

PLANNING COMMITTEE – 30 MARCH 2021

Application No. 21/00163/FUL

Proposal : Creation of driveway, drop kerb and retaining wall.

Location : 12 Monckton Drive, Southwell, NG25 0AW

Applicant : Mr A Rainbow

Registered : 29 January 2021 **Target Date :** 26 March 2021

Extension of time agreed until : 02 April 2021

This application is presented to the Planning Committee due to the applicant being a Member of the District Council and on the Planning Committee. Therefore due to the scheme of delegation this must be heard by Planning Committee.

The Site

The dwelling is a detached single storey property located within the defined built up area of Southwell, within flood zone 1 and within an area at risk of surface water flooding as defined by the Environment Agency data maps. The site is also located within an area of Southwell Protected Views (So/PV) as stated within the Allocations and Development Management DPD which seeks to protect views of and across the principal heritage assets of the Minster, Holy Trinity church, Archbishops Palace and Thurgarton Hundred Workhouse.

The property is elevated from the highway by approximately 1m. The principal elevation faces north-east with a single garage located to the side of the dwelling, accessed off Monckton Drive which is a cul-de-sac.

Relevant Planning History

03/01731/FUL - Proposed new dwelling Approved 13.01.2004 (*Permitted development rights removed for Schedule 2 Part 1 Classes A, B, C, D and E*)

891354 - Three bungalows and garages Approved 10.01.1990

890467 - Erect on bungalow with integral garage Approved 20.07.1989

The Proposal

The proposal comprises of the extension to the dropped kerb and reducing the existing turfed area by approximately 1.5m to create a flat block paved driveway. In addition the proposal comprises of the construction of a 1.5m high retaining wall and a hand rail.

List of plans/documents considered

DRWG no. 511_2020_01 Existing plans;

DRWG no. 511_2020_02 Rev A Proposed plans;

DRWG no. 511_2020_03 Location plan and block plan;

Departure/Public Advertisement Procedure

7 neighbouring occupiers have been consulted on the application.

Planning Policy Framework

Development Plan

Southwell Neighbourhood Plan (Adopted 2016)

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments and Mitigation
Policy E2 – Flood Resilient Design
Policy DH1 – Sense of Place
Policy DH2 – Public Realm

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

Spatial Policy 7 – Sustainable Transport
Core Policy 9 - Sustainable Design
Core Policy 10 – Climate Change
Core Policy 10A – Local Drainage Designations

NSDC Allocations and Development Management DPD (July 2013) (ADMDDPD)

DM5 – Design
DM12 – Presumption in Favour of Sustainable Development
So/PV – Southwell Protected Views

Other Material considerations

National Planning Policy Framework (NPPF) 2019
Planning Practice Guidance (PPG)
Householder Development SPD 2014

Consultations

Southwell Town Council – Southwell Town Council considered application 21/00136/FUL 12 Monkton Drive and agreed unanimously to a decision of no objection to this application, but the committee are concerned over the lack of surface water treatment and the loss of green space at the front of the property.

No neighbours/interested parties have commented on the application.

Comments of the Business Manager

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the Development Plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise.

The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The proposal constitutes an alteration within the grounds of a domestic property and the provision of a dropped kerb to the highway. All of which are generally accepted in principle subject to an assessment of criteria outlined in Spatial Policy 7 of the ACS and Policy DM5 of the Allocations and Development Management DPD. These criteria include the provision that the proposal should respect the character of the surrounding area including its local distinctiveness and have no adverse impact upon the amenities of neighbouring properties. In addition the proposal should be appropriate for the highway network and make for safe and inclusive access.

Therefore in principle the proposal is acceptable subject to the criteria outlined in the succeeding report.

Impact on highway safety

Spatial Policy 7 of the ACS states the proposal should be appropriate for the highway network, and ensure that the safety of the highway is not adversely affected. The proposal includes the provision of a dropped kerb on to a non classified road. The proposal is considered acceptable and would not result in any further harm to the existing highway network. Thus the proposal would comply with Spatial Policy 7 of the ACS and policy DM5 of the ADMDPD.

Design impact

Policy DM5 of the ADMDPD states *“the character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development”*.

