

PLANNING COMMITTEE – 2 JUNE 2020

Application No:	20/00327/FUL	
Proposal:	Change of use of redundant access road to garden area	
Location:	9 Derwent Close, Rainworth, NG21 0FN	
Applicant:	Mr Kevin Shutt	
Agent:	N/A	
Registered:	11.03.2020	Target Date: 04.05.2020
		Extension of Time Agreed Until 04 June 2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q644QKLBG2L00	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the applicant is an employee of Newark and Sherwood District Council.

The Site

The application site is located within the main built up area of Rainworth in a predominantly residential area. The site is located to the north-western end of the front garden of both No 10 Derwent Close and No 9 (where the applicant lives) which comprises a two storey detached modern property with a conservatory to the rear and a single garage set back beyond the rear elevation to the side of the property. Access to the garage is gained via a driveway located to the side of the property. The garage forms the boundary to the adjacent property to the west.

The application site comprises a piece of tarmac strip that was originally intended to serve as footpath, linking Derwent Close and Crown Close; however, the footpath was never created and it leads no-where as there is no corresponding strip on the Crown Close side within this established residential area.

Relevant Planning History

13/01021/FUL – Granted on 23.09.2013 for Householder Application for Two Storey Side / Rear Extension, Single Storey Rear Extensions

The Proposal

The proposal seeks planning permission for the change of use of the strip of tarmac access to be incorporated into the garden area of number 9 Derwent Close. The site is directly adjacent to the side elevation of a conservatory attached to No 8 directly to the north-west of the application site.

A timber fence and pedestrian gate would be erected as a boundary treatment to match the existing. Supporting information from the applicant states that the site has often been used for fly tipping.

The following documents have been submitted with the application:

- Site Location Plan 1:1250 on A4, received on 05 March 2020
- Drawing no.1: proposed block plan, received on 05 March 2020
- Drawing no.2: proposed boundary treatment on north elevation, adjacent no.8 Derwent Close, received on 05 March 2020
- Drawing no.3: proposed gates, received on 05 March 2020
- Drawing no.4: proposed boundary treatment on east elevation received on 05 March 2020

Departure/Public Advertisement Procedure

Occupiers of nine 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 9 - Sustainable Design

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy

DM5 – Design

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Rainworth Parish Council – *“supports the planning application, but would like to make the planning department aware that there are underground drains and a main sewer running underneath the proposed site.”*

NCC Highways Authority – *“This is a proposal to a redundant access road to a garden area. No parties have an interest in the land and the proposal is unlikely to result in an unacceptable risk to highway safety. The Highway Authority therefore, would not wish to raise any objection.”*

No representations have been received from local residents or any other interested parties.

Comments of the Business Manager

Principle of the Development

The parcel of land in question was initially intended for use as a footpath, creating a pedestrian access between Derwent Close and Crown Close. The access was never established due to resident objections following the construction of the residential estate in the 1980s.

The proposal relates to the change of use of land into residential garden within the extent of the existing residential estate. The proposal would not extend the built form of the settlement and would therefore be acceptable in principle in accordance with policy DM1 of the ADM Development Plan Document.

Impact on Visual Amenity

Policy DM5 of the DPD states that *“the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for 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. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life and can include replacing poor design with better design and widening the choice of high quality homes.

The proposal seeks to incorporate the land into the front garden of number 9 Derwent Close. With the area being a residential housing estate the overriding character of the area is formed by the residential properties and their gardens. The proposal would incorporate the land into the front garden area of the residential dwelling which would be defined by a 1 metre high fence/gate and would therefore maintain the key characteristic of the area.

Overall, the proposal would not result in any appreciable impacts upon the character or appearance of the locality and it is therefore considered that the proposal accords with the requirements of policies Core Policy 9 and DM5 in this respect.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The proposal would change the use of the land to residential garden land. The land abuts the boundary of numbers 8, 9 and 10 Derwent Close with the main change resulting from the erection of a 1m close boarded fence between them. As such it is not considered that there would be any significant impact upon residential amenity to warrant resistance on these grounds.

Impact on Highways Safety

Policy DM5 requires that *“provision should be made for safe and inclusive access to new development. Where practicable, this should make use of Green Infrastructure and as many alternative modes of transport as possible”*.

The consultation with the Highways Authority has provided confirmation that the redundant access adjacent to a garden area is no longer required and the proposal is unlikely to result in an unacceptable risk to highway safety. As such the Highways Authority raise no objection to the proposed change of use.

Given this advice from the Highways Authority, it is not considered that the proposal would pose any adverse impacts and it is therefore considered the proposed development would not result in any adverse impact upon highway safety and would accord with policies SP7 and DM5.

Conclusion

The principle of development is acceptable, not being detrimental to the character or appearance of the locality. The scheme is acceptable in amenity and highway safety terms and approval is recommended, subject to conditions.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

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 carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

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- Drawing no.1: proposed block plan, received on 05 March 2020
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unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

Notes to Applicant

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/

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.

BACKGROUND PAPERS

Application case file.

For further information, please contact Yeung Browne on ext 5893.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/00327/FUL

