



Report to Planning Committee 9 May 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planning Officer, 01636 655326

Report Summary			
<b>Application No.</b>	24/00064/FUL		
<b>Proposal</b>	Creation of car park. Erection of fence and associated works.		
<b>Location</b>	Heathcotes Enright View, 1 - 4 Enright Close, Newark On Trent, NG24 4EB		
<b>Applicant</b>	Mr Spencer Pankow	<b>Agent</b>	Jackson Design Associates Mr Leeven Fleet
<b>Web Link</b>	<a href="https://newark-sherwooddc.gov.uk/24/00064/FUL">24/00064/FUL   Creation of car park. Erection of fence and associated works.   Heathcotes Enright View 1 - 4 Enright Close Newark On Trent NG24 4EB (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	10.01.2024	<b>Target Date</b>	11.03.2024 EOT: 16.05.2024
<b>Recommendation</b>	That planning permission be Approved as set out in Section 10.0 below		

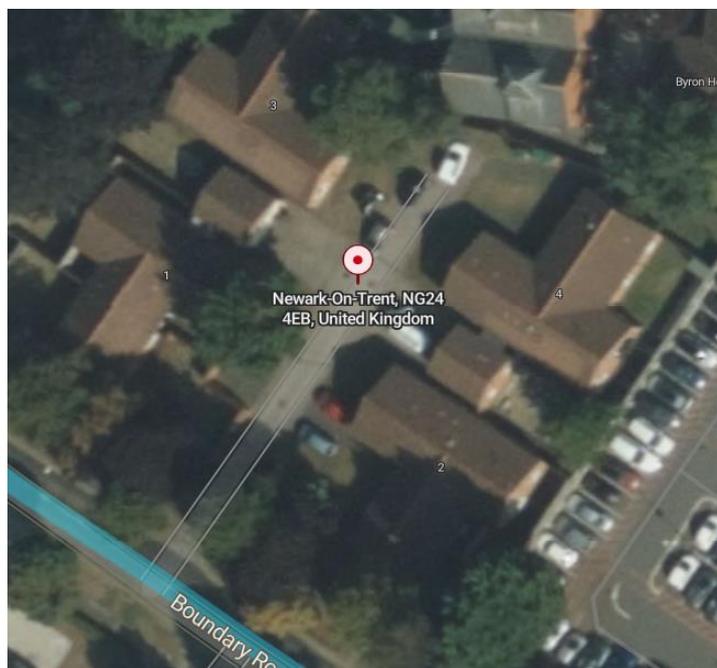
**This application is being referred to the Planning Committee for determination by the local ward member, Councillor David Moore due to concerns over the loss of trees.**

## 1.0 The Site

1.1 The application site comprises of 1-4 Enright Close which consist of 4 red brick bungalows with concrete tiled roofs. There are two bungalows each side of the site. The site is situated adjacent to Newark Hospital Car Park. Down the centre of the site is a private drive with each of the bungalows having its own drive/parking areas. The site is accessed off Boundary Road in Newark on Trent and falls adjacent to the Newark Conservation Area. The boundary is bounded by close boarded fencing measuring approximately 2m in height with some mature trees along the boundary. The supporting statement submitted with the application states that the bungalows are

owned by Ivolve Care and the bungalows are for supported living.

- 1.2 The site lies within flood zone 1 according to Environment Agency flood maps, which means it is at lowest risk of fluvial flooding. The site is at very low risk of surface water flooding.
- 1.3 The parking area is situated within the area identified below with the pin.



## 2.0 Relevant Planning History

- 2.1 **21/02517/FUL** - Conversion and change of use of existing residential care facility (C2a) to create 5 supported living apartments (C3a) with associated communal areas. (Permitted 06.01.2022)
- 2.2 **12/01126/FUL** - Change of use from C2 (residential institution) to C2a (secure residential institution), including refurbishment, boundary fence and minor glazed linked extension. (27.09.2012)
- 2.3 **01870207** - Erection of four bungalows (Permitted 25.05.1987)

## 3.0 The Proposal

- 3.1 The proposal seeks planning permission to create a shared carpark at the front of the site utilizing the existing access off Boundary Road. The private driveway down the middle of the 2 pairs of bungalows would be turned into additional green space with newly planted trees. The existing car parking area provides parking off Enright close with two spaces between each of the bungalows, with two spaces at the end of the close for a total of 6 spaces one of which is designated for disabled parking. The Close measures approximately 43.7m long by 4.7m of hardstanding with 6 parking spaces off the close.
- 3.2 The new car park would measure approximately 22.2m by 19.1m and would consist

of two disabled spaces, 4 spaces with EV charging and one standard parking space. The supporting statement states that the car park would provide shared parking for staff and visitors. The scheme has been revised since initial submission to provide a turning area, so it is possible to leave the site in a forward gear. The car park would provide a total of 7 spaces. The existing double gates to the site are proposed to be removed for easier access to the designated parking and new secure pedestrian gates will be installed in order to maintain security.

#### Existing Layout



#### Proposed Layout



### 4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 12 properties have been individually notified by letter and a site notice was displayed expiring 06.02.2024 and an advert has been published in the press

expiring 15.02.2024.

