

PLANNING COMMITTEE - 7 AUGUST 2018

Application No:	18/00373/FUL	
Proposal:	Proposed erection of 1no. (2-bedroom) dwelling	
Location:	Land Adjacent To The Manor House, Main Street, Hoveringham, Nottinghamshire	
Applicant:	Mrs A Halfpenny	
Registered:	22 February 2018	Target Date: 19 April 2018 Extension of Time being sought

Update

Members may recall that this application was presented to the Planning Committee in May 2018 where Members resolved to approve this application, contrary to Officer recommendation, subject to:

- The applicant demonstrating that the proposal would not increase flood risk to third parties and to appropriate and proportionate mitigation measures for possible flooding to be secured by conditions as well as other suitable conditions.*

Following the May committee, comments from the Environment Agency (EA) team were received on the 5 July 2018. For the avoidance of doubt the EA were consulted when the application was validated in February 2018 however as a result of their internal system error the consultation was not received. The application was brought to their attention by a third party which highlighted that they had not responded – as such, this correspondence represents their first comments on the proposal.

Whilst I note that the Planning Committee, as the LPA, have already resolved to support the scheme subject to conditions and demonstration that the scheme would not increase the flood risk to third parties, such comments represent new material information that need to be considered in an overall planning balance given that the planning permission has not yet been issued, pending the submission of the additional requested information.

The key point for Members is whether this new information changes your overall resolution to grant planning permission. Save for the Flood Risk appraisal, the only other amendment is the application of the revised NPPF which was released 24th July 2018. The remainder of this report remains as published but has been updated to include the additional consultee comments submitted. For ease of reference additions to the original report are in bold italicised print.

This application was previously referred to the Planning Committee for determination as the officer recommendation was contrary to that of the Parish Council.

The Site

The application site comprises part of the residential curtilage of 'The Manor House', Main Street, Hoveringham. The site is surrounded by existing residential development, with the remainder of the residential curtilage of 'The Manor House' to the north and east and the 4no. dwellings granted as a consequence of the redevelopment of 'Manor Farmstead' to the west. The site is naturally/physically divided from the balance of the garden grounds by a mature coniferous hedgerow and large trees, creating a sense of enclosure and providing a clear distinction from the wider residential curtilage beyond.

The application site is situated within a predominantly residential area towards the southern end of Hoveringham. Hoveringham is defined an 'Other Village' within the Core Strategy and does not have a defined village envelope. Hoveringham is also washed over by the Green Belt and the site lies within the defined Conservation Area.

In addition, the Environment Agency's Indicative Flood Map shows the site to be within Flood Zones 2 and 3 and as such it is necessary to consider the flood risk implications of the proposal. The proposed dwelling has been sited within the area of the site within Flood Zone 2 – the lowest area of risk within the site.

Relevant Planning History

No relevant planning permission on this application site.

The Proposal

Following the request of the Committee, the applicant has submitted a revised Flood Risk Assessment received 17th July 2018.

Full planning permission is sought for the erection of a two storey dwelling that would be sited to the west of the garden area of The Manor House, Hoveringham. The property would have a footprint of approximately 150 m² and be 7.7 m high to the ridge of the roof. Internally at ground floor the dwelling comprises a large dining and living area a kitchen and utility, a study/guest room and en-suite and cloakroom. At first floor the dwelling is proposed to have a master bedroom and ensuite.

The dwelling is proposed to be sited 1.9 m from the western boundary, 45 m from the eastern boundary with the highway, 8 m from the southern boundary and 27 m from the hostdwelling to the north.

The dwelling has been designed with the appearance of a dower house within the grounds of 'The Manor House'. Materials proposed include a light render, a grey natural slate roof, gothic style arched windows and a regency style veranda to reflect those of 'The Manor House'.

Access to the site will be taken to the south of the site along the existing private access track.

Amenity space would be provided to the front and sides of the dwelling with the existing mature hedgerow to separate the plot from The Manor House.

2 parking spaces will be provided.

Departure/Public Advertisement Procedure

Occupiers of seven neighbouring properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

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 4B: Green Belt Development

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 – Sustainable Transport

Core Policy 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 - Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- ***National Planning Policy Framework 2018 (July)***
- ***Planning Practice Guidance 2018***
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Hoveringham Parish Council – “Hoveringham Parish Council have discussed this application and have no objection, however the service road which will be used for access was originally limited to a build of five dwellings, perhaps this could be checked”

NCC Highways – “Vehicular access to the proposed dwelling is from an existing private drive serving four dwellings. A desktop analysis has identified that the drive is surfaced with loose material that is gradually being discharged to the public highway. The additional trips generated

by the dwelling will degrade the material further. The drive should therefore be re-surfaced in a bound material to prevent such occurrences.

RECOMMENDATION:

There are no highway objections subject to the following condition:

Occupation of the proposed dwelling shall not take place until the private drive access on Main Street has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary. The drive shall then be maintained in the bound material for the lifetime of the development.

Reason: In the interest of highway safety.

NSDC Access and Equalities Officer – “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 manoeuvrability 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. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. 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 manoeuvre 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.”

Environment Agency – (5/7/18)

“Thank you for consulting us on the application above. Please accept our apologies for the delay in getting a response back to you; unfortunately, we have no record of having been consulted back when the application was first validated.

