

PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/02080/FUL	
Proposal:	Demolition of existing dwelling to create 4 new semi-detached dwellings.	
Location:	40 Winthorpe Road, Newark On Trent, Nottinghamshire, NG24 2AB	
Applicant:	JLK Architectural Design LLP	
Registered:	7 November 2018	Target Date: 2 January 2019
	Extension of Time Agreed until 16 January 2019	

This application is before Members for determination given the Committee have previously determined a scheme at this site in July 2018 and given that the Town Councils view differs from the professional officer recommendation.

The Site

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

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

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

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

Relevant Planning History

18/00817/FUL – ‘Resubmission of 5 new dwellings on existing site’. Members considered this at the July 2018 Planning Committee and resolved to refuse contrary to officer recommendation. Decision issued 04/07/2018. Reason for refusal stated:

In the opinion of the Local Planning Authority (LPA) the proposal by virtue of the number of units

and its siting and design constitutes an over intensive development for the site by dominating and filling the plot that would be harmful to both character and appearance of the area. This development would represent an over intensive level of development and use that would be inappropriate for its Arcadian context through the associated provision of a car dominated frontage to the detriment of the character and appearance of the area which cannot be fully mitigated. The proposal is therefore considered to be contrary to the Development Plan, specifically Policy Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy and DM5 (Design) of the adopted Allocations and Development Management DPD as well as the NPPF a material planning consideration.

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

In the opinion of the Local Planning Authority (LPA) the proposal by virtue of its siting and design constitutes over intensive development for the site by dominating the width of the plot with a solid wall of two storey development without visual relief that would be at odds with the character and appearance of the area. Additionally, the design is considered to be out of keeping with the area with the introduction of a building that has a vertical emphasis and the use of flat roof frontage projections in brick against the render are considered alien features resulting in a building that would deliver a poor design for its context. Furthermore, in order to make the scheme acceptable, ten parking spaces would need to be provided off street which would result in an over engineered and overly car dominated frontage to the detriment of the character and appearance of the area which cannot be fully mitigated. The proposal is therefore considered to be contrary to the Development Plan, specifically Policy Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy and DM5 (Design) of the adopted Allocations and Development Management DPD as well as the NPPF a material planning consideration.

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

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

The Proposal

Full planning permission is sought for the demolition of the existing dwelling and the erection of two pairs of semi-detached market dwellings.

For all dwellings at ground floor the accommodation would provide for an entrance hall with stairs off, cloakroom, open plan kitchen, lounge and dining area. At first floor are two double bedrooms with separate bathroom and all dwellings have a third bedroom with en-suite within the rear half of the roofspace served by a flat roof dormer window.

The proposed buildings are a mirror image of one another with the central two units sitting slightly further back in the plot than the dwellings at either end with the forward projecting element finished in a white render on the frontage. The remaining elements would be constructed in red brick with grey concrete roof tiles.

The two buildings would each measure c9.9m wide by c10.2m in depth whilst the height

is c5.06m to eaves and 7C.9m to pitched roof ridge-line.

The buildings are located c1.3m from the side elevation of no. 42 Winthorpe Road to the north-east and c1.28m to the boundary with no. 38 Winthorpe Road to the south-west.

Vehicular access would be taken off Winthorpe Road at two points and 2 parking spaces would be provided in front of each dwelling, totaling the provision of 8 spaces.

The plans have been amended during the course of the application in an attempt to address concerns raised by the case officer with regards to amenity. The application comprises the following plans, as amended, and it is on this basis that the application has been assessed:

- Existing block plan, drawing no. blpl Rev A
- Existing elevations, drawing no. exelev
- Proposed Block Plan, drawing no. blplanGF Rev E
- Proposed elevations, drawing no. propel Rev C
- Proposed street elevations, drawing no. str el Rev C
- Proposed ground floor, drawing no. propgfplan Rev E
- Proposed first floor plan, drawing no. propffplan Rev C
- Proposed second floor plan, drawing no. propffplan Rev C
- Site location plan, drawing no. locplan Rev A
- Design and Access Statement

Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter with a consultation expiry date of 29th November 2018.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement hierarchy

Spatial Policy 2 - Spatial distribution of growth

Spatial Policy 6 - Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 – Sustainable design

Core Policy 10 - Climate Change

Core Policy 12 - Biodiversity and Green Infrastructure

NAP1 – Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy

DM3 - Developer Contributions

DM5 – Design

DM7 - Biodiversity and Green Infrastructure

Other Material Planning Considerations

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

Consultations

Newark Town Council – Newark Town Council's Planning Meeting - 28.11.18 – ‘Objection was raised to this application as follows:

- i) It is over intensive for the site;
- ii) It is not in keeping with the surrounding streetscape and the local character of houses nearby;
- iii) Members felt the proposed configuration for vehicle access and egress was dangerous given the traffic problems encountered on Winthorpe Road.
- iv) It was feared that if this application was to be permitted, it would set a precedent for other similar applications in the same area.’

