

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01118/FUL		
Proposal:	One bedroomed bungalow		
Location:	Land Adjacent 8 Harrisons Way, Newark On Trent		
Applicant:	Mr Paul Harrison and Mr Mick Simpson		
Agent:	Mr Raymond Ashall MRTPI		
Registered:	20.06.2019	Target Date: 15.08.2019	Extension of Time: 09.10.2019
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PT3H0NLB04M00		

This application is before the Planning Committee for determination as the professional officer recommendation of refusal is contrary to the Town Councils view of ‘no objection’.

The Site

The application site comprises a parcel of land approximately 0.02 hectares in area located to the south side of No 8 Harrisons Way within the main built up part of Newark. It comprises a roughly triangular shaped parcel of grassed land with a knee rail fence enclosing the east boundary of the site and a mixture of closed boarded fencing and brick walls on all other sides. Harrison’s Way is a residential development of 8 two-storey, semi-detached dwellings that sit in a cul-de-sac arrangement. To the south and west of the site are the rear gardens of terraced dwellings which front onto Sleaford Road.

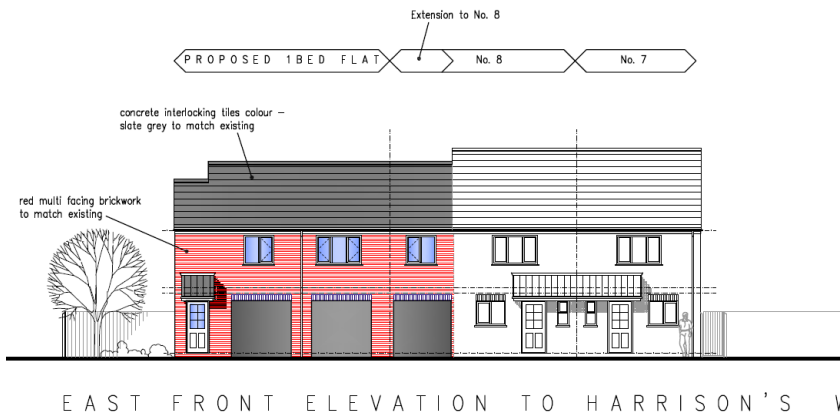
The site is located in Flood Zone 2.

Relevant Planning History

14/01794/FUL - Proposed 1 bed flat and extension to No 8 Harrisons Way with associated parking – refused 17.12.2019 by Planning Committee for the following reason:

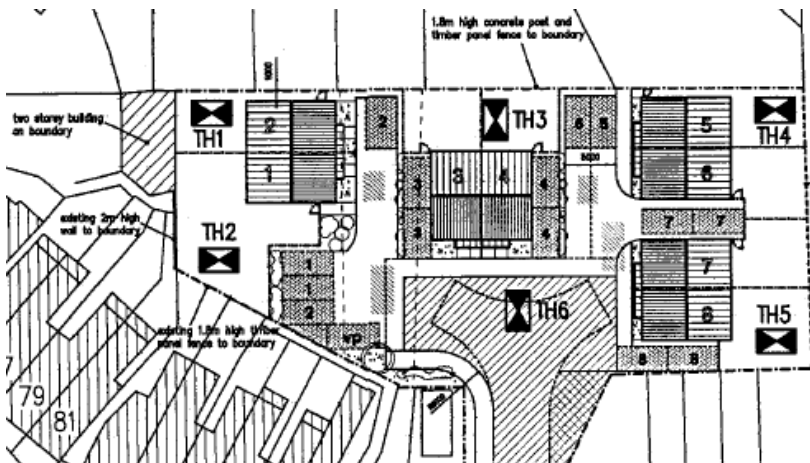
In the opinion of the Local Planning Authority, the proposed building by virtue of its design, scale and siting in such close proximity to neighbouring dwellings would represent an uncomfortable relationship that would give rise to an unacceptable overbearing and oppressive impact upon the amenity of adjacent properties. The proposal is therefore contrary to Core Policy 9 (Sustainable Design) of the Newark and Sherwood Core Strategy DPD, adopted March 2011. It is also contrary to the National Planning Policy Framework, a material consideration and contrary to DM5 (Design) of the Councils Development Management DPD.

