



Report to Planning Committee 4 April 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
<b>Application Number</b>	24/00208/FUL		
<b>Proposal</b>	Convert existing first floor flat into two 1-bedroom flats		
<b>Location</b>	39 Kings Court, Southwell, NG25 0EL		
<b>Applicant</b>	Kevin Shutt	<b>Agent</b>	Mrs Karolina Walton
<b>Registered</b>	29 January 2024	<b>Target Date</b>	01 April 2024
		<b>Extension of time</b>	15 April 2024
<b>Web Link</b>	<a href="https://newark-sherwooddc.gov.uk/24/00208/FUL">24/00208/FUL   Convert existing first floor flat into two 1-bedroom flats   39 Kings Court Southwell NG25 0EL (newark-sherwooddc.gov.uk)</a>		
<b>Recommendation</b>	That planning permission be <u>APPROVED</u> , subject to the conditions set out in Section 10.0 of this report.		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because Newark and Sherwood District Council is the Applicant.

### 1.0 The Site

The application site is situated on Kings Court in Southwell, just north of King’s Street. The majority of the site is situated just outside the Southwell Conservation Area; however, a small part of the site (where there are existing car parking spaces) falls just inside the Conservation Area. The building itself is not within the Conservation Area. There are nearby Grade II listed buildings along King Street the closest being C23.5m away to the south. The host building relates to part of the local authority housing site on Kings Court. The proposal relates to the first floor flat within the red brick and concrete tile building with white UPVC windows. There are bin stores situated to the north of the building and a parking area for the residents to the northwest of the wider site as well as directly adjacent the building to the southeast.



The site is situated within flood zone 1 and is at very low risk of surface water flooding.

## **2.0 Relevant Planning History**

No Relevant History

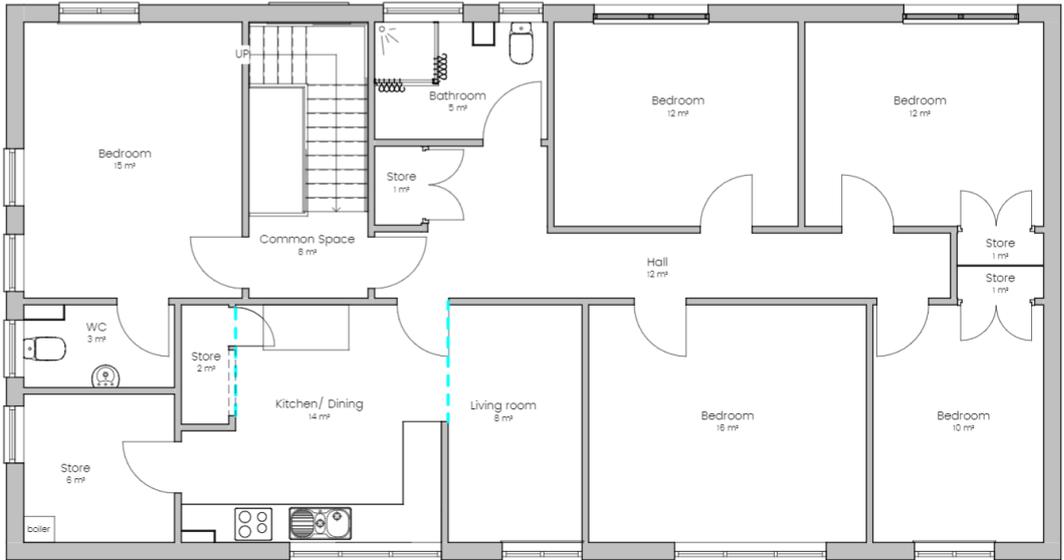
## **3.0 The Proposal**

Permission is sought for the conversion of the existing first floor flat into two 1-bedroom flats. There would be no external changes to the building, the railings to the north of the site would be re-located. The proposal would include the creation of associated car parking spaces, 1 of these would be to the southeast and would involve extending an existing parking bay and two of these would be to the north of the building.

