

PLANNING COMMITTEE – 6 JULY 2021

Application No:	21/01081/PIP	
Proposal:	Application for Permission in Principle for Residential Development of Four (4) to Six (6) Dwellings	
Location:	Land to the Rear of No.39 Hawton Lane and to the West of Centenary Close, Balderton, Newark On Trent, NG24 3DH	
Applicant:	Mr & Mrs Roger And Tina Bevan	
Agent:	Mr Anthony Northcote	
Registered:	11.05.2021	Target Date: 15.06.2021 Extension Agreed To: 09.07.2021
Link To Application:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QSQRZYLB0DL00	

In line with the Council's Scheme of Delegation, as the Parish Council's view is in objection to the proposal, which is contrary to the Officer recommendation, the local ward members, Cllr L Hurst and Cllr R White, have been notified. Cllr L Hurst has requested to call in this application to Planning Committee on the grounds that the amount of development sought in this application would be overintensive, result in backland development and impact on the amenity of existing residents contrary to CP3, CP9 and DM5 of the Development Plan.

The Site

The application site relates to an approx. 0.15Ha parcel of land to the south of 39 Hawton Lane, within a residential area of Balderton. To the north of the site lies the extended rear garden of the residential property 39 Hawton Lane, to the east is Centenary Close where access to this site would be taken in front of no.51 via the existing turning head. No. 37 to 43 Centenary Close back onto the eastern boundary of the site and the side boundary of no. 51 abuts the eastern boundary at the southern side. A collection of trees subject to a Tree Preservation Order (TPO) lie directly adjacent to the NE corner of the site. A block of flats (no. 1-16 South View on Vessey Close) lie to the south and no. 65-75 Stafford Avenue lie to the west. The site lies within the urban boundary of Newark as defined on the Policy Map. There are a number of trees also within the site which is bound by a mixture of boundary treatments such as close boarded fences, chain link fencing and hedgerows.

Relevant Planning History

03890449 - Residential Development – Permitted 14.11.1989

Site to the north: 92/50035/OUT - Single Storey Dwelling – Refused 19.02.1993

Centenary Close: As set out in the Planning Statement accompanying this application Centenary Close originally obtained outline planning permission for residential development under 03890337. This is usefully summarised in the extract from the Planning Committee report from July 1994:

Application Ref 3890337

The site of the current application was granted outline planning permission for residential development previously under Ref. 03890337 (now expired). One of the conditions of this former approval required provision for (an) access road(s) up to the western boundary (except for a possible "ransom strip") that could physically allow for the land adjacent also being served via this site. In addition an explicit constraint identified a possible restriction in siting any property within 12 metres of the western boundary (so as not to jeopardise a future proposal on land adjacent to the west).

92/50034/OUT - Residential Development – Permitted 17.02.1993

94/50056/RMA - Erect 26 no. Dwellings Including 2 No. Single Storey Dwellings With Garages (Where Shown) Together With Associated Roads And Sewers (As Amended) – Permitted 14.10.1994

The Proposal

The application seeks Permission in Principle (the first of a 2 stage process) for four to six dwellings on the site. No specific details are required at this stage. Permission in Principle requires only the location, the land use, and the amount of development to be assessed. If residential development is proposed, the description must specify the minimum and maximum number of dwellings proposed.

It is the second stage of the process, Technical Details Consent, which assesses the details of the proposal. This must be submitted within 3 years of the Permission in Principle decision (if approved).

Submitted Documents

- Site Location Plan
- Planning Statement

Departure/Public Advertisement Procedure

Occupiers of 36 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Earliest decision date: 14.06.2021

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019

Planning Practice Guidance

Consultations

Balderton Parish Council – Object – “Members consider that the layout as proposed is over intensive use of the land and the dwellings would have a detrimental impact on neighbouring properties located on Centenary Close”

NCC Highways – “The site is proposed to be served off Centenary Close, which is a 5.5m wide carriage way with 2.0m wide footpaths on both sides, which is suitable for provision of further development.

