



Report to Planning Committee 8th September 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
Application Number	22/01493/FUL		
Proposal	Proposed new residential property (resubmission)		
Location	Land to the rear of 32 Smith Street, Balderton, Newark On Trent, NG24 3BA		
Applicant	Mr J Sheardown	Agent	Reynolds Associates - Mr Keith Reynolds
Web Link	22/01493/FUL Proposed new residential property (resubmission) Land To The Rear Of 32 Smith Street Balderton Newark On Trent NG24 3BA (newark-sherwooddc.gov.uk)		
Registered	28.07.2022	Target Date	22.09.2022
Recommendation	Approve, subject to conditions set out in Section 10.0		

This application is being referred to the Planning Committee for determination by the local ward member, Cllr Brooks (on behalf of Cllr Brooks and Cllr Lee) for the following summarised reasons:

- **Highway safety and access issues;**
- **Visibility due to parked cars;**
- **Delivery vehicles would find it difficult to access due to accessibility of the road and limited parking.**

1.0 The Site

The application site is a broadly rectangular plot of land of approximately 0.03 hectares in extent. The site as existing forms part of the rear gardens of 32 and 34 Smith Street (albeit according to the site location plan is solely within the same ownership as no. 32). There is a single storey detached garage towards the south of the site. Despite its association with the

dwellings along Smith Street, the site fronts Coronation Street. The site is largely laid to grass with hardstanding in front of the garage and large conifer trees along the northern boundary.

The site is within the Newark urban area with surrounding development being predominantly residential. The site is however close to Newark Academy with a large expanse of land to the east being designated as protected playing fields. Balderton local centre is also relatively close by to the west.

2.0 Relevant Planning History

21/02526/FUL - Removal of existing garage and provision of 2 No. semi detached properties including extension of existing dropped kerb



Application refused January 2022 for the following reason:

The Council has recently adopted a Supplementary Planning Document on residential parking standards. For the Newark Urban Area which this site forms part of, a two bed dwelling should be served by 2 spaces of 3m by 5.5m in size. The proposed block plan annotates just one space per dwelling therefore failing to adequately provide off street parking for the proposed dwellings. In addition, the development of the site would lead to a loss of parking availability for no. 32 Smith Street which is not adequately mitigated for elsewhere. Smith Street is a narrow road with vehicles parking on the footways, this proposal would potentially worsen the current parking situation to the detriment of highway and pedestrian safety.

The proposal is therefore contrary to Spatial Policy 7 (Sustainable Transport) of the Amended Core Strategy 2019; the provisions of the NPPF and the Supplementary Planning Document “Residential Cycle and Car Parking Standards & Design Guide” adopted 2021.

3.0 The Proposal

Unlike the previous proposal which was for two semi-detached properties, the current application seeks permission for a single detached dwelling with four bedrooms. The dwelling would have a footprint of around 68m² and internal floor space of approximately 110.3m². It would have an overall pitch height of around 8.4m and eaves of approximately 5.2m. The front elevation would feature an entrance porch canopy.

The block plan shows the provision of three parking spaces and a rear garden to the north of the dwelling with retained pedestrian access to no. 32 Smith Street alongside the western boundary of the site. A small bike store and shed are also proposed.

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

- Site Location Plan – S10;
- Existing Block Plan – S11;
- Proposed Block Plan – S12;
- Proposed Site Plan – S13;
- Existing Block Plan – S14;
- Proposed Floor and Roof Plans – P200;
- Proposed Elevations – P210;
- Proposed Bike Storage Plans – P220;
- Proposed Plans Shed – P221;
- Preliminary Roost Assessment – Project number 101 Version 1 dated January 2022.

4.0 Departure/Public Advertisement Procedure

Occupiers of 8 properties have been individually notified by letter. A site notice has also been displayed near to the site.