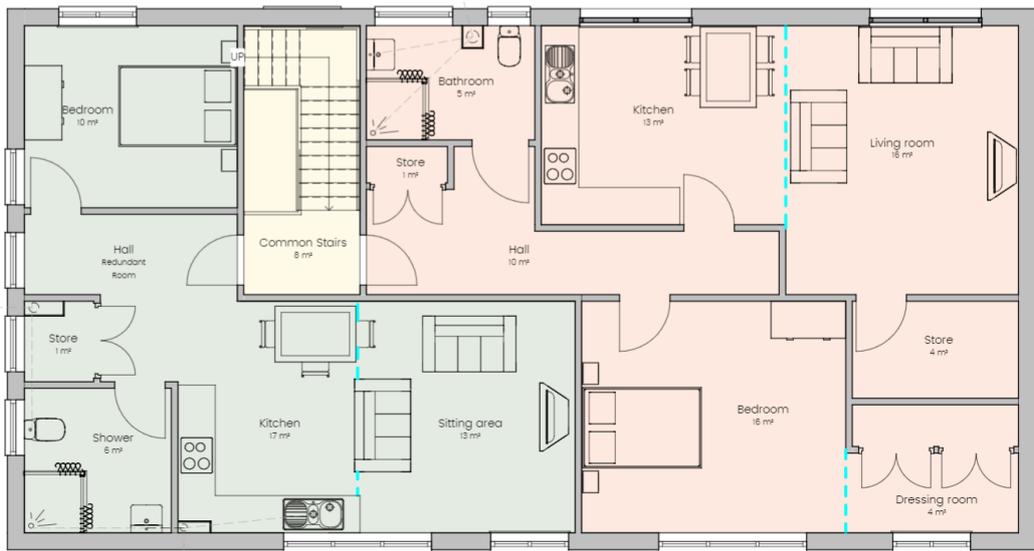
The proposal also outlines the replacement of hardstanding outside the building to the southeast with grey paving stones, the relocation of the lamp post to the southeast 2.2m to the north and the planting of an additional tree. However, these elements would either not constitute development (the planting of the tree) or appear to benefit from permitted development under part 12 Class A of the General Permitted Development Order. These elements have therefore not been assessed further.

The application has been submitted with the following documents:

- Existing Site Plan 656 SGA xx SL DR A 0001 REV P1
- Existing Elevations as Proposed 656 SGA XX SL DR A 0003 REV P1
- Proposed Floor Plans 00005 REV P1
- Proposed Floor Plans 656 SGA XX ZZ DR A 0005 REV P1
- Proposed Site Plan 656 SGA XX SL DR A 0004 REV P1
- Existing Floor Plans 656 SGA XX ZZ DR A 0002 REV P1



**Existing First Floor Plan**



**Proposed First Floor Plan**



## Proposed Site Layout

### 4.0 Departure/Public Advertisement Procedure

Occupiers of seventeen properties have been individually notified by letter. A site notice has been displayed close to the site expiring 08.03.2024 and an advert has been published in the press expiring 07.03.2024.

Site visit undertaken on 16<sup>th</sup> February 2024

### 5.0 Planning Policy Framework

#### The Development Plan

##### **Southwell Neighbourhood Plan**

- Policy SD1 – Delivering Sustainable Development
- Policy DH1 – Sense of Place
- Southwell Design Guide

##### **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 6 – Shaping Our Employment Profile
- Core Policy 9 - Sustainable Design
- Core Policy 12 – Biodiversity
- Core Policy 14 - Historic Environment

##### **Allocations & Development Management DPD (adopted July 2013)**

- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM11 – Retail and Town Centre Uses
- Policy DM12 - Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework
- Planning Practice Guidance (Online Resource)
- National Design Guide – Planning practice guidance for beautiful, enduring, and successful places September 2019
- Sections 16, 66 and 72 of the Planning and (Conservation Areas and Listed Buildings) Act 1990
- Newark and Sherwood Residential Cycling and Car Parking Standards and Design Guide Supplementary Planning Document 2021
- Technical housing standards – nationally described space standard March 2015 (statutory guidance)

