

## **PLANNING COMMITTEE - 3 JULY 2018**

<b>Application No:</b>	<b>18/00817/FUL</b>	
<b>Proposal:</b>	<b>Resubmission of 5 new dwellings on existing site.</b>	
<b>Location:</b>	<b>40 Winthorpe Road, Newark On Trent, Nottinghamshire, NG24 2AB</b>	
<b>Applicant:</b>	<b>Shoby Investments Ltd - Mr S Shelton</b>	
<b>Registered:</b>	<b>18<sup>th</sup> May 2018</b>	<b>Target Date: 27<sup>th</sup> June 2018</b>

**This application is before Members for determination as the officer recommendation differs from the views of Newark Town Council.**

### The Site

The site lies within a suburban area of Newark. The site consists of a two-storey, detached residential dwelling and associated curtilage. This existing property is an attractive dwelling with central forward and rear projecting gables roof and chimney stack to its rear. The dwelling is white render with grey concrete roof tiles. Two flat roof garages adjoin the dwelling to the northern boundary whilst an open car port is attached to its south side which leads to its rear garden.

Boundary treatments to the front of the plot and southern side of the plot consists of a mature hedgerow with 2m high close boarded fencing to the rear. Along the northern side of the plot is a hedgerow, a 1.8 metre close boarded fence and the side wall of the neighbouring property.

Vehicular access into the site is from Winthorpe Road to the south-western corner of the site.

Neighbouring properties are residential. Properties on this side of Winthorpe Road are a mix of house styles and plot sizes but primarily are two storey in scale. Properties on the opposite side of Winthorpe Road are of a more uniform design predominantly comprising semi-detached dwellings. The rear of the site consists of a newer housing development (a cul-de-sac of 19 dwellings known as Spire Gardens) consisting of semi-detached and terraced properties at a higher density than the properties on Winthorpe Road. This was granted permission in August 2006 (06/00858/FULM) and has its access road between numbers 34 and 38 Winthorpe Road.

### Relevant Planning History

**17/01396/FUL** - Erection of 5 new dwellings. Refused 22<sup>nd</sup> September 2017 for the following reason:

*In the opinion of the Local Planning Authority (LPA) the proposal by virtue of its siting and design constitutes over intensive development for the site by dominating the width of the plot with a solid wall of two storey development without visual relief that would be at odds with the character and appearance of the area. Additionally, the design is considered to be out of keeping with the area with the introduction of a building that has a vertical emphasis and the use of flat roof frontage*

*projections in brick against the render are considered alien features resulting in a building that would deliver a poor design for its context. Furthermore, in order to make the scheme acceptable, ten parking spaces would need to be provided off street which would result in an over engineered and overly car dominated frontage to the detriment of the character and appearance of the area which cannot be fully mitigated. The proposal is therefore considered to be contrary to the Development Plan, specifically Policy Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy and DM5 (Design) of the adopted Allocations and Development Management DPD as well as the NPPF a material planning consideration.*

**10/01216/FUL** – Demolition of existing single storey dwelling and replacement with 2 no. 4 bedroom detached properties. Approved as recommended by the Planning Committee on 11<sup>th</sup> November 2010.

**07/01127/FUL** – Demolition of existing detached dwelling and erection of 2 no. detached dwellings. Approved under delegated powers on 24<sup>th</sup> October 2007.

### The Proposal

Full planning permission is sought for the demolition of the existing dwelling and the erection of a building comprising 5 market dwellings. This mix of dwellings is for 2 x 1 bedroom dwellings (the two end dwellings), 2 x 2 bedroom dwellings and centrally 1 x 3 bedroom dwelling.

For all dwellings at ground floor the accommodation would provide for an entrance hall with stairs off, cloakroom, open plan kitchen, lounge and dining area. At first floor of the central 3 dwellings are two double bedrooms with separate bathroom whilst the two end dwellings have a single double bedroom with en-suite. The most central dwelling also has a bedroom with en-suite within the roof space.

The building, which would be finished in white render, has a staggered front building line through siting the single storey elements slightly set back and the use of a central forward projecting section. The building presents itself as primarily two storey (c13.4m wide) with single storey elements at either side giving an overall width of 21.9m spanning across the plot. The depth of the main part of the building is 9m. The height of the building is c4.99m to eaves and 7.95 to pitched roof ridge-line which would be finished in grey concrete tiles. The single storey elements at either side of the building are 5.13m to ridge and each have roof lights facing the frontage and rear.