4.2 Site Visit carried out 19.03.2024.

## **5.0 Planning Policy Framework**

### **5.1. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

- Spatial Policy 7: Sustainable Transport
- Core Policy 9: Sustainable Design
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 14: Historic Environment

### **5.2. Allocations & Development Management DPD (2013)**

- Policy DM5: Design
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM12: Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined.

### **5.4. Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance

## **6.0 Consultations and Representations**

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

### **Statutory Consultations**

6.2. **Nottinghamshire County Council (Highways)** – The pedestrian splays shown on the plan should be constructed in the same material as the main driveway. These details and the detailed design of the amended dropped kerb footway crossing onto Boundary Road, can be dealt with at the detailed access design stage.

It is noted that parking bays bound by fences are shown as having widths of 3m on the site layout plan. However, the width when measured to the fence line is circa 3.3m which is appropriate provided that the fences are constructed no closer to the bays than shown on the submitted plan. The highway authority therefore has recommended conditions should the application be approved.

### **Town/Parish Council**

6.3. **Newark Town Council** – Object to the proposal and supports the observations of the Highways Authority. They cannot support the loss of trees that would require felling on the site and consider there to be ample hard standing areas on the site already,

that can be adapted for parking provision.

### **Representations/Non-Statutory Consultation**

- 6.4. **NSDC, Conservation** - No objection.
- 6.5. **Cadent Gas** – No Objection informative note required.
- 6.6. Neighbour & public consultations – No other third-party representations have been received.

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

- 7.1. The key issues are:
  - 1. Principle of development
  - 2. Amenity
  - 3. Highway Safety
  - 4. Impact upon Character
- 7.2. 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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.
- 7.3. 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 new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve 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 (Historic Environment) and DM9 (Protecting and Enhancing the Historic Environment) of the Council's LDF DPDs offer additional advice on the historic environment.
- 7.4. Principle of Development
- 7.5. Policy DM5 (Design) of the DPD sets out the criteria by which all new proposals should be assessed and includes (but is not limited to): access, parking, amenity, local character, and distinctiveness (proposals should reflect scale, form, mass, layout, design, and materials), biodiversity and flood risk management.

Impact on the Visual Amenities of the area including heritage impact.

- 7.6. Policy DM5 requires any new development to achieve a high standard of design and layout that is of an appropriate form and scale whilst complementing the existing local distinctiveness and built and landscape character.
- 7.7. The Council's Conservation team has been consulted, due to the site adjoining the Newark Conservation Area, and they have confirmed that the proposed development is not considered to impact upon the character and appearance of the conservation area. The proposed new fencing to delineate the new carpark will sit within the site. The site is already enclosed around its outer boundary with similar close boarded fencing along the boundary which bounds Boundary Road. As such it is considered that there will be little discernible change from within the conservation area (CA) or in wider views of the CA. I concur with the conservation officer that the proposal is unlikely to make any discernible change to the character of the wider area. The site already has fencing around the perimeter measuring approximately 2.0m in height.
- 7.8. 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.
- 7.9. The proposal would involve the creation of a carpark for staff and residents living at the supported living facility. The car park would extend existing hard standing which currently forms the Close between the bungalows. The proposed additional area for a car park would be hard bound in tarmac and surrounded by timber close boarded fencing to maintain security on-site. With this in mind it is not considered that the proposal would adversely impact upon the character of the area, nor would the proposal be harmful to the adjoining conservation area. The chosen fencing and materials are considered to be in keeping with the existing site and would make little discernible change to the appearance of the site. As a result of creating the small area of additional car park a large portion of hard standing (approximately 19.8m by 8m) which currently forms the close bungalows through the site, would be changed to green space with additional tree planting.
- 7.10. Overall, it is considered the proposed car park and fencing would be acceptable and would not be harmful to the character and appearance of the area and conservation area.

#### Impact upon Residential Amenity

- 7.11. Policy DM5 of the DPD states that planning permission will be granted for development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy or overshadowing. The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.12. The proposal is for a car park for the supported living facility, the proposals would create a carpark with fencing around the edge to maintain site security is not considered to impact upon adjoining neighbour amenity i.e. those residents outside

of Enright Close. The site already has c2m close boarded fencing around the outside of the site and the new fencing would be further into the site away from neighbouring dwellings. Furthermore, the creation of the car park would involve laying a hard bound surface which would not result in overbearing, overshadowing or impacts upon privacy.

- 7.13. In relation to the new fencing being installed around the car park, this would measure 2m in height. It is noted that the fencing would be close to the frontages of Bungalow 01 and Bungalow 02, both of which do have windows on their front elevations. Having measured the distance from the frontage of the bungalows to the fencing there would be c3.9m of spacing with a small lawned area to the front of the dwellings. I consider this to be an acceptable distance and do not consider this to be harmful to amenity. The fencing through the middle of the new green space on site would be c7.85m away from the frontages of bungalow 03 and 04 therefore is not considered to be overly harmful to the amenity of the bungalows.
- 7.14. With the above in mind, I am of the view that the proposals would not result in adverse impacts to residential amenity.