NCC Highways Authority – 12/11/2018:

“This proposal is for the construction of 4 new dwellings, following demolition of the existing dwelling. There is an existing vehicular access in place to the south west of the application site, however, this will require widening as part of this application. A new vehicular access is proposed to the north of the site.

Two parking spaces are proposed per dwelling which is acceptable to the Highway Authority. There is a lighting column at the site frontage which may require relocation, and this will be at the expense of the applicant.

Therefore, there are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until a dropped vehicular verge/footway crossing at the north of the site is available for use and constructed in accordance with the Highway Authority’s specification. **Reason:** In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the existing dropped kerb crossing at the south west of the site is widened and is available for use and constructed in accordance with the Highway Authority’s specification. **Reason:** In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan Rev. D. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles. **Reason:** In the interests of highway safety.

Note to applicant

The development makes it necessary to construct a vehicular crossing and alter an existing 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 East Midlands, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

Should the lighting column at the site frontage require relocation as a result of this application, this will be at the expense of the applicant."

Trent Valley Internal Drainage Board – 'The site lies outside of the Trent Valley Internal Drainage Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and the Local Planning Authority.'

Two representation have been received from neighbours raising objections on the following summarised grounds:

- 4 dwellings is over-intensive and would look out of place;
- Loss of light and overshadowing to adjacent dwelling via velux windows, being so close to boundary and loss of evening sunlight, would increase tunnel effect.
- This would spoil the view which would now be a brick wall;
- Loss of privacy and garden of adjacent dwelling and that at the rear would be overlooked;
- Concern regarding the amount of cars (as most families have 2 cars) and parking/traffic issues if residents parked on the road or verge, as there is a bus stop outside number 44 and could put children at risk crossing the road. This will add even more traffic to the Lincoln Road which is heavily congested every evening;
- Out of keeping with the rest of the houses on the road, as all the houses are set well away from each other;
- Would affect the value of properties;
- If approved request that existing hedgerows are retained for security and privacy;
- Would not object to a two story development but three story deprives neighbours of privacy

Comments from the Business Manager

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless (emphasis added) material considerations indicate otherwise.

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This was confirmed by the Secretary of State in dismissing the appeals for the housing developments at Farnsfield (heard through a Public Inquiry which sat in November 2017) in April 2018. The policies of the Development Plan are therefore considered up to date for the purposes of decision making.

The Principle of Development

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

The proposal involves the demolition of the existing dwelling in order to facilitate the redevelopment of the site for 4 units. There is no objection to the principle of demolition. The house whilst attractive is of no special architectural interest and indeed I note the Local Planning Authority has previously agreed to the demolition by approving two schemes for redevelopment in the last 11 years.

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

Impact on the Character of the Area/Intensity of Development

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

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

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

The existing dwelling would be demolished and replaced with a two pairs of semi-detached dwellings with a gap between them of 1.35m. The gaps at either side of these dwellings would be similar spacing best appreciated from the street-scene plan submitted with the application.



The previous scheme refused at the Planning Committee in July this year (contrary to officer recommendation) was for 5 dwellings on the grounds that it was over-intensive. In my view the proposed development of 4 units is acceptable and whilst more intense than existing would not be unduly harmful to the street scene. The proposed materials palette being render, bricks and concrete grey roof tiles are acceptable and reflect the mixture of materials in the area. Overall I consider that the design is now acceptable.

There have previously been concerns (on the Member refused scheme) that the frontage would be car dominated which could not be fully mitigated; this was in respect of 5 dwellings whereby 8 parking spaces were to be provided. This application also proposes 8 spaces (2 per plot) so the key question is whether this reduction in the number of units and the design amendments persuades Members that this makes the scheme acceptable.

In order to facilitate the space for the parking spaces and associated maneuvering space, it is acknowledged that there would be little room left for additional soft landscaping. This would result in a frontage that is somewhat car dominated. However the frontage hedge would be retained apart from where the new access would be formed and the existing one widened. It remains my view that this would largely mitigate the visual harm from having 8 cars parked in the frontage. I also note that the adjacent property (at no. 42 Winthorpe Road) has its entire frontage block paved and this also retains a hedgerow to the frontage which successfully softens its appearance. Whilst more cars would be present in the case of this site, I remain of the view that on balance, providing the hedgerow was retained its harmful effect would be minimal. Conditions could ensure the frontage of the site was acceptable. However this matter that Members will need to carefully consider as it formed part of their reason for refusal in July this year.

Highway and Parking Impacts

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

The proposed plans indicates that 8 parking spaces would be provided in front of the 4 dwellings, equating to 2 spaces per dwelling. Access would be via two vehicular access points off Winthorpe Road, an existing widened access and a newly created one to its north.

Whilst standing advice now applies, NCC Highways Authority have provided bespoke highways comments within which they raise no objection subject to conditions to ensure that a dropped curb is provided to the northern access, that a widened dropped curb is provided to the existing access to the south and that the parking and turning areas are available for use before the dwellings are occupied. I consider that all of these conditions are reasonable and can be imposed.