The building is proposed to sit back approximately in line with the properties either side; c0.9m from the side elevation of no. 42 Winthorpe Road to the north-east and c1m to the boundary with no. 38 Winthorpe Road to the south-west.

Vehicular access would be taken off Winthorpe Road at two points; the northern most access would be the new exit created with the existing southern-most access being widened to provide the entrance. Parking would be provided in front of each dwelling and the (revised) plans now show the provision of 8 spaces in total.

The application comprises the following plans:

- Existing block plan, drawing no. exblplanA
- Existing elevations, drawing no. exelev
- Proposed Block Plan, drawing no. blplanGF Rev C

- Proposed elevations, drawing no. propel Rev A
- Proposed street elevations, drawing no. str el Rev A
- Proposed ground floor, drawing no. propgfplan Rev C
- Proposed first floor plan, drawing no. propffplan Rev A
- Proposed second floor plan, drawing no. propffplan Rev A
- Site location plan, drawing no. locplan Rev A
- Design and Access Statement

### Public Advertisement Procedure

Occupiers of 10 properties have been individually notified by letter with a consultation expiry date of 8<sup>th</sup> June 2018.

### Planning Policy Framework

#### The Development Plan

#### **Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)**

Spatial Policy 1 - Settlement hierarchy  
 Spatial Policy 2 - Spatial distribution of growth  
 Spatial Policy 6 - Infrastructure for Growth  
 Spatial Policy 7 - Sustainable Transport  
 Core Policy 3 - Housing Mix, Type and Density  
 Core Policy 9 – Sustainable design  
 Core Policy 10 - Climate Change  
 Core Policy 12 - Biodiversity and Green Infrastructure  
 NAP1 – Newark Urban Area

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

DM1 – Development within settlements central to delivering the spatial strategy  
 DM3 - Developer Contributions  
 DM5 – Design  
 DM7 - Biodiversity and Green Infrastructure  
 DM12 – Presumption in Favour of Sustainable Development

#### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Publication Amended Core Strategy

### Consultations

**Newark Town Council** – 31/05/2018 “This application was originally considered by this Committee on 30.8.17 when it was agreed to raise no objection. However, since then, additional new information has come forward about the views of local residents who are opposed to the development. Further, when it was first considered, the local Ward Town Councillor wasn't able to attend the meeting to represent the views of the community.

With Members now being aware of these new factors, it was decided to OBJECT to this application on the grounds that it was over intensive for the site and not in keeping with the surrounding streetscape and the local character of houses nearby. Members also felt that there was insufficient car parking provision for five new dwellings. It was also feared that if this application was to be permitted, it would set a precedent for other similar applications in the same area.”

**NCC Highways Authority** – Standing Advice applies.

**Trent Valley Internal Drainage Board** – ‘The site lies outside of the Trent Valley Internal Drainage Board’s catchment.

There are no Board maintained watercourses in close proximity to the site.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and the Local Planning Authority.’

**One representation has been received** from a neighbour raising objections on the following summarized grounds:

- 5 dwellings is over-intensive and would look out of place;
- Loss of light to adjacent dwelling via velux windows, being so close to boundary and loss of evening sunlight;
- This would spoil the view;
- Loss of privacy and garden would be overlooked;
- Concern regarding the amount of cars (as most families have 2 cars) and parking/traffic issues if residents parked on the road or verge, as there is a bus stop outside number 44 and could put children at risk crossing the road. This will add even more traffic to the Lincoln Road which is heavily congested every evening;
- Out of keeping with the rest of the houses on the road, as all the houses are set well away from each other;
- Would affect the value of properties;
- If approved request that existing hedgerows are retained for security and privacy.

#### Comments from the Business Manager

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 (emphasis added) material considerations indicate otherwise.

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This was confirmed by the Secretary of State in dismissing the appeals for the housing developments at Farnsfield (heard through a Public Inquiry

which sat in November 2017) in April 2018. The policies of the Development Plan are therefore considered up to date for the purposes of decision making.

### Principle of Development

The site is located within the built up area of Newark which is defined as a 'Sub Regional Centre' as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the district.

The proposal involves the demolition of the existing dwelling in order to facilitate the redevelopment of the site for 5 units. There is no objection to the principle of demolition. The house whilst attractive is of no special architectural interest and indeed I note the Local Planning Authority has previously agreed to the demolition by approving two schemes for redevelopment in the last 11 years.