From the details submitted, it is our concern that the access may not be possible to be achieved as the land shown in red may not fully be in the applicant’s control. The land proposed for the access should be in the applicant’s ownership or have the landowner’s permission to create access over their land. At present, it seems that the land that the applicant wants to use as an access route to the site may be in the ownership of no. 51 Centenary Close and possibly partially of 49 Centenary Close. If the applicant is the landowner of these properties, or indeed the landowner(s) of no. 49/51 Centenary Close will be party to future application, these properties should be included within the blue line plan. We will also request details at later stage to provide the proof of land ownerships and any agreements and/or deeds that would allow for this road connection to be made.

Please note that the Highway Design Guide allows for only 5 no. dwellings off a shared private driveway. Therefore, if the applicant wishes to build 6 dwellings, the proposed road will be required to be designed to adoptable standards for residential access way. Further information can be found in Nottinghamshire Highway Design Guide available online on <https://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

The proposal would be conceptually acceptable from highways perspective; however, it is difficult to highlight any highway concerns and agree a scheme in principle considering the limited information and detail submitted for the purpose of this consultation.”

Comments have been received from 2 interested parties that can be summarised as follows:

- The access from Centenary Close is in front of 49 and 51 Centenary Close and belongs to 51 Centenary Close as part of their private Driveway. Turning this into an access road for the properties to be built would mean no border between the proposed road and the private land bordering it.
- There would be increased traffic flow to an already busy road which could become a further safety hazard to the young children playing outside.
- Land in the ‘red zone’ already has excessive on road parking issues.
- Centenary Close is a mixture of young and older residents and increased traffic flow will

- create a significant threat to residents safety
- Land in the 'blue zone' is not mentioned in the application, which is currently accessed from Hawton Lane, is this to become an extension to the 'red zone' in future applications?

Comments of the Business Manager

Principle of Development

The application seeks 'Permission in Principle' for the residential development of four to six dwellings on land to the south of 39 Hawton Lane and to the west of Centenary Close in Balderton, Newark. This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use and the amount of development only. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a 'Technical Details Consent' application which must be submitted within 3 years of the Permission in Principle decision if approved.

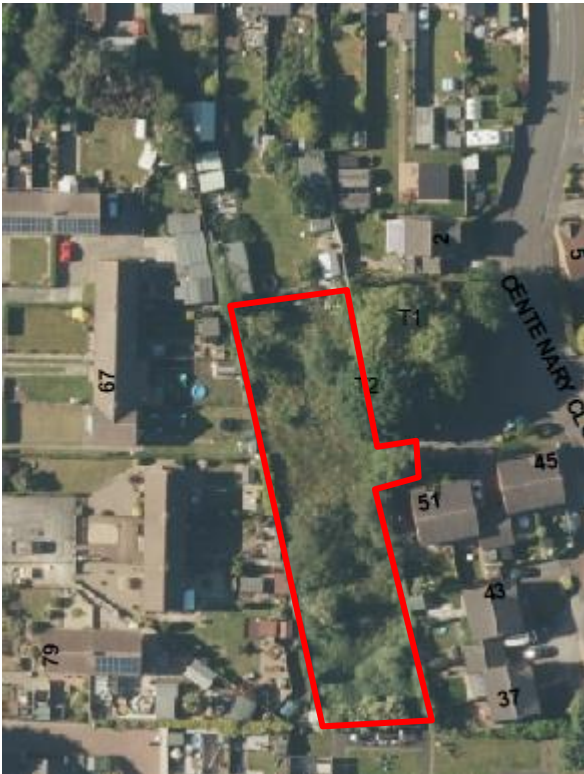
Location and Land Use

The site lies within the defined urban boundary of Newark, a 'Service Centre' as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. Under Core Strategy Policies SP1 and SP2 the principle of residential development within the urban boundary of Newark is supported. Identified within the settlement hierarchy as the Sub-Regional Centre, Newark is regarded as a highly sustainable location for development. In principle therefore, housing development could be appropriate subject to other considerations which I shall discuss below.

Amount of Development

The application is for four to six dwellings. The site is approximately 0.15Ha (20m wide and 70 m long). It is not yet clarified if the proposal would consist of four or six dwellings on the site nor, if six are proposed, whether these would all be detached dwellings. Again, this would be submitted at the Technical Details Consent stage. Planning Practice Guidance offers limited advice on how to assess the relevant factors of an application for PIP but the intention for these applications is to establish the principle of development within a range to provide flexibility, with more detailed matters such as the exact quantum and house type reserved for the technical details stage. On this basis, and having looked at examples for guidance, it could be argued that simply assessing the amount of development as if it were the maximum proposed/worst case scenario (six separate detached dwellings) pre-determines matters that are specifically reserved for the Technical Details Consent Stage and overlooks the purpose of setting a minimum and maximum range. On this basis I therefore consider the most appropriate assessment to be whether the range sought, which in this case is 4 to 6 dwellings, could be accommodated on the site in principle in any potential form, layout or size.