Environment Agency position: In the absence of an acceptable Flood Risk Assessment (FRA) we object to the proposal as currently submitted and recommend refusal on this basis for the following reasons:

Reason - The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance (PPG) or the National Planning Policy Framework (NPPF). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Adequately consider the impacts of climate change:

The development site appears to overlap flood zones 2 and 3, defined as having 'medium' and 'high' probabilities of flooding, respectively. 'More vulnerable' residential developments in Flood Zones 2 and 3 are required to consider the impacts of climate change, as per the most recent Government guidance which can be found at the following link: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

To quickly summarise what this guidance means for this application - the FRA must consider the impacts of the Upper End (50%) and Higher Central (30%) climate change allowances.

The most recent flood risk model for this location is the Trent and Tributaries at Newark, SFRM2, carried out by Halcrow in July 2011. Please note, this model only has only calculated flood levels for the 1 in 100 year 20% climate change scenario; it has not considered the most recent allowances of 30% or 50%, as required by national planning guidance. The applicant will therefore need to calculate estimated flood levels for the 1 in 100 year event with 30% and 50% allowances for climate change, themselves. Once this has been done, our advice is that the finished floor levels (FFL) of residential development should be set above the flood depths arising from the 1 in 100 year 30% climate change scenario, plus an appropriate freeboard, or alternatively, set at the 1 in 100 year 50% climate change scenario level without freeboard.

Finally, the current FRA does not provide a topographic level for the existing ground levels, or the proposed ground floor levels.

2. Consider the effect of a range of flooding events, including extreme events, on the development and future occupants:

The FRA does not include detailed data on the flood risks at this location. We hold data which will assist the applicant in producing a revised FRA – the applicant is advised to request as a 'Product 4' from our Customers and Engagement Team at EMDenquiries@environment-agency.gov.uk. The information available includes hydraulic model data with modelled flood heights. These modelled flood heights will need to be revised to consider the impacts of climate change, and then compared to the topographic levels at the site. This information can then be used to plan flood risk mitigation measures, i.e. FFL.

3. Demonstrate how future occupants, and third parties, will be kept safe from flood hazards identified:

As the site is in the undefended floodplain of the River Trent, the construction of the building and any raising of ground levels will take up floodplain storage, as well as potentially diverting flood water elsewhere. The FRA should consider existing flood flow routes, and how these may be affected by any development of this site. Furthermore, floodplain compensation must be provided on a level for level, volume for volume basis, up to the 1 in 100 year climate change flood scenario. Please note - this may not be possible on site, as the modelled flood outlines we hold currently show the majority of the site to be affected by a 1 in 100 20% climate change flood. If this is in fact the case (which can only be confirmed once the applicant has compared a site specific topographical survey to the flood levels on site including an allowance for climate change), the FRA should design floodplain compensation for at least the basic 1 in 100 year flood outline.

We would like to take this opportunity to highlight that we do not consider the raising of buildings on piles to be a suitable floodplain compensation measure, as the voids are often filled in, or used for storage, over time. The FRA should also consider access and egress from the property during the modelled flood scenarios, including consideration of the safety of road routes. The current access/egress route from the property looks to be through the 1 in 20 year flood outline, which is defined as flood zone 3b (or functional floodplain). We would not consider it appropriate to locate any access road through areas of flood zone 3b. When submitting their Product 4 data request (mentioned above), the applicant should also request flood height (grid map) data for the 1 in 20 year return period, so that they can compare the site topography to these modelled flood levels. Again, we would just like to highlight that ground levels on site should not be raised, without providing adequate floodplain compensation to mitigate this.

Overcoming our objection: The applicant can overcome our objection by submitting an amended FRA which covers the deficiencies highlighted above, and demonstrates the safety of the development and future occupants, without increasing flood risk to third parties.

We ask to be re-consulted once an amended FRA is submitted. We will then provide you with further comments within 21 days of any reconsultation. Please note, our objection will be maintained until an adequate FRA has been submitted and approved by us.

Revised comments received 25.7.18 –

“Thank you for re-consulting us on the application above, on 24 July 2018, following receipt of an amended Flood Risk Assessment (FRA).

Environment Agency position - The amended FRA has failed to adequately address the issues raised in our previous response, and we therefore maintain our objection to the proposal as submitted and recommend refusal on this basis for the following reasons:

Reasons - It is our opinion that the amended FRA fails to comply with the requirements set out in the Planning Practice Guidance (PPG) or the National Planning Policy Framework (NPPF). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

- 1. Take the impacts of climate change into account, or consider the effect of a range of flooding events including extreme events on people and property:***

The amended FRA states that finished floor levels (FFL) will be set at 16.93mAOD, which is the same level as the 1 in 100 year plus 20% climate change flood level - without any additional freeboard. This is contrary to the guidance set out in our previous response which states that the FFL of 'more vulnerable' residential development should be set above the 1 in 100 year plus 30% climate change level, plus additional freeboard, as a minimum. In fact, where possible, FFL would ideally be set above the 1 in 100 year plus 50% climate change level. We have already recognised that the existing flood level data for this site has not considered these new climate change allowances; we agree that it would be unreasonable to re-run the model for the Trent and Tributaries at Newark (dated 2011) to obtain this data. Instead, for small-scale development proposals such as this one, we are content for consultants to use the existing data to estimate the required flood levels, and add an additional freeboard to cater for this uncertainty. For example, the existing 1 in 1000 year flood level data is often used as a 'proxy' for the 1 in 100 year plus 50% climate change level, as it considered the 'worst case' scenario. For this particular application, setting FFL at the 1 in 100 year plus 20% climate change flood level is not appropriate; however, if a 300mm freeboard were to be added, this would give a proposed FFL of 17.22mAOD – this would mean that FFL's are set very close to the 1 in 1000 year flood level of 17.29mAOD, and we would be comfortable with such a proposal. This would be a far more appropriate FFL given the long-term flood risks at this site. We request that the FRA is amended to include this recommendation.