I am satisfied that the site is located within the main built up area of a sustainable settlement, and as such, there is no objection in principle to the residential development at the site. However, the impact upon the character of the area, residential amenity of neighbouring properties and parking/highway safety will all need to be taken into consideration and are discussed below.

### Impact on the Character of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

Winthorpe Road is a residential road that has wide grass verges on both sides of the highway and front boundary treatments tend to be low brick walls or hedgerows with dwellings in spacious plots giving it a somewhat Arcadian, sub-urban character. Along the eastern side of the road the dwellings are generally two storey in a mix of styles and designs, some of which have been extended all in relatively generous plot sizes.

The existing dwelling sits centrally within the plot. Whilst in plan form the dwelling appears to span the width of the plot, in reality the single storey garages and car port provide visual relief to the two storey elements when viewing from the street. This is similar for many of the plots in the area.

The existing dwelling would be demolished and replaced with a two storey dwelling. Whilst in plan form this would span almost the entire width of the plot, it would read visually as a two storey building with single storey additions to each side not unlike the existing dwelling. The use of these single storey elements to each side adds visual relief to the street-scene and allows spacing between the two storey elements. This was previously of concern on the refused scheme where the solid wall of two storey development was considered to be harmful.

The building now proposed is acceptable in terms of its design. Since the refused scheme (which sought to utilize alien flat roof frontage projections in brick against the render giving the building a vertical emphasis) I note the applicant has sought to design a building that replicates the character

and appearance of the area. The two storey part of the building comprises 3 bays with the single storey elements being subservient which is acceptable. The proposed materials palette being render and concrete grey roof tiles are acceptable and reflect the mixture of materials in the area. Overall I consider that the design is now acceptable.

Concern was previously raised (in respect of the refused scheme) that in order to make the scheme acceptable to the highways authority, two parking spaces per dwelling would need to be provided in front of each dwelling thus requiring 10 parking spaces to be created. In the case of this revised application, I consider that 8 parking spaces need to be provided based on best practice and standing advice. In order to facilitate the space for the parking spaces and associated maneuvering space, there would be little room left for additional soft landscaping. This would result in frontage that is somewhat car dominated. However it is now proposed that the frontage hedge would be retained; apart from where the new access would be formed and the existing one widened. This in my view would largely mitigate the visual harm from having 8 cars parked in the frontage. I also note that the adjacent property (at no. 42 Winthorpe Road) has its entire frontage block paved and this also retains a hedgerow to the frontage which successfully softens its appearance. Whilst more cars would be present in the case of this site, I consider that on balance, providing the hedgerow was retained its harmful effect would be minimal. Conditions 4 and 8 would ensure the frontage of the site was acceptable.

#### Highway and Parking Impacts

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 reflects this, requiring developments to ensure that the safety, convenience and free flow of traffic are not adversely affected.

Standing advice now applies for this scheme and no bespoke highways comments have been sought. The proposal has been assessed against the Standing Advice as follows:

The proposed block plan previously indicated that 6 parking spaces would be provided in front of the 5 dwellings. This has been increased to 8 spaces upon request. Whilst 1 space for the two one bedroom units is acceptable and 2 spaces are acceptable for the 3 bedroom unit, one space for a two bedroom unit is not sufficient as two spaces should be provided. This is consistent with the advice previously given. Based on the amended plans, I am satisfied that the proposal now provides adequate off-street parking and can be controlled by condition in the event that Members are minded to approve this application.

It is also noted that in respect of the previously refused scheme the Highways Authority raised no fundamental objections to the proposals to have an entrance and exit point as is also proposed on this resubmitted scheme.

To conclude highway and parking matters are not a reason that should constitute a reason for refusal in this instance in my view. A number of parking and highway conditions (see conditions 2, 9 & 10) are recommended to ensure the development is acceptable.

#### Impact on Residential Amenity

Policy DM5 of the DPD 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. The

NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The windows proposed to be located along the front elevations of the properties will look directly onto the site frontage and will not overlook the properties on the opposite side of the road as they are located in excess of 38 metres from the proposed properties. Likewise the distance between the rear elevation of properties on Spire Gardens and the proposed rear elevation is in excess of 27m which is sufficient to meet the needs of privacy.

