-street parking.

- 6.5.2 The access road is narrow and is in excess of 40 metres in length before it emerges into the site where there would be adequate space for vehicles to manoeuvre. There has been some dispute over the accuracy of the measurements given by the applicant for the access width at points along its length. Residents suggest that these figures are exaggerated and it is evident from site inspection that the access tapers on the approach to the site.
- 6.5.3 Boundary treatment and adjacent vegetation on the approach at the time of site inspection were viewed to close down somewhat the site opening and to give the impression of reduced width. However, any discrepancy at the opening of the site is considered to be negligible from officers when attending site. Conversely however, measurements taken by staff at intervals along the access do not fully correlate with those details contained on the applicant's layout plans. The width of the access at the intervals measured suggest a lesser minimum width than that given by the applicant with the access measured to be 3.40m at a point midway as opposed to the 3.60m figure given by the applicant. Furthermore at the extremities of the access on the approach to the subject site the width of the access was measured to be little more than 3.0m in width for a short section adjacent to outbuildings located in the rear gardens of 9 & 11 Elm Road respectively.
- 6.5.4 Given the limited width and what could be perceived as excessive length of the access there is concern over the level of service provided for non-car modes accessing the site. There is also potential for vehicles meeting as passing would not be possible. Additionally there would be a reliance on third party land to provide adequate visibility splays for emerging vehicles/pedestrians. These are all factors for members to consider as part of the planning balance. An objection has been made by the Highway Authority on these grounds.
- 6.5.5 Members will wish to consider that the access as it exists presently and as it would be utilised in the event of approval can be considered broadly comparable in respect of vehicle/pedestrian movement. The site presently accommodates 26 lock-up garages and the access has historically operated as a shared space where vehicles/non vehicle users would interact. That there is currently limited activity associated with the site is noted; however there is nothing to prevent the landowner from providing access to the garages thereby reinstating the historic use of the site.
- 6.5.6 The current proposals would allow for a more defined shared space with the use of high quality materials providing a clearer distinction than the existing arrangement. In the absence of a formal carriageway, the Manuals for Streets advises that with shared spaces 'motorists entering the area will tend to drive more cautiously and negotiate the right of way with pedestrians on a more conciliatory level'. Owing to its constrained nature it is reasonable to assert that the access would be a low speed environment.
- 6.5.7 There would be clear line of sight in either direction and as such it is envisaged that pedestrians/cyclists or drivers would wait for other users to complete their journey before setting off in much the same way if the historic

use of the site was reinstated. It is accepted that this may necessitate vehicles either waiting within the site or at the entrance. Whether this is of any greater harm than any alternative use of the site is a matter for members to consider carefully however such arrangements are not uncommon elsewhere within the borough.

- 6.5.8 The Council's Highways Engineer accepted that servicing of the site would not present any immediate concerns and could be undertaken by light vehicles accessing the site/larger vehicles utilising the roadway which would not be detrimental to the functioning of the highway. However, owing to the constrained access an RCV (Refuse Collection Vehicle) would not be able to access the site. The use of a private waste contractor was suggested by the applicant initially, however this would form a tenuous proposition as the Council has a statutory responsibility for domestic waste collection. Revisions were sought by officers with a communal collection point incorporated by the applicant and shown on subsequent layout drawings. Such an arrangement complies with Council Policy and is considered to be an acceptable arrangement in principle and one that has been utilised elsewhere in the borough on similar developments. In the event of approval further detail could be secured by a planning condition.
- 6.5.9 The concerns expressed by residents are focused largely on increased vehicle movements to and from the site and potential for overspill onto surrounding roads in addition to matters of highway safety and discrepancies on submitted layout plans.
- 6.5.10 Having regard to the historic use of the site, it is difficult to quantify the amount of traffic that would be generated; however, the proposals would reduce the amount of parking available from at least 26 (either utilising the garages or area to the frontage) to the 14 allocated spaces shown on layout plans submitted, an arrangement which is in excess of the policy requirement for off-street parking. It has been evident throughout this process that the access which currently serves the garages is unregulated in so far as that it does not appear to be controlled by any planning condition. Officers accept that the limitations of the site and resultant access arrangements present an area of concern to which members may attribute greater weight; however, mindful of the alternate use of the site and its potential for being brought back into regular use, consider that the current proposals represent an opportunity to improve upon the historic unregulated arrangement.
- 6.5.11 As part of the planning balance, officers have attributed some weight to the historic use of the site. In view of the wider benefits associated with the proposals any residual harm over and above that which may have been capable from any alternative use of the site would be outweighed in the opinion of officers by the other positive aspects of the scheme.

Conclusions

- 6.6 All other relevant policies and considerations have been taken into account. Planning permission should be granted subject to a legal agreement and conditions for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.