2. Consider how people will be kept safe from flood hazards identified:

The proposed access to the site goes straight through an area of flood zone 3b, defined as functional floodplain (the 1 in 20 year flood outline). The NPPF and PPG clearly state that no development (including access roads) should be permitted in areas of flood zone 3b, apart from 'water compatible' uses. We do not consider access roads to be water compatible and nor, it would seem, does the PPG. Siting development in areas of Flood Zone 3b is clearly contrary to the NPPF and should not therefore be permitted by the Local Planning Authority (LPA).

Furthermore, siting the access road through the 1 in 20 year flood outline will mean access and egress to/from the property is restricted during a flood event due to that area being at very high risk of flooding (5% annual probability). The FRA should acknowledge this when considering access and egress from the property during flood scenarios, and propose alternative mitigation to demonstrate how safe access and egress might be provided.

Finally, to provide floodplain compensation for the proposed dwelling, the FRA suggests lowering the level of the access road. This will increase the flood depths along the access road within the functional floodplain, which would further increase the issues highlighted above. To provide effective floodplain compensation up to the 1 in 100 year flood event, the compensation should be located outside of flood zone 3 (also defined as the 1 in 100 year outline). To show the compensation as level for level, volume for volume, the storage required is usually calculated in 20cm 'slices'. The FRA should be amended to take account of this, showing how compensation will be provided in areas of Flood Zone 1 or Flood Zone 2 only.

Overcoming our objection - The applicant can overcome our objection by submitting an amended FRA which covers the deficiencies highlighted above, and demonstrates the

safety of the development and future occupants without increasing risk to third parties. If this cannot be achieved we are likely to maintain our objection to the application.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal reconsultation.

Trent Valley Internal Drainage Board – “The site is within the TVIDB district. There are no Board maintained watercourses in close proximity to the site.

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.

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 site drainage systems must be agreed with the LLFRA and LPA.”

Following the release of the revised NPPF on the 24th July 2018 the conservation officer has advised “I have now read and understood the new NPPF and can confirm that the revised NPPF does not materially affect my comments on this application.”

NSDC Conservation – “Land adjacent The Manor House, Hoveringham

18/00373/FUL

Proposed new two bedroom house

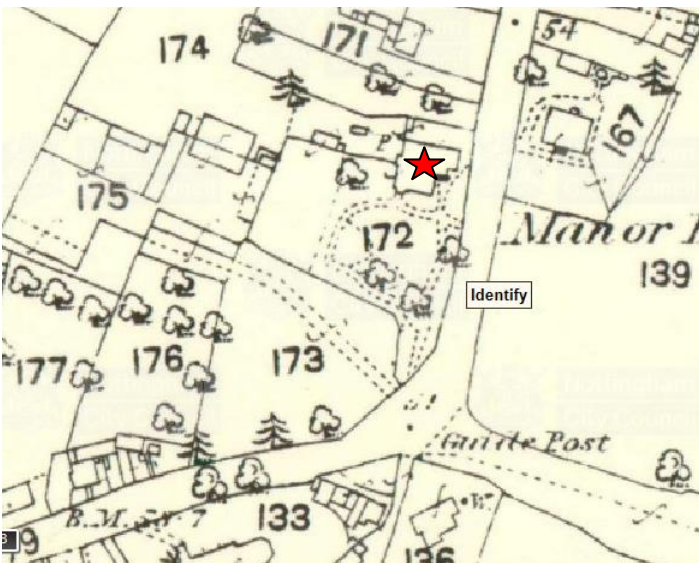
The building called The Manor House is an attractive unlisted historic building, which is within and contributes positively to the Conservation Area of Hoveringham.

An extract from Sanderson’s Map of 1835 (below) shows a building *approximately* on the same site as the current one (it is hard to be sure as the road has been narrowed at this junction over time, making plots sizes change slightly and therefore making comparison harder) but with other land parcels shown within the current garden area of The Manor House. If there was a manor house here in 1835 it did not have extensive grounds and does not exactly follow the same building form as it does today (though this may be down to more pictorial representations of building on Sanderson’s Map).



Sandersons Map 1835

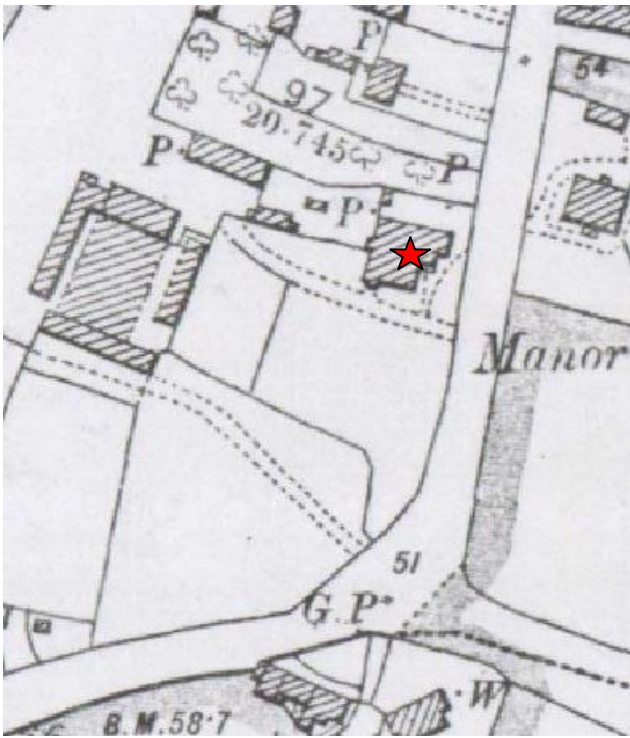
The current building can easily be recognised in the 1875-1885 OS Map below (marked by a red star) and has the appearance of a Victorian building.