An extract of the refused elevation is below:



12/01710/FUL – Erection of two storey building to form 2 self-contained bed-sits and associated parking – refused by Planning Committee 05.02.2013 due to the adverse impact on existing and future occupiers. The subsequent **appeal was dismissed** on 28.11.13.

10/00344/FUL - Demolition of the two existing commercial workshop buildings. Erection of eight semi-detached houses. Formation of 15 Car parking spaces and vehicle turning area - Approved 19th May 2010. An extract of the approved plan is below:



The Proposal

The application seeks full planning permission for the erection of a 1-bed bungalow with open plan kitchen and living room. The bungalow would be 'L' shaped and measure 7.8 metres by 8.8 metres by 5.1 metres high. It would have a concrete interlocking pantiled roof and red facing brick walls. A single car parking space (which currently exists on site) would be allocated to this dwelling and forms part of the application site.

Surface and foul water from the proposed building would be connected to the existing combined sewer system.

The following documents have been submitted with the application:

- Design and Access Statement
- PHMS-01 Site Location Plan
- PHMS-02 Existing Block Plan

- PHMS-03 Proposed Block Plan
- PHMS-04 Proposed Plan and Elevations
- PHMS-05 Typical Site Elevations
- Flood Risk Assessment Sept 2019

Departure/Public Advertisement Procedure

Occupiers of 21 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (Adopted March 2019)

Spatial Policy 1	Settlement Hierarchy
Spatial Policy 2	Spatial Distribution of Growth
Spatial Policy 7	Sustainable Transport
Core Policy 3	Housing Mix, Type and Density
Core Policy 9	Sustainable Design
Core Policy 10	Climate Change
Core Policy 12	Biodiversity and Green Infrastructure
NAP1	Newark Urban Area

Allocations and Development Management DPD (Adopted July 2013)

Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2	Development on Allocated Sites
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM12	Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2019
 National Planning Practice Guidance (NPPG) Online Resource
 Housing Market Needs Sub Area Report (2014)

Consultations

Newark Town Council: No objection was raised to this application provided there were no objections from neighbours.

Environment Agency:

Comments received 12.09.2019:

The site falls in Flood Zone 2 and as such FRSA can be applied.

Comments received 24.06.2019:

The application site is within Flood Zone 2 and can therefore be determined in line with our national flood risk standing advice (FRSA). We have no bespoke comments to make on this scale of application.

That being said - it's worth me highlighting that the application (in its current format) does not appear to meet the requirements of our FRSA. For clarity, the FRSA states that the finished floor levels (FFL) of any more vulnerable development should be set 600mm above the 1 in 100 year flood level including an allowance for climate change (30%). The supporting FRA has made no effort to even establish these depths. None the less, the FRSA does state that where FFL can't be raised to such a level, the FRA should instead propose to manage the flood risk by way of flood resilient construction measures (things like raising electrical sockets, dropping electric cables from the first floor or above, or waterproof plasterboard etc.). The FRA currently makes no reference to any such mitigation. I therefore recommend that you ask the applicant to review our FRSA and amend their FRA in line with it.

We do not consider the reasoning of 'the finished floor levels will be set the same as surrounding dwellings and therefore it's safe' to be adequate; new development offers a new opportunity to improve flood risk mitigation and should therefore be considered on its own merits.

NCC Highways:

Comments received 16.09.2019:

Thank you for making me aware of the planning history of this site. However, in view of the length of time elapsed since construction of the dwellings, and the fact that they have been occupied without any concern being raised by residents over the parking arrangements, I feel it would be unreasonable to raise objection over the loss of 1 visitor parking space.

Comments received 17.07.2019:

This proposal is for the construction of a one bedroomed bungalow on Harrisons Way, which is now public adopted highway. The existing parking space adjacent the site is to be utilised for this proposal and a dropped vehicular crossing is already in place. This application is acceptable to the Highway Authority; therefore, there are no highway objections.

