

PLANNING COMMITTEE – 3 JULY 2018

Application No:	18/00697/OUT		
Proposal:	Erection of a proposed dormer bungalow (all matters reserved except for access)		
Location:	Meadow View, Fiskerton Road, Rolleston, Newark On Trent, Nottinghamshire, NG23 5SH		
Applicant:	Mr & Mrs Reilly		
Registered:	19 April 2018	Target Date: 14 June 2018	<i>Extension agreed to: 6.7.18</i>

The application is referred to the planning committee as the officer recommendation is contrary to the view of the Parish Council.

The Site

The site is situated within the parish of Rolleston and comprises an approx. 18 m x 44 m parcel of land within the larger approx. 50m x 41m paddock situated to the south-east of 'Meadow View' which is to the south side of the village of Rolleston off Fiskerton Road. Further to the south east of the site is a field which serves the adjacent agricultural unit – across this field is the property known as 'Springfield Lodge'.

To the north and north-east of the site is agricultural land and countryside. There are properties in existence across the highway to the south-west of the site which are set back within their plots and are surrounded by open fields. Some 60 m to the south of the application site there is no development present across the highway and on the north side of Fiskerton Road development terminates at Springfield Lodge until 'New Manor Farm' approx. 200 m to the south-east. The remainder of the area is characterized by rolling open countryside.

The application site is predominantly located within FZ2 as identified by the EA flood mapping with the south west corner of the site identified as FZ1. The wider paddock land is mostly FZ2 with the north-east portion of the paddock within Flood Zone 3 and a drainage dyke to the south-east of the site that runs along the site boundary with a portion of land benefiting from flood defences to the south.

Relevant Planning History

No relevant planning history.

The Proposal

Outline planning permission is sought for the erection of a dormer bungalow on the paddock land. The application is in outline form with only access a consideration and matters of Appearance,

Landscaping, Layout and Scale all reserved. The layout as submitted with the application is purely for indicative purposes to show how the dwelling could be arranged on the site however this is not for consideration within this application. The submitted plans do however show the application site is capable of accommodating the proposed dwelling in flood zone 1.

The application seeks outline planning permission for the reconfiguration of existing access arrangements to serve the proposed dwelling. Both dwellings would share the same access.

Departure/Public Advertisement Procedure

Occupiers of 6 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural areas
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations and Development Management DPD (adopted July 2013)

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
Planning Practice Guidance 2014
Landscape Character Assessment SPD 2014

Consultations

Rolleston Parish Council – Support the proposal - “The parish council noted that the application is in outline only and would expect to have the opportunity for further consultation when detailed information becomes available, particularly in relation to the property’s siting within the application land in terms of proximity to the road which councilors commented certain concerns”.

NCC Highways – “This proposal is for the construction of a new bungalow adjacent Meadow View. The existing access for Meadow View is to be widened and will serve both dwellings.

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 the access has been completed, surfaced in a bound material, and have a minimum width of 4.25m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstructions over 0.6m above the carriageway level at all times.

Reason: In the interests of pedestrian safety.

3. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

4. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with drg. no. 340.2018.01. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

Note to applicant

The development makes it necessary to alter a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out."

NSDC Access and Equalities – "As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general maneuverability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the new dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, 'step-free' access to and into the dwelling is an important consideration and an obstacle free

suitably surfaced firm level and smooth 'traffic free' accessible route clear of parked vehicles is important to and into the dwelling from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, corridors etc. all carefully designed to facilitate easy access and maneuver throughout are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters."

Trent Valley Internal Drainage Board – "The site is within the TVIDB district. The Board maintained Rolleston Sewer, an open watercourse, exists in close proximity to the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or similar growth within 9 m of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The erection or alteration of any mill dam, weir or other obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the EA will be required).

Surface water run-off rates to receiving watercourses must not be increased as a result of the development."