1875-85 OS Map



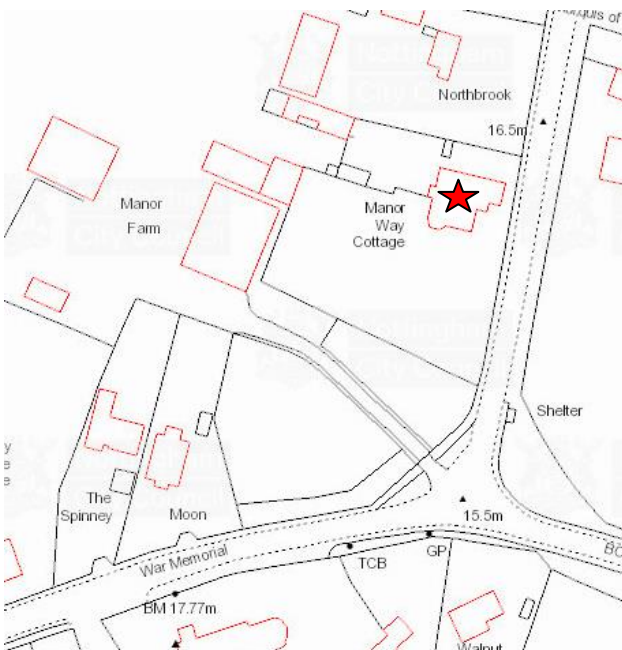
By 1887-89 the plot layout had again changed by the creation of an access track in front of the building and the clear division of the dotted land parcel adjacent (which forms the current application site):



1887-89

The historic maps show that the large garden currently enjoyed by The Manor House is a relatively recent creation, with the southern part of the plot being a separate field with a farm track across it and the area now proposed for development being a separate plot.

The lower farm track survived as late as 1996, see the map below (note at this date the building was not called The Manor House but Manor Way Cottage):



1996

Since 1996 the farm track has been removed and this area of land incorporated into the garden of The Manor House. A new access track has more recently been created to the west of the garden leading up to the conversions and new build of Manor Farm.

While the historic maps show a degree of formal landscaping (trees and paths) immediately in front of The Manor House, the land parcel to the west (which forms the proposed development plot) is shown as divided off in some way, albeit probably still part of the same land ownership. Today this land parcel is part of the modern garden but is delineated by the tall, mature hedge and trees which give it a reasonable degree of visual and physical separation from the Manor House.

Were the proposed development plot historically or currently part of the formal landscaped grounds for The Manor House I would be concerned about creating a building plot here, however this is not the case. In character terms this land seems to have been a separate land parcel, not part of the formal grounds at any time, but perhaps in the same ownership as The Manor and used for some ancillary purpose.

It is, therefore, not necessarily out of character to develop this land, especially as a new structure here could be clustered with other outbuildings (a lean-to outbuilding and the converted Manor Farm complex), would not encroach on the formal garden of The Manor House and is well within the historic and built up core of the village.

In terms of visual impact on The Manor House and its setting from this proposal I think the impact would be quite limited. Views out from The Manor House currently incorporate the formal gardens directly to the front but the proposal site is visually hidden by being off to one side but also by the tall mature hedge around it. A single storey structure could be built here with little visual impact on views out from The Manor House.

In terms of views back towards the Manor House from the road and public realm, views looking west will be mostly screened by the mature hedge, while in views looking north the new build would be set well back into the plot, off to one side of the Manor House, clustered against other outbuildings and largely, although by no means totally, obscured by the roadside hedgerow and tall laurel hedge now lining the access drive to the Manor Farm complex. The sense of greenery and spacing around the Manor House would be largely maintained and the impact from the public realm greatly softened by distance and existing green screening. Obviously there would become a building where currently the land is green and open, but this is not necessarily harmful, given the village core location, the fact that the new build would be clustered against existing development and the different function of this land parcel to the more formal garden area.

In terms of the wider impact on the Conservation Area, this is the historic core, so it is an area of the village one would expect to see clusters of development. The overall grain of the village at this point is quite mixed but sees a lot of development set back from the road edge within green grounds, which this would maintain. It is not creating backland development in its plan form, which is generally a plan form I would be keen to avoid. On balance, I do not think a new dwelling here would be harmful to the character or appearance of the Conservation Area.

The relatively recent creation of the new drive to the Manor Farm complex provides the means to access this proposed new house without any encroachment across the formal garden area of The Manor House or the creation of an otherwise unattractive street front visibility splay.

A key point that must be followed if this is to be considered a development plot is the need to maintain the soft green boundary to the north and east and to create a similar hedged or estate fencing enclosure to the south. A close boarded fence or similar would not be appropriate.