The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18<sup>th</sup> January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

#### **6.0 Consultations**

*NB: Comments below are provided in summary - for comments in full please see the online planning file.*

##### **(a) Statutory Consultations**

None

##### **(b) Town/Parish Council**

**Southwell Town Council** – No Objection

##### **(c) Representations/Non-Statutory Consultation**

**Conservation** – The proposal site is adjacent to Southwell Conservation Area (a designated heritage asset). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, as stipulated in paragraph 205 of the NPPF. Local planning authorities should look for opportunities for development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposal that preserves those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Policies CP14 and DM9 of the Council’s LDF DPDs offer additional advice on the historic environment. We urge you to take this into account in reach your view. Whilst we have determined not to comment in this case, it should not be construed that we support the proposal.

One anonymous representation has been received from residents/interested third parties. However, in accordance with details provided on our [website](#), anonymous comments will not be considered by the Case Officer.

## **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of Development
2. Impact on Character and Heritage
3. Impact on Residential Amenity
4. Impact on Highways
5. Impact on Trees

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

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocation and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 (Spatial Distribution of Growth) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

The site is within Southwell which is a 'Service Centre' of the district therefore the principle of residential development on this site is acceptable.

### Impact on Character and Heritage

Core Policy 9 (Sustainable Development) states that the Council expects that all new development should achieve a high standard of design which contributes to and sustains the rich local distinctiveness of the District. Policy DM5 (Design) states that the rich local distinctiveness of the Districts character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

As part of the Development Plan, Core Policy 14: Historic Environment (Core Strategy DPD) and DM9: Protecting and Enhancing the Historic Environment (Allocations and Development Management DPD) amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

Paragraph 203 of the NPPF states 'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.' As above, the majority of the site, including the building is outside of the designated Conservation Area.

Section 12 of the NPPF refers to achieving well designed places. Paragraph 131 states that good design is a key aspect of sustainable development by creating better places in which to live and work in and helps make development acceptable to local communities. Paragraph 139 of the NPPF advocates that where a development is not well designed and fails to reflect local design policies and government guidance on design planning permission should be refused.

Taking all of the above into consideration the external appearance of the host building would not change as a result of the proposed development. External alterations would include the proposed railings which are being relocated as part of the application to allow space for new parking spaces. These are relatively modest in height at 1.2m and already exist within the site. Their relocation would therefore have a negligible impact on the setting of nearby heritage assets or the character of the area.

The existing parking bay outside the building to the south would be made wider to allow the creation of an additional space. In addition to this space a further two spaces would be created to the north of the building. These would be formed in existing areas of hardstanding so as above, the impact on the character of the area and setting of heritage assets would be minimal.

Overall, it is considered that the proposal accords with Core Policy 9 (Sustainable Development) and Core Policy 14 (Historic Environment) of the Core Strategy DPD and DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) the (Allocations and Development Management DPD as well as the NPPF which is a materials consideration. Section 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been given due consideration.

#### Impact on Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 'Design' of the Newark and Sherwood Allocations & Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity and mitigate for any detrimental impact.

The proposal would involve the conversion of the first floor flat into two 1-bedroom flats. There would be no alterations to any of the existing openings with windows remaining as existing, the external appearance of the building would remain the same. The current first floor flat currently has 5 bedrooms across 120m<sup>2</sup> of floor space with 8m<sup>2</sup> of common stair landing space.

The government has Technical Housing Standards for the sizes of units depending on the level of people they are intended to serve. The District Council has not adopted these standards, but they do nevertheless form a useful guide to an amenity assessment.