To conclude highway and parking matters are considered to be acceptable and in line with the relevant policies subject to the recommended conditions being imposed.

Impact on Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The

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

The plans have been amended during the course of the application in an attempt to address concerns raised with regards to amenity.

The windows proposed to be located along the front elevations of the properties will look onto the site frontage and will not directly overlook the properties on the opposite side of the road as they are located in excess of 37 metres from the proposed properties. Likewise the distance between the rear elevation of properties on Spire Gardens and the proposed rear elevation is in excess of 20m which is just sufficient to meet the needs of privacy.

The property to the north (no. 42) is an extended two storey dwelling with its blank gable facing the site and this is sited up to the boundary. One of the proposed dwellings would be sited adjacent to this shared boundary but would be set forward of this by c2.8m and doesn't project as far back into the plot as no. 42. The proposed dwelling would be against (an extended) part of the neighbouring dwelling that has a single storey garage projection with a bedroom window at first floor facing out over its driveway. There is another window (of an equal size) serving this bedroom facing to its rear giving it a dual aspect. Whilst the closest new dwelling would sit forward of the existing dwelling, I consider that the impact upon the amenity would be satisfactory in terms of it not being unduly dominating or oppressive. In coming to this view I have taking into account the distances involved, that it would meet the 45 degree test (which is a useful tool in assessing overbearing relationships as set out in the Council's householder extensions SPD) and the fact that this window is not the only source of light to the neighbours room. Therefore whilst noting the concerns received during the consultation process, taking all of these factors into account I do not consider there would be any unacceptable adverse impact in terms of overlooking, overshadowing or from being overbearing upon this dwelling.



No. 42 Winthorpe Road from public highway

No. 38 to the south is also two storey, sitting close to the shared boundary and again doesn't appear to have any windows facing the site. The proposed building that would be sited alongside this would be broadly in line with the frontage of no. 38, projecting back further back into the site than its rear main elevation by c1.9m at a distance between dwellings of c1.8m. In terms of its relation with no. 38 at the rear, this would be on the same building line as the existing dwelling to

be demolished at the point closest to the boundary such that I do not consider that the impact would be any greater than already exists and is acceptable.

The proposal would amount to the site serving an additional 3 dwelling units (i.e. 4 proposed units following demolition of 1). I have carefully considered whether the increased residential activity within the site would create harmful amenity impacts in terms of an increased activity and disturbance. However I am conscious that the site is situated within a relatively dense residential area and I do not consider that the additional units would be perceivable in respect to the existing movements and disturbance established by the residential characteristics of the area.

Other Matters

Drainage

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

Planning Balance and Conclusion

The principle of demolition and its redevelopment is considered to be acceptable. In terms of its intensity, it is acknowledged that the scheme would create 4 dwellings. I have concluded however that the spacing between the two pairs of semi-detached dwellings and their respective adjacent neighbours is acceptable and the spacing is adequate to retain the existing character and appearance of the area.

However previous Member concerns relating to the level of car parking would remain with 8 off-street parking spaces proposed for the 4 dwellings (whereas previously there were 8 spaces to serve 5 units). I remain of the view that whilst the frontage could be somewhat car dominated, this would be largely mitigated through the retention of the existing hedgerow which is important and can be controlled by condition. Impact on residential amenity is assessed as being acceptable and the level of car parking is considered sufficient.

It is now for Members to decide whether the reduction of 1 unit from the previous scheme negates their concerns regarding the intensity and impact upon the character of the area and whether this alone is enough to persuade them given that the parking position would remain as previously advanced. For the avoidance of doubt, my view is that this scheme is on balance acceptable. Whilst this proposal would result in some minor harm, overall it is not considered so harmful as to warrant a reason for refusal.

RECOMMENDATION

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

Conditions

01 (Time)

The development hereby permitted shall not begin later than three years from the date of this permission

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02 (Protection of fence during construction phase)

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

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

03 (Continued retention of hedgerow at 2m in height)

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

Reason: In the interests of residential and visual amenity.

04 (Drainage)

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

05 (Materials)

No development above damp roof course shall be commenced until full details of the external facing materials (bricks, tiles and render finish including colour) 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 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

06 (Boundary treatments)

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

Reason: In the interests of residential and visual amenity.

07 (Provision of dropped curb)

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

Reason: In the interests of highway safety.

08 (Dropped curb to be widened)

No part of the development hereby permitted shall be brought into use until the existing dropped kerb crossing at the south west of the site is widened and is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

09 (Provision of parking/turning areas)

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan Rev. D. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

Note to Applicant

01

The development makes it necessary to construct a vehicular crossing and alter an existing 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 East Midlands, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

Should the lighting column at the site frontage require relocation as a result of this application, this will be at the expense of the applicant.

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 accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

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 development type proposed is zero rated in this location.

Background Papers

Application Case File

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

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager Growth & Regeneration

Committee Plan - 18/02080/FUL