LCC Historic Environment Officer - Archeological Advice – "This site lies within the core of the settlement of Rolleston and immediately to the rear of this site there are possible earthworks of medieval date. Across the road there is a large site that has been identified as a possible Iron Age Roman settlement. This suggests that the proposed development could disturb archaeological finds and features that could inform us regarding either the medieval settlement of Rolleston, or the earlier Iron-Age to Roman use.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction.

Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

[Local planning authorities] require developers to record and advance understanding of the

significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Policy 141. National Planning Policy Framework (2012).

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details."

Comments of 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 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 has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by an Inspector through recent appeal decisions dated April 2018.

Principle of Development

The settlement hierarchy for the district is set out in Spatial Policy 1, whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration. It goes on to say that development away from the main built-up areas of villages, in the open countryside will be strictly controlled and restricted to uses which require a rural setting such as agricultural and forestry and directs readers to the Allocations and Development Management DPD for policies that will then apply.

As such Spatial Policy 3 is the relevant starting point for considering the scheme.

The first criterion 'Location' states 'new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' This application site is not, in my view, within the main built up part of Rolleston. In reaching this conclusion I have had regard to the guidance note accompanying SP3 which states that:-

"Settlements within Rural Areas do not have urban boundaries or village envelopes defined within the development plan and so it is necessary to define the main built up area of the village by reference to the layout of existing development. The justification for the Policy at paragraph 4.8 states that for the purposes of decision making the main built up area would normally refer to the buildings and land which form the core of the village where most housing and community facilities are focused. In villages of a linear form the main built up area will be defined by the outer extent of

the main concentration existing development. In such settlements the appropriate location for development would normally be gaps within the existing development. It will not be appropriate to infill large gaps between isolated pockets of housing to extend ribbon development into the countryside."

The site is situated to the south side of the village of Rolleston off Fiskerton Road and relates to approximately 18m x 44m paddock situated to the south-east of 'Meadow View', further to the south east of the site is a field which serves the adjacent agricultural unit – across this field is the property known as 'Springfield Lodge'. The infilling of paddock land between what is essentially a substantial gap between two houses is an argument that could be repeated too often and an approach as set out in the guidance note (above) is more appropriate.

To the north and north-east of the site is agricultural land and countryside, given the reduction in density of development along this part of Fiskerton Road and to the south-east of the application site I consider this site to be outside of the built up area of the village. Whilst I acknowledge that there are properties in existence across the highway to the south-west of the site I note that these are set back within their plots and are surrounded by open fields. Some 60 m to the south of the application site there is no development present across the highway and on the north side of Fiskerton Road development terminates at Springfield Lodge until 'New Manor Farm' approx. 200 m to the south-east. The remainder of the area is characterised by rolling open countryside. Taking all of this together I conclude that the site cannot be regarded as being within the settlement and is therefore open countryside in planning policy terms.

SP3 goes on to say that *'Development away from the main built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which required a rural setting such as Agriculture and Forestry...The Allocations and Development Management DPD will set out policies to deal with such applications.'* Given that I have concluded the site is within the countryside, I am of the opinion that SP3 signposts me to Policy DM8 (Development in the Open Countryside) of the A&DM (DPD). The scheme is therefore assessed on this basis and in line with Paragraph 55 of the NPPF. This states that Local planning authorities should avoid new isolated homes in the countryside. This follows the golden thread of the NPPF which is the presumption in favour of sustainable development. Creating a new dwelling in the open countryside outside of the built up area would result in an increase in car based traffic in accessing the dwelling and surrounding services.

Both national and local planning policy restricts new development in the Open Countryside. Policy DM8 of the ADMDPD seeks to strictly control development in the open countryside and limits this to a number of exceptions including for a proven agricultural/forestry worker or where the dwelling is of exceptional quality or innovative design. In this instance the application is not advanced as one for an agricultural worker nor indeed is it advanced as being of an innovative design.