5.0 Planning Policy Framework

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
NAP1 - Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

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

6.0 Consultations

Balderton Parish Council – Object. Members still consider that another residential dwelling here will add to the congested parking issues on Coronation Street. The playing field at the end of the street is home to a venue for large parties and a dance studio who has some 190 pupils. The proposal is also considered to be out of character as the adjoining gardens are all open areas backing onto Coronation Street.

NSDC Environmental Health (contaminated land) – This application is for the construction of residential dwellings at a garage site. Previous similar applications at other garage sites in the vicinity have identified elevated PAH contamination.

As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

NCC Highways - This is a re-submitted application for a single four-bedroom dwelling with parking for three cars and a cycle shed. Parking provision is acceptable, it would be preferable not to have tandem parking as this leads to on-street parking for ease of access to the back parking space. The site is however located on Coronation Street, which is a residential road and is also a dead end with lower levels of continual passing traffic. An extension to the dropped vehicle crossing is proposed. Visibility on exit from the site is acceptable. Pedestrian visibility of 2.0m x 2.0m should be provided with nothing over 0.6m in those splays.

No objections subject to conditions.

One letter of representation has been received, forming an objection which can be summarised as follows:

- Tandem parking will lead to on street parking on Coronation Street which already suffers from on street parking due to other streets in the area having no parking;
- Coronation Street is already used for parking for the village centre and cricket club etc.;
- Traffic levels on Coronations Street are substantial for its width;
- During inclement weather surface water runs onto the road from the site as there is no soakaway provision;
- Houses in the area have cellars that flood and this may add to the issue.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle 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 as existing forms the rear extremes of the properties fronting Smith Street. However, the site shares a frontage with Coronation Street and therefore cannot be considered as a true backland plot which would ordinarily be resisted against Policy DM5.

The existing garage within the site holds no architectural merit and therefore its demolition as part of the re-development of the site would not be unreasonable.

The land to the north of Coronation Street after the junction with Groveview Road is relatively open in nature featuring solely single storey buildings predominantly the type of modest detached garages such as the one within the site. The introduction of a two storey dwelling would therefore represent a contrast to the established character.

However, the design of the dwelling would respond well to the terraced properties on the opposite side of Coronation Street. The dwelling may appear slightly odd in the streetscene but the site and the surrounding area is not considered to be overly sensitive in character terms. The use of red bricks and grey roof tiles would respond well to the surrounding area. Despite the acknowledgement that the dwelling may appear as an ad hoc addition to a wider developed estate, I have not identified character harm which would justify refusal in this instance.

The proposed site plan shows an intention for a lower boundary treatment (1m close boarded fence) at the front of the site which would be beneficial in softening the impact of the development of the plot.

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 additional built form without appearing too alien in the street scene.

Overall, I consider that the design 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 Ecology and Trees

The proposal includes the demolition of an existing garage. Following a site visit it is clear that the garage is in a state of disrepair with gaps in the roof which could allow access for bats. A bat survey has been submitted with the application. The survey confirms that the site has negligible potential for bats and no sign of nesting birds was observed. It is however suggested that the new dwelling incorporates bat and bird boxes which could be secured by condition if permission were to be forthcoming.

There are large conifers along the northern boundary of the site. Although the proposed shed would be close to these conifers, given their low impact means of construction it is not considered that the sheds would affect the longevity of the conifers which would be retained.

Impact on Highways

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 Council has recently adopted an SPD on parking standards. For the Newark Urban Area which this site forms part of, a 4 bed dwelling should be served by 3 spaces of 3m by 5.5m dimensions. These are annotated on the submitted block plan as is a small building for cycle storage and indication of an electric charging point. Unlike the previous scheme for two dwellings, the proposal would now comply with the requirements of the SPD.