Core Policy 3 of the Core Strategy sets a minimum density of 30 dwellings per hectare for unallocated sites – in this case, six dwellings would give a density of c. 40.7 dwellings per hectare and four dwellings 27.2 which would more or less align with the requirements of CP3. Similarly the proposed density would accord with the existing urban grain on Centenary Close (estimated density of c. 39.7dph based on the supporting statement).



2016 Aerial Image of the Site

The width of the plots along Hawton Lane vary, however given the location of this Site I am mindful that any development here would not be read in the same context as properties on Hawton Road, nor would the proposal have any immediate visible effects on this streetscene given the site positioning. The development would more likely be read in the context of existing development on Centenary Close – this is characterized by a mix of semi-detached and terraced housing with some detached properties. On Centenary Close properties have small-medium size residential curtilages and are orientated around the close itself. Properties to the north on Hawton Lane are typically detached and semi-detached with medium size curtilages and to the west on Stafford Avenue are terraced with longer rear gardens.

In this case, I am conscious that six detached dwellings would not be characteristic of the surrounding house types and given the size of the site, would likely have quite small residential curtilages in comparison to existing properties and could give rise to other adverse impacts. However, I am also mindful that the actual scale and position of the dwellings, their design, impact on amenity and the character of the area would be assessed at the Technical Details Consent stage.

Overall, having regard to the general density of development within the locality I consider the amount of development proposed would be within an acceptable range. However, consideration will need to be given at technical details stage as to the appropriate design and layout for the site and whether this would enable the site to be developed for 4 or 6 dwellings.

Matters for Technical Details Consent Stage

The Technical Details Consent application is required to be submitted within three years of the decision date. Policy DM5 of the DPD sets out the criteria for which all new development should be assessed against. This includes but is not limited to safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, biodiversity and green infrastructure.

The technical details consent application would need to carefully consider these criteria which I set out below with useful commentary.

Impact on Visual Amenity and the Character of the Area

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. Policy DM5 of the DPD sets out the criteria by which all new development should be assessed. It includes (but is not limited to): safe and inclusive access; parking provision; impact on amenity; local distinctiveness and character; and flood risk.

In relation to the character of the area it states, 'the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.' In addition, paragraph 127 of the NPPF states inter-alia that developments should be sympathetic to character and history including the surrounding built environment; and should establish or maintain a strong sense of place.

The site is located to the west of the turning head on Centenary Close. Development in the vicinity is generally medium-high density for the area giving it a clear residential appearance. Given the context of the site I am mindful that six detached dwellings (which would be the worst case scenario given the range sought) would result in much smaller plots and a house type that would be less characteristic of existing properties in the vicinity. However, the area is typically residential and I consider a scheme could be developed so as not to adversely impact the character of the area. I am however mindful that green space outside of the application site contributes positively to the streetscene and Centenary Close development, there are also trees within the application site which are positive features (albeit have reduced visual amenity given their location within an enclosed site separated from the public realm). The design of any future proposal should be of a high quality and should reflect the character of the area regardless of whether the design is contemporary or traditional. Aspects to consider are the scale, materials, window styles, orientation and built form, plot width and position within the site and retention and reinforcement of existing features (such as trees), to accord with the policies set out above.

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.' New housing developments should ensure a layout and design that provides high standards of privacy and outlook for both existing and proposed residents. Proposals should avoid the following in order to encourage high levels of amenity and privacy:

- Siting new dwellings close to existing properties such that overlooking of existing windows and gardens occurs, significantly reducing existing levels of amenity.
- Significant overbearing impacts on existing properties and their private amenity space.