The property to the north is an extended two storey dwelling with its blank gable facing the site and this is sited up to the boundary. No. 38 to the south is also two storey and sits close to the shared boundary and again doesn't appear to have any windows facing the site. Given that the depth of the proposed dwelling would be sited against the blank side walls of the neighbouring properties, its orientation and design I do not consider there would be loss of privacy, overshadowing or overbearing impact.

The proposal would amount to the site serving an additional 4 dwelling units (i.e. 5 proposed units following demolition of 1). I have carefully considered whether the increased residential activity within the site would create harmful amenity impacts in terms of an increased activity and disturbance. However I am conscious that the site is situated within a relatively dense residential area. I therefore do not consider that the additional units would be perceivable in respect to the existing movements and disturbance established by the residential characteristics of the area.

I note the neighbours concerns but find no reason to resist the application on the grounds of loss of amenity. The proposal accords with DM5 and the NPPF in my view.

## **Other Matters**

### *Drainage*

The site lies within an area highlighted on the Environment Agency's mapping system as being within an area which is prone to surface water run-off in the form of superficial deposits. Given the scale of the development and the relatively low risk from flooding this is not a matter that the Lead Local Flood Risk Authority would offer comments upon. However I consider that a condition to provide details of surface water discharge disposal could be imposed if members minded to approve the scheme.

## **Planning Balance and Conclusion**

In conclusion the principle of demolition and its redevelopment is acceptable. It is acknowledged that the scheme would create 5 dwellings. However previous concerns relates to the impact upon the character and appearance of the area through its design have been addressed through the design of a building that reads visually as a two storey dwelling with single storey elements to each side. The provision of 8 off-street parking spaces is now considered sufficient for the scheme. Whilst the frontage could be somewhat car dominated, this would be largely mitigated through the retention of the existing hedgerow which is important and can be controlled by condition. Impact on amenity is assessed as being acceptable. Therefore whilst this proposal would result in some minor harm, overall it is not considered so harmful as to warrant a reason for refusal. The proposal would bring about a good mix of housing in a sustainable area and the recommendation of approval is offered.

## **RECOMMENDATION**

**That full planning permission is approved subject to the following conditions:**

### **Conditions**

#### 01 (Time)

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 (Parking)

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan drawing number blplan GF rev C. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety and to ensure that sufficient on-site parking is available for the development.

#### 03 (Protection of fence during construction phase)

No development shall be commenced until the frontage (western) hedgerow shown to be retained on drawing reference 'proposed str el Rev A' has been protected by the erection of a chestnut pale or similar fence not less than 1.2 metres high at either the outer extremity of the hedgerow canopy or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority. The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the existing hedgerow to be retained is protected, in the interests of visual amenity and nature conservation.

#### 04 (Continued retention of hedgerow at 2m in height)

The hedgerow along the frontage (western) boundary shall be retained at a minimum height of 2 metres for the lifetime of the development for its extent shown on approved drawing 'proposed str el Rev A) unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

#### 05 (Drainage)

No development, except for site clearance, shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well



as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

#### 06 (Materials)

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

#### 07 (Boundary treatments)

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

#### 08 (Hard surfacing to the site frontage)

Prior to first occupation of any of the dwellings hereby approved, details of the hard surfacing materials to the site frontage shall be submitted to and be approved in writing by the local planning authority and these works shall be carried out as approved.

Reason: In the interests of visual amenity.

#### 09 (Provision of the two accesses)

No part of the development hereby permitted shall be brought into use until the two accesses to the site have been completed and surfaced in a bound material to be first agreed in writing with the Local Planning Authority for a minimum distance of 5m behind the highway boundary in accordance with drawing number drawing reference blplanGF Rev C . The accesses as approved shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

#### 010 (Provision of dropped curb)

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

## **Note to Applicant**

01

The development makes it necessary to construct/alter/improve (delete as appropriate) a vehicular crossing over a footway/verge of the public highway. You are therefore required to contact the County Council's Highways Area Office tel. 0300 500 80 80 to arrange for these works to be carried out.

02

The applicant is advised that in respect of Condition 2, 1 parking space is expected for one bedroom dwellings and for 2 and 3 bedroom dwellings 2 parking spaces are expected.

03

This application has been the subject of pre-application discussions 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 2010 (as amended).

04

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](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

### Background Papers

Application Case File

For further information, please contact Clare Walker on ext 5834.

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).

**Matt Lamb**

**Business Manager Growth & Regeneration**

Committee Plan - 18/00817/FUL