No reference was made in the original application to the loss of parking for the host dwelling at no. 32. This has been queried and the agent has confirmed that whilst the land is part of the applicant's ownership, it is not part of the rental possibility and therefore not used for parking at present. Clearly the proposed development would take any future opportunity for it to be used away and having visited the site, parking on Smith Street is busy and limited to street parallel parking. The Parish comments in respect to parking issues in the area are noted. However, on the basis that the proposal can accommodate the required parking for the proposed dwelling within the site boundary, the impact of a single dwelling is not likely to have significant impacts on parking provision in the area. In also noting the sustainable location of the site, it would be extremely difficult to resist the application on the basis of existing parking issues.

NCC Highways have commented on the proposals noting that their objection formed part of the reason for refusal on the previous scheme. Their comments make reference to a preference for non tandem parking which is supported in principle (as per the SPD) but in this case the parking arrangement is considered acceptable. To insist on three spaces side by side is likely to lead to a car dominated frontage. Subject to the suggested conditions, the revised proposal has successfully overcome the previous objections on highways grounds. One of the conditions would be to deal with surface water drainage which based on the comment from a neighbouring party may improve the existing position.

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.

Noting the aforementioned open character to the north of Coronation Road either side of the site, the most likely affected neighbours would be the properties (including the host dwelling) to the north along Smith Street. However, the generous garden lengths would mean that there would be approximately 29m between the rear elevations which would be an adequate distance to safeguard against overbearing of overlooking impacts.

The distances between principal elevations to the south of Coronation Street would be much less at around 18m but this would be across the highway and entirely acceptable in an urban setting such as this one.

In terms of the outdoor amenity provision for the proposed occupiers, the dwelling would be afforded an area of rear garden space broadly commensurate to the size of the dwelling and afforded privacy by the proposed boundary treatment.

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

Housing Need

In 2020, the Council undertook a Housing Needs Assessment comprising a household survey based upon a random sample of 13,266 households and also a review of relevant secondary data as well as obtaining views and information from a wide range of stakeholders.

The Newark sub-area shows a meaningful need (25.5%) for four or more bed dwellings. The proposal would not address the most required type of accommodation for the sub area (3 bedrooms) but given the windfall nature of the site this is not considered fatal to the application. Clearly any additional housing will contribute towards overall housing delivery for the District, which in a sustainable settlement is welcomed.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

Located in the Newark Urban Area, the principle of development is acceptable. It has been concluded that the site could accommodate the proposed dwelling without adversely affecting the character of the area or residential amenity.

The revised proposal for a single dwelling rather than two semi-detached dwelling has successfully overcome the previous reason for refusal in that the proposed site can now meet the requirements of the SPD for parking and cycle provision. It is noted that the proposal would remove any potential for the site to be used for off street parking but this is not considered sufficiently harmful in highway safety terms to warrant refusal.

In the absence of any demonstrable harm, the additional dwelling in a sustainable settlement is acceptable and the recommendation below is for an approval subject to conditions.

10.0 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:

- Proposed Block Plan – S12;
- Proposed Site Plan – S13;
- Proposed Floor and Roof Plans – P200;
- Proposed Elevations – P210;
- Proposed Bike Storage Plans – P220;
- Proposed Plans Shed – P221;

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufactures details and samples of the external facing materials (including colour / finish) have been submitted to

and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

The dwelling hereby approved shall not be occupied until details of bat and bird boxes in line with the Ecological Opportunities section (4.3) and Appendix 3 of Preliminary Roost Assessment – Project number 101 Version 1 dated January 2022 have been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement measures shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

05

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

06

A 2 metre x 2 metre pedestrian visibility sight splay, free of obstruction above a height of 600mm, and relative to the back of the footway/edge of carriageway, shall be provided on both sides of the vehicular access prior to the occupation of the development hereby approved and shall be retained thereafter.

Reason: In the interest of pedestrian safety.

07

No part of the development hereby permitted shall be occupied until an extended 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: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.

08

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

09

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing

of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Notes to Applicant

01

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

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/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. 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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

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

BACKGROUND PAPERS

Application case file.