In terms of the design of the proposed new house I have the following comments. The height of the proposed dwelling is single storey, allowing the existing green boundaries to largely obscure the proposed structure from view. In terms of its design I note it has been consciously designed to relate the host building as a smaller lodge, bothy or dower house type structure. While I accept the design is somewhat of a pastiche and is creating a more ostentatious design than, say, a red brick and pantile outbuilding, it is not out of character for a Victorian building like this to have had associated structures built in a similar style. From the public realm the glimpses of the structure will show one which relates to, but is clearly ancillary to, the host building, which will not be harmful. Overall, I do not object to the proposed design. On a smaller note I think the south east elevation could be improved by re-designing the large bi-fold doors, which perhaps need a paneled kick plate to look more in keeping.

Overall I think the proposal will not harm the setting of this positive building or the character and appearance of the Conservation Area. The proposal does not bring any specific heritage benefits but would, I believe, meet the statutory test of preservation of the Conservation Area, under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Subject to conditions over materials, finish and especially landscaping I have no objection.

Given the map evidence from 1835 of other structures on this site, if this is likely to be approved I would seek the advice from Archaeology and would probably suggest a pre-determination evaluation of the site to inform any conditions going forwards.”

Whilst noting that the conservation officer raises no objections to this proposal, they do suggest the elevation from the South East could be *“improved by re-designing the large bi-fold doors, which perhaps need a panelled kick plate to look more in keeping”*. As such, revised plans were submitted 29.3.18 taking on board these suggestions.

Neighbour Comments – 5 comments have been received in objection to the proposed development. The comments can be summarised as follows:

- There is an existing covenant restricting development to the existing footprint of the building.
- A new 2 storey dwelling is not consistent with the ethos of the village.
- Responsibility for maintaining the shared driveway for the proposed property.
- Health and safety risk to children playing in the current shared drive that will be at risk due to increased vehicle volumes.
- Proposal is out of character with the surrounding area.
- Highways concerns over off-street parking and the access lane. Also highways concerns regarding the suitability of the junction to serve an additional dwelling.
- Proximity of the new building to the existing house on the plot.
- The proposal will spoil the tranquillity of the village.
- The proposal will spur more people on within the village to develop on their front garden plots.

- Concerns over replacing the existing gravel drive to tarmac due to rates of erosion, detrimental impact to the character of the area and safety for pedestrians and car users.
- Concerns regarding overlooking from the proposed dwelling.
- Loss of a view.
- Loss of privacy and potential for overshadowing.
- Position of any external lights impacting neighbouring properties.
- Impact the property will have on the density of development within the surrounding area.

Comments of the Business Manager

Principle of Development

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Local Plan for Newark & Sherwood. Hoveringham is considered to be an 'Other Village' within the Settlement Hierarchy as set out under Spatial Policy 1 of the Core Strategy. Spatial Policy 1 clearly states that, where development falls within the designated Green Belt, proposals will be assessed against Spatial Policy 4B. This policy in turn directs assessment to the relevant paragraphs of the revised NPPF.

In addition, the Environment Agency's Indicative Flood Map shows the site to be within Flood Zones 2 and 3 and as such it is necessary to consider the flood risk implications of the proposal. Given that the site is located within the Conservation Area, regard must also be given to the distinctive character of the area and seek to preserve and enhance the conservation area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy.

I consider the key issues in assessing this application relate to the appropriateness of development and impact on the openness of the green belt, the impact upon heritage assets and visual amenity, the impact on residential amenity, flood risk and highway safety. Each issue is discussed below in turn.

Impact on the Green Belt

The proposal relates to the erection of a detached dwelling. The site is located within the Green Belt where new development is strictly controlled through both national policy and spatial policies 4A and 4B of the Core Strategy. Spatial Policy 4B requires development within the Green Belt to be assessed against policy guidance set out within the revised NPPF (**chapter 13**). The NPPF identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Spatial Policy 4B states that *“Within the extent of the area covered by the Green Belt in the District, new housing and employment development will be focused in the Principal Villages of Blidworth and Lowdham, and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by Village Envelopes.”* In addition the policy goes on to state *“In or adjacent to the main built-up areas of the following villages, consideration will be given to the development of 'Rural Affordable Housing Exceptions Sites' to meet local housing need; Bulcote, Caythorpe, Epperstone, Gonalston, Gunthorpe, Hoveringham and Oxton. Proposals should be in line with Core Policy 2 Rural Affordable Housing. Development should be small scale in nature, should not have a detrimental impact on the character of the village or on the openness of the Green Belt.”*

This site is considered to be located within the main built up part of the village and is included within the Green Belt. As such, national Green Belt policy applies. **Paragraph 143** of the NPPF regards the construction of new buildings within the Green Belt as inappropriate, and by definition harmful to the Green Belt, with the exception of six listed circumstances (**para 145**). The fifth exception point within **para. 145** is the *‘limited infilling in villages’, ~~and limited affordable housing for local community needs under policies set out in the Local Plan~~*, whilst the Framework advises that ‘limited infilling in villages’ is not inappropriate development, it provides no definition of this term.

The wider application site is a curved corner plot comprising of The Manor House, Hoveringham to the northernmost boundary. The site is surrounded by existing residential development, with the remainder of the residential curtilage of ‘The Manor House’ to the north and east and the 4no. dwellings granted as a consequence of the redevelopment of ‘Manor Farmstead’ to the west. The highway lies to the east and one dwelling on the Southfield Lodge site is present across the highway. To the south across the highway a number of residential dwellings are present, the village hall and St Michael’s Church.

