

PLANNING COMMITTEE - 7 AUGUST 2018

Application No:	18/00572/FUL	
Proposal:	Change of use of public open space to extend garden area of 31 Darricott Close	
Location:	Land Adjacent To 31 Darricott Close, Rainworth, NG21 0FP	
Applicant:	Mr Darren Morgan	
Registered:	03 April 2018	Target Date: 29 May 2018
		Extension of Time Agreed: 6 July 2018

This application is being referred to the Planning Committee for determination as NSDC are the current owners of the land.

This application was deferred from July Committee in order for officers to see if Rainworth Parish Council would wish to take ownership of and to maintain the land.

For ease of reference additions to the original report are in bold italicised print.

The Site

The application site is the land directly to the south of the dwelling, 31 Darricott Close in Rainworth. The parcel of land is c.28 m by 8 m and triangular in shape, decreasing towards the west. Currently the land provides open space and has open boundaries to the east and south with a small hedgerow and parcel of vegetation on the boundary to the west. The land is mainly laid to lawn with sporadic shrubs planted and a number of trees.

The hostdwelling is a semi-detached two storey dwelling positioned on the end of Darricott Road on the junction with Hall Close to the south. The hostdwelling currently benefits from a rear garden (E) that is c.11 m x 9 m. The dwelling is surrounded by properties of a similar style and size, to the SW is a large area of green open space (c.43 x 41m).

Dwellings across the highway to the south are approx. 15 m from the boundary of this parcel of land, as are the dwellings directly to the east, separated by their rear gardens. The boundaries to the hostdwelling's rear garden are approx. 1.5 m hedgerow to the south, to the north and east is a approx. 1.8 m high close boarded fence.

Relevant Planning History

94/51447/FUL - TWO STOREY SIDE EXTENSION TO FORM BEDROOM, ENSUITE, DINING ROOM AND GARAGE – Permitted 1994

The Proposal

Planning permission is sought for the change of use of a parcel of land (directly to the south of the dwelling) from open space to garden land to serve 31 Darricott Close. The parcel of land is c. 28 m by 8 m and triangular in shape, decreasing towards the west.

The proposal also includes the erection of an approx. 1.8 m high close boarded fence to the east and south boundaries of the parcel of land, the western boundary will retain the hedgerow and vegetation which is c. 0.6-1.2 m high in parts towards the front with an approx. 1.8 m high fence following the line of the principal elevation of the dwelling. The fencing is proposed to be set in approx. 1 m from the boundary of the parcel of land, screened by an area of soft planting.

Departure/Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter.

Earliest decision date 25th April 2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 9: Sustainable Design

Allocations & Development Management DPD

Policy DM5: Design

Other Material Planning Considerations

- Planning Practice Guidance (2014)
- National Planning Policy Framework Adopted (NPPF) (July 2018)

Consultations

Rainworth Parish Council – Object to the proposal: Loss of public amenity open space, would set a precedent within the area for other property owners to come forward to claim more open space.

Interested parties – 2 comments from interested parties have been received, they can be summarised as follows:

Objection on the grounds that:-

- a) Allowing this land to be garden land will see the extension of the dwelling into an area that would impact amenity of surrounding neighbours.
- b) Potential for vehicular access to be taken from this land, impact on highways safety and

congestion should this be permitted.

- c) Potential for this land to be used for business use and the congestion this could cause in the future.

Objection on the grounds that:-

- a) The proposal will change the character of the area.
- b) Will lead to increased traffic and parking on the cul-de-sac.
- c) Concern that vehicular access will be put into this parcel of land.
- d) Loss of public green area will decrease the value of surrounding properties.
- e) Possibility of unauthorised building work to take place on this land.

David Best - Deputy Asset Manager Estates – “When it comes to selling land each area is treated on its own merits & PC’s are consulted as part of the Planning Process. The PC as far as I am aware have not expressed any interest in purchasing this area & I think that if we generally start transferring odd parcels of POS to PC’s we could end up with a patchwork quilt which could lead to confusion for the public over who is responsible for which areas & there could potentially be increases in maintenance costs.

NSDC did devolve areas of non HRA POS to NTC & offered to do the same for STC but I’m not aware if R PC were offered the opportunity to take & maintain all the non HRA POS in their parish.”

Comments of the Business Manager

Principle of Development

The application site is within the urban boundary of Rainworth which is accepted by the Settlement Hierarchy of the Core Strategy as a Service Centre where additional development could be supported in principle. Core Policy 9 details that all new development should achieve a high standard of design and ensure that it is appropriate to its context and the existing landscape. CP9 also states that proposals should demonstrate an effective and efficient use of land that is suitable to the local character.

Policy DM5 accepts development providing that it reflects the rich local distinctiveness of the District’s landscape and any built form reflects the existing scale, form, design and detailing.

Impact upon Character of Area

The proposal seeks the change of use of land to the south of the property 31 Darricott Avenue, the land is currently open and acts as open space within the wider area. The land is mainly laid to lawn with sporadic shrubs and planting and a number of small trees. The land is currently owned by NSDC pending sale. The parcel of land is approx. 160 m² and lies directly to the south of the boundary of the hostdwelling.

I note that this proposal will see the loss of a parcel of land that is currently publically accessible open space and that by the very nature of this application, there will be an impact on the

character of the area. However, for the avoidance of doubt, the site is not protected as 'Public Open Space' through Spatial Policy 8 (as confirmed through the Proposals Map for Rainworth).

It is acknowledged that the parcel of land is fairly heavily vegetated and planted at present and as a result it would appear that this land is not available to be used by playing children or for any other formal use by the community. In addition to this, I note that directly to the south west is a larger area of public space that is entirely laid to lawn and provides publically accessible land for the community to enjoy. As such, whilst I appreciate that the loss of this land will impact the character of the area, I am of the view that this loss would not be so substantial to warrant a refusal.