It is noted that the NPPF seeks to avoid isolated dwellings in the countryside. Whilst the site is judged to be countryside, given its located at the edge of Rolleston, it is not necessary considered isolated. However, with reference to access to services and other villages I have the following observations; the site is within relatively close proximity to a bus stop on Fiskerton Road which provides hourly access to the settlements of Southwell & Newark. However facilities in Rolleston are limited to a pub/restaurant, village hall & church. In the inspectors appeal decision in 2008 it was stated that *'although the adequacy of public transport services to the village may be disputed this consideration alone would not make this as sustainable a location as a larger settlement with*

more services.'

The Council recognises that an inspector's decision in respect of Land to the South of Bilsthorpe Road in Eakring, dated 23rd January 2018, concluded that policy DM8 of the Allocations and Development Management Plan Document, and Policy SP3 of the Core Strategy, are inconsistent with paragraph 55 of the NPPF and out of date, so that the weight given to any conflict with them should be greatly reduced. The Council respectfully disagrees with the inspector's conclusion, which it considers to be unlawful. It intends to challenge the decision under section 288(1) of the Town and Country Planning Act 1990. Pending the determination of its claim, the Council will proceed on the basis that Policy DM8's approach to controlling development in the countryside for the purpose of promoting a sustainable pattern of development in accordance with CS SP3 is fully consistent with the Framework. Policy DM8 will therefore be accorded full weight.

It is the Council's view that whilst not 'isolated' in a true sense in that would not be very far from the village, the primacy of decision making should be with the Development Plan in a plan led system. Policy DM8 is considered as up to date and should therefore take precedent.

The proposed development site is a grassed paddock devoid of built form and as such is considered as a green field site. The proposed development would result in an extension of the built form of the village in the surrounding countryside. In my view the development is clearly open to view and would be prominent from the highway and across the adjacent fields. I conclude that the proposed development would harm the open and undeveloped character of the surrounding countryside by encroaching into the countryside which would constitute an unsustainable pattern of development. It would also set a precedent that would make similar forms of development difficult to resist the cumulative effect would be to have further harmful encroachment if repeated elsewhere.

Impact on Flood Risk

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF adopts a sequential approach to flood risk advising that development should first be directed towards less vulnerable sites within Flood Zone 1. Where these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific Flood Risk Assessment (FRA), the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted.

Para 102 states that 'if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate'

Para.103 of the NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated 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 application site is predominantly located within FZ2 as identified by the EA flood mapping with the south west corner of the site identified as FZ1. The wider paddock land is mostly FZ2 with the north-east portion of the paddock within Flood Zone 3 and a drainage dyke to the south-east of the site that runs along the site boundary with a portion of land benefiting from flood defences to the south. The layout as submitted with the application is purely for indicative purposes to show how the dwelling could be arranged on the site within FZ1, however after discussions with the applicant they have advised that they wish for the layout to be a matter that is reserved and as a result it is not possible for me to consider the acceptability of specific layout within this appraisal.

The agent has provided further plans during the life of the application in an attempt to address the Parish Council comments on siting but this plan still indicates that a dwelling could be accommodated within the land designated as FZ1 by the EA. It has also been stated in an email received 21.6.18 that they feel a condition could be placed on any approval restricting the siting/layout of a dwelling on the parcel of land within the SLP beyond flood zone 2 which could subsequently be a matter to be assessed as part of a RMA. Whilst I appreciate the comment made regarding imposing a condition that the dwelling be restricted to the land in FZ1 I do not consider that, in accordance with para.206 of the NPPF, a condition of this nature would be reasonable given the agent has reaffirmed that the layout of the dwelling is to be a matter that is reserved for later approval. As I cannot consider the siting of the dwelling in this application, and given the site includes land designated as FZ1 and FZ2 I must apply the aforementioned tests as directed by the NPPF.