One letter of written representation has been received from a local resident supporting the application.

Comments of the Business Manager

Principle of Residential Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan.

The Council can robustly demonstrate that it has a 5 year housing land supply and that for the purposes of decision making the Development Plan is up to date.

The proposal site is located in Newark, a Sub Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2. As such, the site is located in a sustainable location for new development. The principle of development is therefore considered acceptable subject to the consideration of site specific issues set out below.

Housing Need

Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. In this case, the development would contribute to meeting a general market need for smaller dwellings within the District.

Impact on Visual Amenity

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. It also states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.

The NPPF supports development that makes efficient use of land, taking into account a number of factors including the identified need for different types of housing and the importance of securing well-designed, attractive and healthy places.

The site has the appearance of a gap site and whilst it does offer a break in built form, it is considered to have a negligible impact on the appearance of the area given its limited size and shape. From a visual perspective, I consider the site to be capable of accommodating an additional dwelling, particularly when taking into account the compact nature of the surrounding built form.

The adjacent plots are characterised by two storey semi-detached and terraced dwellings with gabled roofs. The proposed bungalow would represent a deviation in the typical house types in the area but given its modest proportions would not appear discordant in the street scene in accordance with Core Policy 9 and Policy DM5 of the DPD.

Impact on Living Conditions

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

The north facing side elevation of the proposed dwelling would contain no windows. The south facing side elevation of the proposed dwelling would contain a window serving a kitchen/living room, rear door and bathroom window. These openings would face towards a 1.8 metre high (approx.) close boarded fence which would be positioned 2.5 metres away from the kitchen/living

room which is regarded as a main habitable room. A reduced level of outlook would therefore be achieved from this window but given that the window represents a secondary window serving this room, with the main window located on the front elevation of the dwelling, it is considered that an acceptable level of living conditions for the future occupiers would still result.

The west facing rear elevation of the proposed dwelling would contain a bedroom window located 7 metres from the brick wall forming the rear boundary of the site. The nearest two storey element of the nearest neighbouring dwelling from this boundary would be located a further 7.5 metres away which is less than best practice separations distances that would normally require a separation distance of 11-12 metres between main habitable room windows and black elevations. However, given the oblique angles and the gap visible between buildings directly to the rear of the proposed dwelling, this separation distance is considered acceptable and it is not considered that an overbearing impact upon the future occupiers would result. An acceptable amount of private rear amenity space relative to the size of the proposed dwelling (at 40m² approx.) is also proposed.

Given the single storey nature of the proposed openings, it is considered that the proposed bungalow would not give rise to any new overbearing or loss of privacy impacts upon existing occupiers of adjacent dwellings.

Overall, it is not considered that any adverse impact on the living conditions of existing or future occupiers would result in accordance with Policy DM5. In reaching this view, I have had regard to the previous refusal of 2 storey extension and flat on this land (application no. 14/01794/FUL) and consider the single storey and modest proportions of the proposed dwelling now proposed overcomes the previous reasons of refusal.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport.

I note that the originally approved plan (10/00344/FUL) for the eight semi-detached houses on Harrisons Way shows the provision of 3 parking spaces and 1 visitors space on the application site to serve Plots 1 and 2 (Nos 7 and 8). The 3 parking spaces have never been implemented and a driveway has been constructed to the side of No 8 which means that Nos 7 and 8 have one off street parking space each (albeit they were meant to have 2). The visitor's space does appear to be in use and would be lost to the development now proposed. However, the Local Highway Authority raises no objection to the proposal which seeks to retain the existing visitor's parking space on site albeit for the future occupiers of the proposed dwelling.

In addition, I note that there is no enforcement history of any complaints with regards to parking provision in relation to the wider development on Harrisons Way. Whilst the development as implemented is in breach of the approved plans, there was no condition imposed on the consent to state that the spaces had to be provided prior to the occupation of the dwellings. This means that the breach is unlikely to be enforceable as it is not possible to force the completion of a development through enforcement. Given the level of on street parking available in the vicinity and comments of the Highways Officer, I do not consider the loss of the visitors space would warrant refusal of the application on these grounds.