In addition, I acknowledge that this proposal also seeks consent for the erection of an approx. 1.8 m high close boarded fence to the east and south boundaries of the parcel of land, the western boundary will retain the hedgerow and vegetation which is c. 0.6-1.2 m high in parts. The fence is not considered to be out of keeping with the character of the area and can be seen in other properties within the vicinity. In addition, this type and height of fencing is considered to be characteristic of domestic properties and would not unduly impact the character of the surrounding area. Officers have also negotiated throughout the life of the application that the fence be screened by a c. 1 m wide area of soft planting to all elevations which is considered to lessen the impact of the erection of this fencing. Furthermore I note that no additional access points on to the highway to the south are proposed from this parcel of land that would have the potential to impact the character of the area.

In conclusion the proposal is considered to respect the character and appearance of the wider area and is acceptable in context of policies CP9 and DM5.

Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The main consideration is the impact upon the amenity of the surrounding properties and community. I note that at present this land is open space, however as stated above the land is not protected as being 'Public Open Space' by Spatial Policy 8 within the ADMDPD or as a parcel of land that is intentionally left open for public use. The surrounding dwellings have private garden areas and in addition, the land to the SW of the application site is a larger area of open space that is grassed and accessible for the local community's enjoyment. The parcel of land subject to this application is vegetated and has sporadic trees within it – as such I am of the view that this land is unlikely to be used in favour of the land directly to the SW which provides ample open space for the community to enjoy.

Turning to the proposed fence, given that it is proposed to be approx. 1.8 m in height and typically domestic in character the fence is not considered to unduly impact any neighbouring amenity through overshadowing and overbearing, particularly given that properties to the south are approx. 15 m from the boundary of this piece of land and across the highway.

It is therefore considered that the proposed development complies with Policy DM5 of the ADMDPD in respect to amenity impacts.

Impact upon the Highway

Having assessed this application, as the proposal comprises the change of use of land and the erection of a fence, without the incorporation of any new access on to the highway, the application is not considered to have a detrimental impact upon highways safety. I note that some comments have been received from interested parties detailing that the cul-de-sac to the south, where this parcel of land forms part of the northern boundary to, is heavily congested and there is a concern that a new access to this parcel of land would impact on highways safety. Whilst I acknowledge these comments and have given them due care and consideration I am satisfied that there is no proposal to utilise this land as a new access point for the property and in addition, no vehicular access is proposed within the plans. The application has to be assessed based on what is before me and as such I conclude that there would be no detrimental impact on the public highway as a result of this application.

Other Matters

Comments have been received from neighbouring occupiers and the Parish Council which object to the proposal and they have been duly taken on board. The comments raised relate to the impact the proposal will have on the character of the local area, private amenity through the loss of a public space and highways safety. The impact the proposal will have on the character of the area, public amenity and the highway can be read in the appraisal section above.

Comments also make reference to the potential for the hostdwelling to extend into this area if it is permitted to be garden land. Whilst I appreciate the concerns of the local residents I must assess the application before me on its own merits and without the prejudice of future development. In any event, should any future occupant of this property wish to extend into this land it would be subject to its own appraisal through the planning process to ensure any extension would not unduly impact the character of the area or private amenity.

Comments have also been submitted making reference to the impact that this proposal would have on the surrounding properties and the value of houses within the area, whilst I have acknowledged and assessed the impact the application will have on neighbouring amenity through loss of open space and in respect to the proposed fence, depreciation in house value is not a material planning consideration. Similarly, I note that the Parish have raised concern over the precedent that this application would set in the area and how it could cause more people in the area to want to claim open space. Whilst I appreciate these concerns, any subsequent application

for a similar proposal would have to be assessed independently through the planning process and would be evaluated on a case by case basis.

Following the July committee this application was deferred in order for officers to see if Rainworth Parish Council would wish to take ownership of and to maintain the land. Having discussed this with David Best – NSDC’s Deputy Asset Manager Estates – he has advised that Rainworth Parish Council have not expressed any interest in purchasing this area. Having contacted Rainworth Parish Council regarding this land I am yet to have received any correspondence from them displaying an interest in maintaining this area. In addition to this, David Best has advised that if NSDC were to start transferring odd parcels of public open space to Parish Council’s “we could end up with a patchwork quilt which could lead to confusion for the public over who is responsible for which areas & there could potentially be increases in maintenance costs.” In conclusion it is considered that the Deputy Asset Manager Estates preference would not be to devolve the land to the Parish Council for maintenance given the aforementioned concerns regarding ownership and maintenance. In any event, it is our responsibility to consider the scheme that has been put before us; this decision must be made in accordance with the development plan unless there are material considerations that indicate otherwise. As outlined above, I cannot identify any material planning considerations that would warrant refusing this application.

Conclusion

In conclusion it is considered that the proposed change of use of the parcel of land from open space to garden land and the erection of a boundary fence with planted screening would not unduly impact the character of the surrounding area or impact private and public amenity through the loss of open space of through overbearing or overshadowing.

In conclusion I consider the proposal would accord with Core Policy 9 of the CS and policy DM5 of the ADMDPD and the proposal would not detract from the character and distinctiveness of the surrounding area. The development is appropriate and accords with the development plan, taking in to account material planning considerations.

RECOMMENDATION

That 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 plan references:

- Site Location Plan
- Revised Proposed Boundary Treatment (received 18.6.18)

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

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 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

Reason: In the interests of visual amenity.

05

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

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/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 gross internal area of new build is less 100 square metres.

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

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.

Matt Lamb
Business Manager Growth & Regeneration

Committee Plan - 18/00572/FUL