At the request of the planning officer, a Flood Risk Assessment has been submitted by the applicant (received 22.06.18) to support the application. Whilst the applicant maintains that the dwelling could be sited in FZ1, given part of the site also includes FZ2 it is important to consider the site as a whole, especially given the layout of the dwelling has been confirmed to be kept as a matter reserved. The FRA states that the dwelling would be located in FZ1 and as a result would be at a low risk of flooding from fluvial, groundwater and existing sewers and therefore the standard raising of finished floor levels a minimum 150mm above the surrounding ground levels would be sufficient mitigation against flooding. Whilst I appreciate that the dwelling could be accommodated within FZ1 and that the FRA demonstrates that in this specific location the proposed development would not be at a significant flood risk, and would not increase flood risk to others (subject to appropriate mitigation), I would reiterate that the applicant has further resisted the consideration of layout within this outline application and wishes for this to be considered at reserved matters stage.

As the applicant has resisted that the layout be confirmed within this application I am left to make a judgement regarding the suitability of a dwelling being located at any point within the site. The FRA does not consider the siting of the dwelling within FZ2 and as a result does not demonstrate that at any location within the site the dwelling would ensure the safety of future occupiers and would not increase the risk of flooding to third parties. As part of the site within the SLP falls within Flood Zone 2, the proposal is subject to the Sequential Test in accordance with national planning policy and the Newark and Sherwood Development Plan.

The D&A Statement states that the applicant wishes to build a new dwelling for their elderly relatives to move into, however in an email received 21.6.18 the agent has stated that the new dwelling is proposed to be constructed to allow the applicants to decant from Meadow View into the proposed, smaller dwelling, which would "free up" a larger property for the local housing

stock. The agent states that the applicant has lived in the village for around 24 years and wishes to remain part the local community. As such, sites beyond Rolleston would not provide a reasonable alternative for this purpose, to the application site.

Paragraph 33 of the Planning Practice Guidance: Flood Risk and Coastal Change advises that for individual planning applications where there has been no sequential testing of the allocations in the development plan, a pragmatic approach on the availability of alternative sites should be taken and the area to apply the Sequential Test will be defined by local circumstances relating to the catchment area for the type of development proposed. Para. 33 also provides guidance as to the area that should be used in the Sequential Test for the proposal subject to this Flood Risk Assessment. It states that where there are large areas in Flood Zones 2 and 3 and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. It also uses the example of an extension for an existing business premises to advise that where the proposal needs to be in a certain location, it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

Whilst I appreciate that the guidance uses an example of where alternative locations are unsuitable for a development that requires a particular location, this example is not considered to be applicable for the application at hand. The guidance states that the development must be needed to 'sustain the existing community' – in this context there has been no evidence put forward to demonstrate that there is a specific and identified local need within Rolleston, and therefore, whilst I am mindful that the applicant seeks to construct a dwelling for themselves, or indeed a relative to live in in order for them to remain in the village it is clear that this is a demonstration of personal need rather than that of the wider community.

Given the applicant has failed to demonstrate that there is an identified local need within Rolleston for a new dwelling that could outweigh the Flood Risk concerns and that there are other allocated sites within Flood Zone 1 and more sustainable settlements within the District I consider that the proposal fails the sequential test and has failed to adequately demonstrate how people would be kept safe from flood hazards identified.

I fully appreciate that a reserved matters application could advance a dwelling to be sited within Flood Zone 1, however, without the ability to agree layout at outline stage (an approach rejected by the applicant) this would by no means be guaranteed. The risk of an outline approval is that it would establish the principle of development within the site and therefore the LPA would lose the ability to apply the Sequential Test at reserved matters stage.

Table 3 of the NPPG guidance (Flood Risk Vulnerability Classifications) indicates that 'more vulnerable' developments in Zone 2 (where the dwelling could be located in this case, given the site includes land in FZ's 1 & 2) are appropriate following the application of the Sequential Test. The applicant has not carried out the Sequential Test. However given that there is no specific need for a dwelling to be sited in this location the dwelling could be provided within flood zone 1 anywhere else in the district, of which there are many sites, including those in more sustainable locations including strategic sites, allocated sites and windfall sites which are also at lower risk of flooding.

Moreover, in the absence of an appropriate Flood Risk Assessment for the site (that assesses the potential of a dwelling in FZ2), it is not possible at this stage to robustly apply the Exception Test (notwithstanding that this would only be applied if the Sequential Test were considered to be

passed). 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 2012, a material consideration.