The proposed flats would have a floor space of 48m<sup>2</sup> and 72m<sup>2</sup>, both with an open plan layout apart from the separate bedroom and shower rooms. As both flats propose shower rooms instead

of bathrooms, the Technical Housing Standards Require each of them to provide 37m<sup>2</sup> of space for a 1 bedroom and 1 person occupying each flat, this would increase to 39m<sup>2</sup> if the shower room were to be proposed as a bathroom. If each of the 1-bedroom flats had 2 people living in them 50m<sup>2</sup> of space would be required by each flat. With this in mind the proposed 48m<sup>2</sup> flat would be acceptable for single occupation against housing standards and flat two would be acceptable for 2-person occupation against housing standards.

No external private amenity space would be provided to either of the flats however whilst the units would not have any external amenity space, they are located in an area where there are areas of publicly accessible green space within a reasonable walking distance. The plans show that all habitable rooms within the flats would be provided with adequate sources of natural light.

With the above in mind, I consider the proposal acceptable in terms of amenity to both the occupiers and other nearby residents.

### Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

The submitted site location plan shows that the scheme proposes to provide 3 additional parking bays off the unclassified road.

Two spaces would be provided to the north of the building and would measure 3m by 5.5m. The railing would be offset from the space to the north by 0.3m. One additional space would be provided to the southeast of the building measuring 3.0m by 5.0m. Whilst the parking space to the southeast does not meet the parking standards of 3.0m by 5.5m, it would be the same length as the existing parking bays to the southeast. If the space were to be made longer it would be at odds with the adjacent spaces therefore I consider this additional parking space acceptable. The parking spaces to the north would be compliant with parking standards at 3m by 5.5m with a 0.3m offset against the railing. The number of spaces would exceed that required for 2 1-bedroom units in this part of the District as set out by the Councils SPD on residential parking standards.

With the above in mind, I consider the proposed parking to be acceptable and don't consider there to be impact to highway safety as a result of the proposal. Furthermore, the additional parking would provide adequate additional parking provision for the flats however it is considered that this parking should be secured by appropriately worded condition if the application were to be approved.

### Impact on Trees

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

No trees would be impacted by the proposal. There would be one new tree proposed to the southeast of the building with railing around the tree to protect it and to match the market square detail but this is not deemed as necessary to make the development acceptable and therefore

does not need to be subject to condition. Overall, no trees would be impacted by the proposal therefore the proposal is considered acceptable in relation to trees.

### Other Matters

The site plan shows bin storage to the north and west of the building as well as a further bin store to the north therefore the proposal has provided an acceptable level of bin storage at a reasonable distance to the flats.

### **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

Given the above, I am satisfied that the proposal would comply with the relevant aims of the NPPF and Spatial Policies 1, 2 and 7 and Core Policies 9, 12 and 14 of the Newark and Sherwood Amended Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Management DPD. Accordingly, I recommend that Planning Permission be granted subject to the conditions outlined in Section 10.0 of this report.

### **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 the following approved plan references:

Existing Elevations as Proposed 656 SGA XX SL DR A 0003 REV P1

Proposed Floor Plans 00005 REV P1

Proposed Floor Plans 656 SGA XX ZZ DR A 0005 REV P1

Proposed Site Plan 656 SGA XX SL DR A 0004 REV P1

Reason: So as to define this permission.

#### **03**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated in the application.

Reason: In the interests of visual amenity.

#### **04**

The development hereby permitted shall not be brought into use until the parking shown on Proposed Site Plan 656 SGA XX SL DR A 0004 REV P1 has been provided. The parking areas shall be retained permanently thereafter for the parking of vehicles for residents/occupiers of the development permitted and shall not be used for any other purpose.

Reason: In the interests of highway safety.

#### Informatives

#### **01**

The application as submitted is acceptable. In granting permission without unnecessary delay, 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) (England) 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**

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at [info@eastmidlandsbc.com](mailto:info@eastmidlandsbc.com) via phone on 0333 003 8132 or via the internet at [www.eastmidlandsbc.com](http://www.eastmidlandsbc.com).

#### BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file

Committee Plan - 24/00208/FUL

