

## PLANNING COMMITTEE – 2<sup>nd</sup> NOVEMBER 2021

<b>Application No:</b>	<b>21/02176/FUL</b>
<b>Proposal:</b>	<b>Demolition of existing outbuildings, creation of 2 parking spaces with associated dropped kerbs, relocated outbuilding in the rear garden of No 55, Proposed one detached dwelling with 2 parking spaces with associated dropped kerbs, secure storage for 2 bicycles (resubmission)</b>
<b>Location:</b>	<b>Land Next to 53 Philip Road, Newark On Trent, NG24 4PD</b>
<b>Applicant:</b>	<b>LC5 Properties Ltd - Mr A Cook</b>
<b>Agent:</b>	<b>Mr Colin Young</b>
<b>Registered:</b>	<b>08.10.2021</b> <b>Target Date: 03.12.2021</b>
<b>Website Link:</b>	<a href="https://www.newark-sherwooddc.gov.uk/21/02176/FUL">21/02176/FUL   Demolition of existing outbuildings, creation of 2 parking spaces with associated dropped kerbs, relocated outbuilding in the rear garden of No 55, Proposed one detached dwelling with 2 parking spaces with associated dropped kerbs, secure storage for 2 bicycles (resubmission)   Land Next To 53 Philip Road Newark On Trent NG24 4PD (newark-sherwooddc.gov.uk)</a>

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the Council owns part of the site. The freehold of the garden land on the corner with Fairfax Avenue was sold in April under delegated authority but the Land Registry is still showing the Council’s ownership of the garden land so the registration is still pending.**

### The Site

The application site relates to a corner plot at the junction of Phillip Road and Fairfax Avenue within the Newark Urban Area. The site as existing forms the residential curtilage of 53-55 Phillip Road, apartments set at ground and first floor within an end terrace two storey building (with an access door on the eastern side gable at ground floor). The surrounding area is characterized by residential properties of similar form to the application site on the southern side of Phillip Road but also semi-detached dwellings on the northern side.

The site comprises a mixture of grass and hard standing which forms parking provision accessed from Fairfax Avenue. There are also detached outbuildings towards the south eastern corner of the site. The boundary with Fairfax Avenue and around the corner onto Phillip Road is formed by a dense hedgerow.

### Relevant Planning History

**21/02069/FUL** - Demolition of existing outbuildings, 2 No. new semi detached houses including dropped kerbs and parking spaces. Creation of parking spaces and dropped kerbs for 53 and 55 Philip Road and re-locate outbuilding.

*Application withdrawn owing to concerns raised by Officers.*

The submitted planning statement has referenced a similar scheme at no. 77 Phillip Road (16/01749/FUL), the relevance of which will be discussed in the appraisal section below.

### The Proposal

The application seeks full planning permission for a single detached, two storey three bedroom dwelling. The dwelling would have an approximate pitch height of 7.85m and eaves height of around 4.9m. Parking provision for the proposed dwelling would comprise two spaces accessed from Fairfax Avenue along the eastern boundary of the site. The proposal also includes the creation of two car parking spaces from Phillip Road for the existing flats as well as the relocation of an existing outbuilding in the south western corner of the site.

The application has been considered on the basis of the following plans and documents:

- Site & Location Plans – 2114/250;
- Outbuilding Photographs dated 6<sup>th</sup> October 2021;
- Proposed house plans and elevations – 2114/251;
- Proposed outbuilding plan & elevations – 2114/252;
- Planning Statement dated October 2021.

### Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter.

### 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  
Core Policy 13 – Landscape Character  
NAP1 - Newark Urban Area

#### **Allocations & Development Management DPD**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM12 – Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places  
September 2019

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

### Consultations

**Newark Town Council** – No comments received to date (consultation expiry 2<sup>nd</sup> November 2021).

**No letters of representation have been received to date** (consultation expiry 3<sup>rd</sup> November 2021).

### Comments of the Business Manager

#### Principal of Development

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying the Newark Urban Area as the sub-regional centre. It is intended that the Newark Urban Area be the focus for housing and employment growth in the District. As such residential development within the site is acceptable in principle provided the proposal accords with the remainder of the development plan.

#### Impact on Character and Design

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The site forms a corner plot with the boundary forming a hedgerow which adds welcome greenery to the street scene. There are other corner plots with similar boundary treatments but the area is on the whole characterized by fenced boundaries. The site as existing appears to be used as functional garden area which retains a degree of privacy through the presence of the hedgerow.

Corner plots in the area vary in their characteristics with all of the other three corner plots at the adjacent junction forming sets of semi-detached dwellings arranged at an angle. However, there are other corner plots which share similar characteristics to the application site, one of which is referenced in the application submission.

Planning permission was granted in January 2017 for the erection of two semi-detached properties to the side of no. 77 Phillip Road – a site approximately 100m to the west of the application site. I have carefully reviewed the planning file for this application and note that there are undoubtedly similarities to the current application site. However, there are also notable differences, namely the plot at no. 77 is around 3m wider than the application site when taken from a broadly central point of the existing dwelling's gable end. In addition to this, it is clear that the site at no. 77 displayed differing characteristics with the committee report referring to the site having no functional use being bound by low wire mesh fencing giving it an open appearance. The report considered that in the case of the scheme at no. 77, the site appeared physically removed from the host building.

As per the planning history above, the proposal forms a re-submission of a recently withdrawn scheme for 2 dwellings. The basis of the withdrawal was that Officers considered that the

provision of two semi-detached dwellings would appear cramped in the site and lead to a dominance of parking spaces.

The applicant has taken on board these concerns through the re-submission which now proposes for a single detached dwelling. This allows the corner of the site to be retained largely as is with the attractive hedgerow remaining. It is noted that there would be a dropped kerb and the creation of two parking spaces from Phillip Road but this part of the site as existing features a fenced boundary and therefore the opening up of the site to create the parking spaces would not be harmful in character terms.