The application site comprises the western portion of the garden area of The Manor House, the proposed dwelling would be sited in an area of the site that is already considered to be visually separated and well screened from ‘The Manor House’ and the main part of its residential curtilage given the presence of the existing mature hedgerow separating the proposed plot and large trees surrounding the site, as illustrated on the Site Layout Plan and on site.

Therefore whilst to the south east, towards the boundary of the site, across Gonalston/Boat Lane is open undeveloped countryside, the majority of the site is now enclosed by residential development. I therefore consider that the site constitutes a gap in development that the proposal would infill the currently separated portion of the hostdwelling’s curtilage. Given that the proposed house would occupy the western side of the site, and that open green space in the form of gardens to the existing and proposed house would continue to occupy the eastern side of the site, the extent of infill would be limited. This view echoes the interpretation of the recent appeal decision (APP/B3030/W/16/3157932) for the erection of a new dwelling within the Green Belt within Bulcote and whilst this application has been assessed on its own merits it is clear that the inspectorate has identified that the interpretation of ‘limited infilling’ is different from the typical

interpretation of 'infill' development, neither of which is defined in the current development plan or national planning policy.

Taking all these matters into account, I therefore conclude that the proposal would constitute limited infilling in a village in compliance with paragraph 89 of the Framework. As a result, it would not be inappropriate development in this particular regard and would comply with policy 4B of the Core Strategy. It is therefore unnecessary to consider whether there are considerations in favour of the proposal which would amount to very special circumstances necessary to justify the development.

Impact upon Heritage Assets and Visual Amenity

The ***NPPF as revised continues to state*** 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. 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 conservation officer has commented on this proposal (*full comments can be read above*) and has offered their comments in support of the proposal for the following summarised reasons:

- Given the historical context and on the ground features in terms of the division of the site from the formal gardens of the Manor House the proposal is not necessarily out of character
- The visual impact on the Manor House and its setting would be limited given existing planting and the scale of the proposal
- The new build would be clustered against existing development and the different function of this land parcel to the more formal garden area.
- The proposal is within the historic core of the village where one would expect to see clusters of development and a new dwelling here would be not be harmful to the character or appearance of the Conservation Area.
- The means of access do not encroach on the formal garden of The Manor House
- The proposed dwelling design has been consciously designed to relate the host building as a smaller lodge, bothy or dower house type structure and is not out of character for a Victorian building like this to have had associated structures built in a similar style.

Whilst noting that the conservation officer raises no objections to this proposal, they do suggest the elevation from the South East could be *"improved by re-designing the large bi-fold doors, which perhaps need a panelled kick plate to look more in keeping"*. As such, revised plans were submitted 29.3.18 taking on board these suggestions, the conservation officer has confirmed that these revised plans are considered to be acceptable.

I concur with the view of the conservation officer, whilst development proposals must be sympathetic to their setting within the conservation I agree that the proposal will represent ancillary development in relation to The Manor House and that the separation of the proposed plot from the parent dwelling will reflect the historic separation of curtilage that can be seen in the historic maps above. I note that the conservation officer stresses the importance of maintaining the soft green boundary treatment to the north and east and the creation of a similar hedged or estate fencing to the south to negate the negative impact a close boarded fence or wall would have on the character and appearance of the conservation area. As such it is considered that this detail can be controlled by a suitably worded condition. I also note the suggestion that if the scheme is likely to be approved advice from Archaeology should be sought to inform any conditions going forwards. Given the considerations relating to Flood Risk later in this report I have not carried out such a consultation at this stage.

The proposed dwelling would have a narrow L plan form and would be orientated so that its front elevation faces Main Street to the east. Its second storey would largely be contained within its roof space with the height of the proposed dwelling proposed to be approx. 7.7m. I am of the view that the scale proposed will ensure that the dwelling is not unduly visually prominent from the host dwelling or its curtilage and remains subordinate to the host dwelling.

The design features employed will reduce the scale and mass of the proposed dwelling allowing it to fit sympathetically into its surroundings. Viewed from the road, with the mature trees and hedges around the perimeter, the proposed dwelling would therefore be largely screened from view. In terms of the site as a whole, the house would be set back from Gonalston Lane to the south and Main Street to the east, well away from the highway boundaries and would occupy a relatively small proportion of the site. With large areas of the site undeveloped in public views therefore the important view across the site would be preserved along with most of its open nature.

The dwelling has been designed with consideration to the use of materials and architectural features found in the vicinity and appropriate and sensitive to the setting, including light render, a grey natural slate roof, gothic style arched windows and a regency style veranda to reflect those of 'The Manor House'.

The proposed dwelling would have a floor area of approx. 130m² as such, the proposal is of a size appropriate to its setting and will remain subordinate to the host dwelling, preserve its setting, and successfully assimilate with the existing environment.

The limited size of the dwelling and its siting in this part of the curtilage of 'The Manor House' ensures that the dwelling would have a minimal visual impact on the appearance and setting of the Conservation Area. As discussed above, the application site is set back from the road and well screened from Main Street/Gonalston Lane by the existing mature landscaping within the site and surrounding land, as such; the site is largely invisible from the main road.

In conclusion, it is not considered that the proposed development will unduly impact (i.e. it will preserve) the character and appearance of the Hoveringham Conservation Area. The proposal will

not harm the setting of the positive building within the site or the character and appearance of the Conservation Area. The proposal does not bring any specific heritage benefits but would, I believe, meet the statutory test of preservation of the Conservation Area, under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Subject to conditions over materials, finish and especially landscaping the proposal is considered to be in accordance with Policies DM5, DM9 and Core Policy 14.