The application site is encircled by existing residential dwellings and their curtilages. The land is approx. 20m wide x 70 m long. To the north, properties on Hawton Lane (two storey) are approx. 45 m from the northern boundary of the site, to the east the closest properties on Centenary Close (two storey) are between approx. 4-8m from the eastern boundary of the site. To the south, properties on Vessey Close (three storey) are approx. 14 m from the southern site boundary and to the west, properties on Stafford Avenue (two storey) are between approx. 15-20m away from the western boundary. Whether the proposed development could be accommodated on this site without resulting in any adverse impact on the amenity of existing residential properties would require very careful consideration and I am conscious that given the aforementioned distances that it could be difficult to achieve six two storey detached dwellings on this site in a suitable arrangement.

Whilst there is no policy within the Development Plan that sets out appropriate separation distances, the following dimensions and advice given are considered as guidelines to ensuring appropriate standards of amenity for future and existing occupiers. I would advise that the minimum back to back distance between habitable rooms (for existing and proposed dwellings) should be 21m, where dwellings are of the same number of storeys. Where there is a relationship

with three storey built form this distance should be increased to 24m. Proposed walls without habitable windows such as blank gable side elevations opposing habitable principle elevations should be a minimum of 15-18m. Consideration needs to be given to overlooking impacts into both habitable rooms and external amenity spaces in addition to how any new dwelling would impact existing properties and how they in turn would impact the new dwellings. Consideration also needs to be given to overbearing or overshadowing impacts on both dwellings and their amenity space to as not to adversely effect any existing or future occupiers.

In terms of amenity space the site appears to be large enough to accommodate 6 dwellings with off street parking and gardens. However the scale and positioning of the dwellings should be carefully considered to avoid any adverse impact on existing and future occupiers

Access and Highways Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. I note the comments received from local residents regarding traffic increase and highways safety, however matters relating to access and highways impact is reserved for consideration at the technical details consent.

The Highway Authority have provided comments on this application which can be found in the consultation section above - any forthcoming application would need to consider these comments in full in addition to the requirements of the Nottinghamshire Highways Design guide and NSDCs adopted Parking Standards SPD when considering a proposed layout and parking provision.

Careful consideration to the above comments and the comments of the Highways Authority would need to be undertaken at technical details stage in order to accord with policy DM5 and SP7.

Ecology and Trees

Policy DM7 seeks to protect, promote and enhance green infrastructure whilst Core Policy 12 aims to conserve and enhance the biodiversity and geological diversity of the District. The proposal is likely to include the removal of some trees. A tree survey would be required to ensure no adverse impact of trees/ecological impacts would arise from the development of the site. Landscaping and green infrastructure should also be incorporated into the proposal in line with Policy DM7.

Other matters

I note comments have been received from an interested party that queries the 'red and blue zones' on the submitted plan. The red outline demarcates the extent of the Site within which this development is proposed and the blue outline is land also within the applicant's ownership. This application does not relate to the land within the blue outline and any future proposal for development within it would be considered on its own merits at the time of submission.

I also note the comments of Balderton Parish Council which state that they consider the "layout as proposed is over intensive use of the land and the dwellings would have a detrimental impact on neighbouring properties located on Centenary Close". However I would highlight that no proposed layout plan has been submitted with this application and that matters relating to neighbour amenity impact etc. are matters for consideration at the Technical Details Consent stage.

Conclusion

To conclude, I consider the location to be sustainable and accessible for residential use and the proposed amount of development to be appropriate for the size and context of the site in principle.

With the above in mind I consider the principle of the proposed development to be acceptable and recommend that Permission in Principle is granted.

It should be noted that conditions cannot be attached to a Permission in Principle. Conditions would be attached to the Technical Details Consent. The Permission in Principle and the Technical Details Consent together form the full permission. No development can commence until both have been approved.

Technical Consent Submission Requirements

- Completed Technical Details Consent Application Form
- Site Location Plan
- Proposed Site Plan (including details of access, boundary treatments and landscaping)
- Proposed Plans and Elevations
- Tree Survey

RECOMMENDATION

That Permission in Principle is approved.

Unconditional

Notes to Applicant

01

The Technical Details Consent application is required to be submitted within three years of the decision date. The Council's up to date Development Plan Policy sets out the criteria for which all new development should be assessed against. This includes but is not limited to safe and inclusive access, parking provision, drainage, impact on amenity, local distinctiveness and character and biodiversity and green infrastructure. The technical details consent application would need to carefully consider these criteria.

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/01081/PIP