Overall, the proposal is not considered likely to result in any adverse impact upon highway safety in accordance with Policy DM5 and SP7.

Impact on Flooding

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. Para.163 of the NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It further states that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant. This includes safe access and escape routes where required and that any residual risk can be safely managed and it gives priority to sustainable drainage systems.

The Environment Agency Flood Map identifies the site access would be situated in Flood Zone 2.

A Flood Risk Assessment (FRA) has been submitted with the application and proposes the following mitigation measure:

- Floor levels are proposed to be set at 11.90m AOD. This being 0.22m above the 1 in 1000-year flood, meaning the property would not be affected by flooding events.
- the site is covered by Environment Agency flood alert and warning systems, site occupants should be encouraged to sign up for these. A flood warning and evacuation plan should be created - a flood evacuation route for the site where the flood hazard is very low is east along Sleaford Road and then east up Beacon Hill Road.

Whilst this level of mitigation may be acceptable in the case, the NPPF is clear that the exception test should not be applied until the Sequential Test has been passed.

I note that the submitted FRA refers to the fact that a proposed dwelling in Flood Zone 2 is identified as more vulnerable development within the flood risk vulnerability classification and flood zone compatibility set out in the PPG and is considered to be 'appropriate' development in that respect. However, the PPG is clear that more vulnerable development should first pass the sequential test before it is considered to be appropriate; the sequential test is applied to guide development first to Flood Zone 1, then only Zones 2 and 3 if no land within Flood Zone 1 is available.

A sequential test has not been carried out by the applicant to demonstrate there are no other suitable sites available for the development at lesser risk of flooding. At a district level there are other sites at a lower risk of flooding than the application site (i.e. located in Flood Zone 1) on which this dwelling could be developed. Even if the sequential test could be applied to a more localised level, there are still other sites within the Newark Urban Area at lower risk of flooding than the application site. I note the comments in the submitted FRA that 'it is not considered that other sites should be considered as sequentially more acceptable as the development opportunity is only applicable to this site and the Sequential Test is considered to be passed'. However, in my view this is not the correct application of the sequential test as Planning Practice Guidance is clear and states that a proposal is required to demonstrate that there are no reasonably available sites at lesser risk of flooding which has not been done in this case.

As such the proposal fails the sequential test and is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2019, a material consideration.

Conclusion

The site is located within Newark where the principle of development can be considered acceptable. The application is considered acceptable with regards to impact of visual and residential amenity and highway safety. However, the site is located in Flood Zone 2. Insufficient information has been provided in order to assess whether the proposed development would comply with the sequential test to demonstrate that there are no alternative sites which could accommodate the development at a lesser risk of flooding.

It is not considered that there are any benefits to the proposal which would outweigh the flood risk harm identified within this report. For the reasons stated above, the proposal is considered to be contrary to relevant local and national planning policy and is recommended for refusal.

RECOMMENDATION

That full planning permission is refused for the following reason:

01

Policy DM5 of the Allocations & Development Management DPD states that the Council will steer new development away from areas at the highest risk of flooding and development proposals within Flood Zones 2 and 3 will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones. The site is located in Flood Zone 2 which is an area considered to be at risk of flooding. The application as submitted does not outline the need for the proposed development to be located within Flood Zone 2 when there are sites at a lower risk of flooding located elsewhere within the District. The application therefore fails the sequential test. The proposal is contrary to Core Policy 9 and Core Policy 10 of the Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management Development Plan Document (2013). In addition, the proposal fails to comply with the aims of the National Planning Policy Framework 2019 and National Planning Practice Guidance, which are material considerations.

Note to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning

Authority has worked positively and proactively with the applicant to make some revisions to the proposal. However, the revisions received have not overcome the reason for refusal.

Background Papers

Application Case File

For further information, please contact Helen Marriott on ext 5793.

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

Lisa Hughes
Planning Manager – Planning Development

Committee Plan - 19/01118/FUL