Impact upon Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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.

Overall I do not consider that the proposal would significantly impact upon existing neighbouring amenity and would result in an acceptable garden area for any future occupiers.

Concern has been expressed that the dwelling would result in overlooking of houses to the west and result in a feeling of overbearing. However, I note that the western elevation of the proposed house, which would face in this direction, would contain only two windows at ground floor level and three rooflights within the west facing roof slope. In addition these windows would serve a kitchen and ensuite at ground floor rather than the main habitable room. The western boundary is also significantly screened from the neighbouring dwellings. As a result, any views towards dwellings in this direction would be likely to be inconsequential.

I note that the rear elevation of the dwelling is proposed to be sited approx. 10 m from the side elevation of the nearest dwelling directly to the west. Whilst this is considered to be a relatively close arrangement the side elevation of the neighbouring dwelling of which the closest portion is a garage and parking area, as such the new dwelling would be approx. 15 m from the side elevation of the main body of the neighbouring dwelling, in which no windows are present.

For this reason and given the significant distance (approx. 30 m) separating the proposed house from The Manor House, and a separation distances of approx. 15 m (see above) separating it from houses towards the west, privacy would not be harmed.

The principle elevation of the property will be in excess of 45 m from the boundary with the highway to the east and I note that this elevation would be screened significantly by the mature hedgerow and trees. The overall height of the property at 7.7 m would ensure the dwelling would not result in significant overbearing or loss of light to neighbouring residents. In addition the plan demonstrates that the dwelling would be located with a reasonable degree of separation to neighbouring dwellings as detailed above. In terms of overbearing impact and loss of light; given the style of the dwelling and degree of separation, no overbearing impact or loss of light is considered to occur in relation to the properties to the north-east and west.

The property would also have a reasonable amount of garden area commensurate to the size of the dwelling at approximately 200m² and significant amount of garden area would remain for the host dwelling (The Manor House). It is acknowledged that there would still be a reasonable amount of front, side and rear garden remaining to serve The Manor House. The private amenity space to serve the new dwelling is considered to be sufficient with plentiful space and privacy afforded to the rear of the dwelling.

I therefore conclude that the proposal would not detrimentally impact upon the amenity of surrounding dwellings to warrant refusal. As such the proposed development is considered to be acceptable in this regard and therefore accords with Policy DM5 of the Allocations and Development Management DPD.

Impact upon Highway Safety

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.

I note that a number of neighbour comments have been received making reference to the issue of highways safety and the risk to road uses as a result of the proposed dwelling.

The dwelling is proposed to take access off the private access driveway to the west serving 'Manor Farmstead' as shown on the Proposed Layout Plan. Given the residential nature of this private driveway and the low speed of traffic moving along it, the addition of 1no. dwelling (over and above the 4 dwellings it currently serves) is not considered to be so significant so as to be harmful to the safety of the driveway or its users. Two parking spaces have been provided for the proposed dwelling to the south of the dwelling, constructed using permeable materials.

The NCC highways department commented on the application and advised the drive should be re-surfaced in a bound material to prevent loose material being discharged to the highway and have suggested an appropriate condition.

I note that comments have made reference to the risk to the health and safety of children playing in the area and the off street parking issues that are currently present in the area that could be exacerbated by this proposed development. Whilst these concerns have been duly taken on board I am satisfied that with advice from the highway authority that the access proposed is acceptable for the proposed dwelling subject to condition.

As such, subject to the above condition being imposed I am satisfied that the development accords with Spatial Policy 7 of the Core Strategy which seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Flood Risk

The Environment Agency's Indicative Flood Map shows the site to be within Flood Zones 2 and 3 and as such it is necessary to consider the flood risk implications of the proposal. The proposed dwelling has been sited within the area of the site within Flood Zone 2 – the lowest area of risk within the site (*see below*).



Whilst I acknowledge that the EA's flood mapping is unclear due to the scale provided, the Topographical Survey submitted shows that the part of the site on which the proposed dwelling is to be sited is of a height more akin to the part of the site within Flood Zone 2, than Flood Zone 3.

I note that the flood risk assessment states *“The part of the dwelling on the edge of Flood Zones 2 and 3 is at a height of 16.54m, this is similar to parts of the site shown to be within Flood Zone 2 on the Environment Agency's map (for example along the hedge line to the north of the proposed dwelling) and notably higher than land shown to be within Flood Zone 2 on the Environment Agency's map closer to 'The Manor House'. Having regard to the above and the specific land levels as shown on the Topographical Survey, it is more accurate to consider that all the land on which the proposed dwelling will be sited falls within Flood Zone 2.”*

The National Policy Framework (the NPPF) **as revised in July 2018** provides guidance on dealing with development within Flood Zones 2 and 3. **Chapter 14 of the NPPF** outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and

- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations (**paragraph 157**).

Paragraph 158 of the NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The above guidance is reflected in Core Policy 10 of the Newark and Sherwood Core Strategy which states that when determining development proposals, the Council will, informed by national guidance and the District's Strategic Flood Risk Assessment, apply a sequential approach to future development and will work with partners to secure strategic flood mitigation measures as part of new development.