#### Impact upon Highway Safety

- 7.15. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision.
- 7.16. The proposal would involve creating a car park at the front of Enright Close which would have pedestrian access to the site through two separate gates as the site would be divided into two wings an east and a west wing consisting of 2 bungalows on each side separated by secure fencing. The proposal would involve creating 7 parking spaces including 2 disabled spaces and 4 with electric vehicle charging facilities. The Highways Authority has been consulted and support the application subject to conditions. The spaces are all considered to meet parking space standards and the site provides a turning area to be able to leave the site in a forward gear.
- 7.17. The Design and Access Statement states that the site currently has 5 parking spaces and 1 disabled space, making a total of 6 spaces which are used by staff and visitors given the residents of the bungalows are not able to drive. The original scheme sought to provide 8 spaces including 4 bays with electric vehicle chargers, 2 disabled bays and 2 additional parking spaces. This has had to be reduced to 7 losing one of the additional spaces to a turning bay following a holding objection from the Highways Authority as well as alterations to the widths of the spaces. Revisions have been made which now address the concerns raised by the Highway's Authority subject to conditions.
- 7.18. With the above in mind, I consider the proposal to now be acceptable in terms of highway safety and parking and in accordance with Spatial Policy 7 of the Core Strategy (as amended) and Policy DM5 of the Allocations and Development Management DPD.

#### Impact upon Trees

- 7.19. Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations & Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Para. 136 of the NPPF also explains that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that existing trees are retained wherever possible.
- 7.20. The site falls outside the conservation area. As part of the proposal four trees on the southwest side of the site would be removed and one tree within the centre of the site and one tree on the west side of the site. 5 of these trees are labelled as category C trees and 1 is labelled as Category U within the supporting arboricultural survey.
- 7.21. The Tree and Landscaping Officer has been consulted and objects to the proposal advising that he does not consider the survey to be sufficient and that the mitigation proposed is unlikely to be viable.
- 7.22. Having assessed the proposal, whilst I note the concerns from the tree officer, the proposal would involve breaking up the existing tarmac hard standing and creating a new green space of approximately c225m<sup>2</sup> within the site which would involve mitigatory planting of new trees. When subtracting the additional hardstanding being created for the carpark the total additional green space would amount to approximately 79.9m<sup>2</sup>. Full details of soft landscaping have been submitted however it is not considered that the submitted scheme is sufficient to mitigate the loss of trees. However, an alternative mitigation scheme could be secured by condition. Whilst the trees would not be in the exact same locations as the existing trees, it is considered that the overall green infrastructure of the site would be improved subject to appropriate mitigatory planting scheme being submitted. Furthermore, the site falls outside the conservation area and therefore the trees to the front of the site do not require consent for removal. Given that they are category C and U trees it is not considered they would be of a condition to warrant a TPO. Therefore, subject to condition of an alternative mitigation planting scheme I consider the proposal acceptable.

## **8.0 Implications**

- 8.1. In writing this report and in putting forward recommendation's 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 Planning Balance and Conclusion**

- 9.1. The proposed development is considered acceptable in terms of the impact on the visual amenities of the area and conservation area, impact upon residential amenity, highway safety and trees. Therefore, there is no reasons identified why the application should not be approved. The proposal is considered to accord with Spatial Policy 7

(Sustainable Transport), Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the Amended Core Strategy and policies DM5 (Design), DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD, adopted 2013 as well as the NPPF which is a material planning consideration. It is therefore recommended this application be approved subject to conditions in Section 10 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 be built in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Site Location Plan Drawing 23 2508 LP1
- Proposed Site Layout and Site Elevations 23-2508-(02)-001 Rev P04
- Tree Protection Plan REF: AWA5779AMS

Reason: To ensure that the development is retained in the agreed form approved by the Local Planning Authority when determining the application.

03

The materials to be used in the construction of the boundary treatment (fences) of the development hereby permitted shall be as stated in the application.

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until the site access and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan (drawing number 23-2508-(02)-001 Rev P04). The parking/driveway/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.

Reason: In the interest of highway safety

05

The development hereby permitted shall not be brought into use until the driveway/parking/turning areas are surfaced in SMA (stone mastic asphalt) in accordance with the email dated the 25<sup>th</sup> April 2024. The driveway/parking/turning areas shall be maintained in the bound materials for the lifetime of the development.

Reason: In the interest of highway safety.

06

No vehicular access gates shall be erected.

Reason: In the interest of highway safety.

07

Prior to first occupation/use of the development hereby approved, details of compensatory soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

The details shall include full details of every tree, shrub, hedge and to be planted (including its proposed location, species, size, and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity and to compensate for the trees to be lost to facilitate the development.

08

The approved soft landscaping shall be completed during the first planting season following the first use 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 other of similar size and species. All tree shrub and hedge planting shall be carried out in accordance with BS 3936 – 1992 Part 1-Nursery Stock- Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry; Bs4043 1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

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

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 given that there is no net additional increase of floorspace as a result of the development.

03

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. 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 on 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)

04

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### 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 - 24/00064/FUL