Impact on Highways

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.

NCC Highways have provided their comments in relation to the proposed development based on the indicative layout plan that has been submitted detailing the access arrangement and the visibility splays. The new dwelling would share the existing access point for 'Meadow View' which is proposed to be reconfigured to achieve adequate vehicular visibility splays of 2.40 m x 43 m.

Subject to compliance with the above details in the Highways consultation the application is not considered to detrimentally impact upon the highway and is therefore be in accordance with SP7 and DM5.

Given that the existing access point is to be reconfigured rather than a new access created the works would not have a significant impact on the existing boundary hedgerow as such the proposal would not have an adverse impact upon the character and appearance of the area.

Impact on Neighbouring 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. An assessment of amenity impact also relates to both the existing neighbouring occupiers and the occupiers of the proposed dwellings in terms of the amenity provision. Given that the proposed development is only outline, only an indicative site layout has been provided. However given the separation distances between the individual properties and neighbouring dwellings it is not considered that the proposed layout would detrimentally impact upon the amenity of surrounding properties.

Conclusion

With regards to location, the site is not considered to be within the main built up part of Rolleston. It is judged to be countryside and the proposal would be contrary to DM8 of the Development Plan. In my opinion, as a matter of principle the location of the site means that the development would constitute development in the countryside which would represent an unsustainable form of encroachment and would set a harmful precedent for similar forms of development the cumulative impact would be to erode the character and appearance of the village.

It has been concluded that the site lies outside of the settlement of Rolleston and forms part of the countryside. The development of a new dwelling in the countryside is unacceptable as a matter of principle. There is no need for this speculative dwelling to be located in this particular area. Furthermore the site lies within Flood Zones 1 and 2 and it is considered that there are other sites at lower risk of flooding elsewhere in the district that could provide for such a dwelling. The proposal therefore fails the Sequential Test set out in the NPPF. Nor has it been demonstrated

that the proposal, at any point in the site, would not result in increased levels of flood risk through a full Flood Risk Assessment considering the different siting options in the absence of an approved layout.

It has been concluded that the proposal would adversely affect the rural setting of the village as a matter of principle and that in any event given that matters of precise location of the dwelling or detailed design have not been submitted with this application it fails to be demonstrated that the dwelling would be of “exceptional quality or innovative nature” in accordance with the exception point of Para 55 of the NPPF.

I therefore conclude that the application is contrary to the Development Plan and the NPPF and should be refused accordingly.

RECOMMENDATION

That outline planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority the application site lies outside of the main built up part of Rolleston and it therefore falls to be assessed as development in the open countryside. Both national and local planning policy restricts new development in the countryside. Spatial Policy 3 (Rural Areas) of the Core Strategy and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD seek to strictly control development in the countryside and limits this to a number of exceptions. This application does not meet any of the exceptions. This proposal represents an unsustainable form of development where there is no justification and the proposal could lead to pressure for similar developments elsewhere in the open countryside that consequently would be difficult to resist if this scheme were to prevail. The proposal is therefore contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and Policy DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management DPD which together form the Development Plan as well as being contrary to the NPPF which is a material consideration.

02

The outline nature of the application seeks confirmation of the acceptability of the principle of the development on site and reserves matters including layout, appearance, landscaping and scale for subsequent approval. As such, it is not possible to consider a precise layout of the proposal as part of this application. The site lies within both Flood Zones 1 and Flood Zones 2. No sequential test has been submitted with the application.

This development is speculative and there is no identified need for a dwelling at this site. There are many other sites within the district that are within Flood Zone 1 at lower risk of flooding that could accommodate such a dwelling. Nor has it been demonstrated that no adverse impact on flood risk would result. As such the proposal 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 as well as the National Planning Policy Framework 2012 and National Planning Practice Guidance, which are material considerations.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

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/

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext. 5827.

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 and Regeneration

Committee Plan - 18/00697/OUT