There is no doubt that the proposed development would be a notable change in character terms when compared to the existing site. However, the plot is considered capable of delivering an additional detached dwelling without appearing overly cramped in the street scene.

The dwelling would be a similar height to the adjacent properties which would visually read as an extension to the existing form of development along the northern side of Phillip Road which comprises, what in plan form appear to be, pairs of semi-detached dwellings but what are in actual fact flats. The proposed design is fairly standard but replicates the same style and sized window openings as the adjacent flats and in my view this will assist its assimilation into its surroundings, as too will the use of similar materials. The proposed outbuilding in the south west corner of the site is modest in its size and construction such that it would have a limited impact on the overall character of the area (particularly when noting that there is an existing outbuilding within the site).

Overall, I consider that the design of the re-submitted scheme is acceptable and conclude that the development of this plot in this way would not harm the character or appearance of the area thus according with the policies identified above.

#### Impact on Highways Network

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.

The Planning Statement submitted to accompany the application acknowledges the recent adoption of an SPD on parking standards. Two spaces are proposed for the new three bed unit and one space each for the existing flats, all of which would meet the standards in terms of size. The quantum of spaces would be increased from the existing situation but would also better formalize the spaces making them attractive to use for the respective occupiers. Provision is given for cycle storage at the rear of the car parking spaces.

On this basis the proposal is compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

#### Impact on Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed seeking to secure a good standard of amenity for existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.

The proposed building would be sited just over 1m from the eastern elevation of the adjacent building and thus the door serving the first floor flat. However there is sufficient space to allow access to both the existing flats and their curtilage as well as the garden / side of the proposed dwelling. The proposed building would be located in line with the existing building where there are no existing windows that would be impacted upon. As such I consider that there would be no adverse impact upon the occupiers of either flat contained within the building to the west.

Details of the outbuilding have been provided, which comprises a modest single storey outbuilding to be positioned in the south west corner of the site. Ordinarily this would be 'permitted development' but given this lies within the confines of flats which do not enjoy such rights it would need permission.

The rear outlook of the dwelling would be towards the side elevation of 15/17 Fairfax Avenue. The dwelling would be around 11.5m from the shared boundary but the side elevation is around 10m further away from the boundary and there are no first floor windows on the northern gable end. The positioning of the dwelling further eastwards than the principle elevations of no. 15 and 17 would mean that the outlook would be towards an off street parking area / front garden for the neighbouring flats. All other neighbouring properties would be separated by the highway network.

Taking the above factors into account I have identified no harmful amenity impacts to existing neighbouring occupiers.

In terms of the outdoor amenity provision for the proposed occupiers, the dwelling would be afforded an area of rear garden space as well as the retained front garden area which as above does retain a certain degree of privacy due to the hedged boundary.

One of the other issues in the previously withdrawn scheme was that the cramped nature of delivering two dwellings led to substandard internal floor areas. However, the revised scheme for a detached three bed dwelling would align with the nationally described space standards with approximately 93m<sup>2</sup> of internal floor area.

The proposal therefore meets with the provisions of the development plan with regards to residential amenity.

### Other Matters

It was carefully considered at validation stages whether the demolition of existing outbuildings would warrant submission of ecology surveys but given the active use of the site, these were not considered necessary.

### Conclusion

Located in the Newark Urban Area, the principle of development is acceptable. It has been concluded that the site could accommodate an additional detached dwelling without adversely affecting the character of the area; highways safety or residential amenity. The proposal is therefore considered acceptable and approval is recommended subject to the following conditions.

### **RECOMMENDATION**

**That, in the absence of any further material planning considerations coming forward through the remainder of the consultation period (which expires on 3<sup>rd</sup> November 2021) full planning permission is approved subject to the following conditions.**

### **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 the following approved plans reference:

- Site & Location Plans – 2114/250;
- Outbuilding Photographs dated 6<sup>th</sup> October 2021;
- Proposed house plans and elevations – 2114/251;
- Proposed outbuilding plan & elevations – 2114/252;

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

The hedgerow that is to be removed as part of the development hereby permitted (namely to create a pedestrian access) shall not be removed during the bird nesting period (beginning of March to end of August inclusive) unless a search for nesting birds is undertaken by a suitably qualified ecologist immediately prior to its removal. Should nesting birds be discovered, an exclusion zone shall be set up around any active nests, to prevent damage to the nests and / or injury to the young birds until they have fledged.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

05

The part of the hedgerow shown as being retained on the approved plans shall not be cut back beyond that indicated on the approved plan or removed without the prior consent in writing of the local planning authority. Should the hedge die, be removed, or become seriously damaged or

diseased within five years of the date of this permission, it shall be replaced with hedging in the next planting season with of a similar size and species.

Reason: To ensure the existing hedge is retained where shown and thereafter properly maintained, in the interests of visual amenity and biodiversity.

06

Prior to the occupation of the dwelling hereby approved, the boundary treatments as shown on plan reference Site & Location Plans – 2114/250 shall be implemented in full in site and retained for a minimum period of five years from occupation.

Reason: In the interests of residential and visual amenity.

07

No part of the development hereby permitted shall be brought into use until the four parking bays are provided as indicated on drawing number Site & Location Plans – 2114/250 and surfaced in a bound material. The parking bays 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 of vehicles.

Reason: 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.

08

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use (at the points where the parking spaces are located) and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

### **Note to Applicant**

01

This application has been the subject of discussions prior to its submission 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) 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/](http://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 development type proposed is zero rated in this location.

03

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA in partnership with NCC tel: 0300 500 8080 to arrange for these works to be carried out.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**