The proposal includes reducing the slope of the existing turfed sloped garden area to the front of the dwelling by approximately 1.5m, and laying a new permeable hardstanding block paved area approximately 40m² in area.

The proposal includes a new retaining wall to the perimeter of the new driveway with railings above to approximately 2.1m high. Due to the scale of the wall and the degree of land level change the proposal requires express planning consent.

It is considered that due to the design, use of materials and the scale of the development, the proposal is considered to conform to the character of the area and comply with policy DM5 of the ADMDPD.

Policy So/PV of the ADMDPD seeks to protect views of and across the principal heritage assets identified on the Proposals Map within the ADMDPD. Due to the scale of the development the proposal would not result in an obstruction to the views and thus the proposal would comply with this policy.

The proposal is therefore acceptable and would comply with Policy DM5 of the ADMDPD as well as the relevant policies within the Southwell NP.

Neighbour Amenity

Policy DM5 of the DPD states proposals for new development should have regard to their impact on the amenity or operation of surrounding land uses. The NPPF states in Paragraph 127 that developments should ensure a high standard of amenity for existing and future users.

The proposal would not result in harm to neighbour amenity from loss of privacy.

Due to the scale and design of the proposal and the relationship with existing neighbouring properties, it is not considered that the proposal would result in harm from overbearing impact or loss of light impacts to the amenity of the neighbouring occupiers.

It is concluded that the proposal as a whole is acceptable from a neighbour amenity perspective and would not result in any detrimental impacts from overbearing impact, loss of light or privacy to neighbouring occupiers and complies with Policy DM5 of the ADMDPD, the NPPF and the SPD which are material planning considerations.

Flooding/surface water run-off

The site is located within flood zone 1 as defined by the Environment Agency and therefore at lowest risk from flooding and within an area at risk of surface water flooding.

The proposal includes a substantial area of hardstanding to the front of the dwelling from an area which is currently laid to grass. The agent states that the proposed material would be permeable and incorporate an ACO drain at the end of the driveway. This would enable the surface water to drain within the existing boundary. Core Policy 10A of the ACS states that proposals should ensure that development positively manages its surface water run-off through the design and layout of new development, in order that there will be no unacceptable impact from run-off on surrounding areas or existing drainage regime.

Policy E2 of the Southwell NP states that proposals should be required to demonstrate that the design of the hardstanding areas has been considered carefully to reduce the risk of flooding and increased run-off. Due to the design of the driveway, the use of permeable materials and the insertion of drainage, the proposal would comply with the relevant policies.

As such the proposal would not result in any further increased risk in surface water run-off to the surrounding area. The proposal therefore complies with Core Policy 9 and 10A of the ACS and policy E2 of the Southwell NP.

Conclusion

In conclusion, it is considered that the proposal would, by virtue of its scale, design and use of materials, accord with Core Policy 9 and 10A of the ACS and policies DM5 and So/PV of the Allocation and Development Management DPD and the policies within the Southwell NP as well as the NPPF which is a material planning consideration.

All material planning considerations have been taken in to account as set out above and appropriate weight has been given to each issue and it is concluded that the application satisfies matters relating to design, flood risk, neighbour amenity and highway safety.

Therefore, in considering all the material considerations of this case, a recommendation of approval to Members is proposed and the application is considered to accord with the Council's DPD, the NPPF and the Southwell Neighbourhood Plan, and there are no other material planning considerations that would outweigh this policy stance in this case.

Recommendation

That full planning permission is approved subject to the following 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 complete accordance with approved proposed plans reference;

DRWG no. 511_2020_02 Rev A Proposed plans;
DRWG no. 511_2020_03 Location plan and block plan;

Reason: So as to define this permission.

03

The materials and colour of such materials, to be used in the construction of the external surfaces of the development hereby permitted shall match those corresponding materials to the existing driveway, those stated within the application form and/or on the approved drawings.

Reason: In the interests of visual amenity.

04

Prior to the first use of the driveway hereby permitted, drainage provisions as shown on drawing no. 511_2020_02 Rev A shall be installed in its entirety and retained for the lifetime of the development.

Reason: In the interests of preventing surface water run-off to the site and surrounding area.

Note to applicant

01

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) (England) Order 2015 (as amended).

02

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 given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

Application case file.

For further information, please contact Lynsey Preston on ext 5329.

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**