Policy DM5 of the Allocations and Development Management DPD contains similar provisions, confirming that the Council will aim to steer new development away from areas at highest risk of flooding. Policy DM5 confirms that proposals within Flood Zones 2 and 3 will only be considered where they constitute 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. Where development is necessary within areas at risk of flooding, proposals will also need to satisfy the Exception Test by demonstrating they would be safe for the intended users without increasing flood risk elsewhere. In accordance with the aims of Core Policy 9, proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.

As the part of the site on which the proposed dwelling will be sited 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 herself within the settlement of Hoveringham because of a family and personal connection to the area and wishes to remain part of the community. As such, the agent states that sites beyond Hoveringham 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 Hoveringham, and therefore, whilst I am mindful that the applicant seeks to construct a dwelling for herself to live in in order for her to remain in the village it is clear that this is a demonstration of personal need rather than that of the wider community.

It is clear from the Environment Agency's indicative flood map that the whole of Hoveringham is within Flood Zones 2 and 3. As such, there are no reasonably available alternative sites appropriate for the proposed development in the village in areas with a lower probability of flooding, however, Hoveringham is close to the settlement of Southwell, in which there are potentially other sites available that are at a lower probability of flooding that would offer a suitable alternative to that put forward.

~~I note that the LLFRA and the Environment Agency have been contacted for comments regarding this proposal and none have been forthcoming. For this reason I have based my assessment on the interpretation above and the details provided within the flood risk assessment.~~

Following the request of the Committee and, as set out within the update to committee, in response to the late objection from the Environment Agency (EA) the applicant has submitted a revised Flood Risk Assessment received 17th July 2018. The EA initially objected to the scheme on the grounds that (1) the FRA did not adequately consider the impacts of climate change, (2) consider the effect of a range of flooding events (including extreme events) on the development and future occupants or (3) demonstrate how future occupants and third parties would be kept safe from flood hazards.

The revised FRA stated that the minimum Finished Floor Levels FFL would be 16.92mAOD built in to a level of 17.30mAOD to provide protection for the 1%AEP+CC event and resilience for the 0.1AEP event. Flood compensation was also proposed in the form of a lowered access road and a permeable sub-base drainage system. The development itself would yield an increase in the impermeable footprint on site and would therefore require suitable on-site mitigation to protect both the development site and downstream assets. Infiltration would also need to be provided on the site, the FRA states that this is likely to be viable and for a design rate of 5.0×10^{-6} ms⁻¹ the site would require 11m³ of attenuation - for a full infiltration based system discharging the access road sub-base, a depth of 400mm would be required to mitigate the flooding risks.

The EA have reviewed the revised FRA and maintain their objection to the scheme on the grounds that the FRA still does not take the impacts of climate change into account, or consider

the effect of a range of flooding events including extreme events on people and property on the basis that the FFL should be set above the 1 in 100 year plus 30% climate change level, plus additional freeboard as a minimum whereas the applicant has proposed to set them at the same level as the 1 in 100 year plus 20% climate change flood level - without any additional freeboard.

The EA have advised that for this particular application, setting FFL at the 1 in 100 year plus 20% climate change flood level is not appropriate; however, if a 300mm freeboard were to be added, this would give a proposed FFL of 17.22mAOD – this would mean that FFL's would be set very close to the 1 in 1000 year flood level of 17.29mAOD, and then the EA would be comfortable with such a proposal given the long-term flood risks at this site. Having discussed this with the agent they have advised that this element could be amended to suit the requirements of the environment agency and I am satisfied that this would be appropriate to secure via condition.

However secondly the EA maintains their objection on the basis that the FRA does not adequately consider how people will be kept safe from flood hazards that have been identified on this site. The revised FRA has demonstrated that the proposed access to the site would go straight through an area of flood zone 3b, defined as functional floodplain (the 1 in 20 year flood outline). The NPPF (as amended) and PPG clearly state that no development (including access roads) should be permitted in areas of flood zone 3b, apart from 'water compatible' uses. Access roads are not considered to be water compatible which is reiterated by the PPG. Siting development in areas of Flood Zone 3b is clearly contrary to the NPPF and should not therefore be permitted by the Local Planning Authority (LPA).

Furthermore, siting the access road through the 1 in 20 year flood outline would mean that access and egress to/from the property would be restricted during a flood event due to that area being at very high risk of flooding (5% annual probability). The FRA fails to acknowledge this when considering access and egress from the property during flood scenarios, and does not propose any alternative mitigation to demonstrate how safe access and egress might be provided to this proposed dwelling.

Finally, to provide floodplain compensation for the proposed dwelling, the FRA suggests lowering the level of the access road. This EA have stated that this would increase the flood depths along the access road within the functional floodplain, which would further increase the issues highlighted above. To provide effective floodplain compensation up to the 1 in 100 year flood event, the compensation should be located outside of flood zone 3 (also defined as the 1 in 100 year outline). The FRA does not take account of this, now does it show how compensation would be provided in areas of Flood Zone 1 or Flood Zone 2 in accordance with the advice from the EA.

In conclusion, the site lies within Flood Zones 2 and 3, the revised FRA has demonstrated that part of the access to this new dwelling would go through FZ3b which is functional floodplain – the FRA does not consider appropriate mitigation to demonstrate how safe access and egress from the property would be achieved within a flood event or propose appropriate floodplain compensation to the satisfaction of the EA. As such it cannot be concluded that the development

would not increase the risk of flooding to third parties or indeed, any future occupiers of the dwelling.

Policy DM5 of the Allocations and Development Management DPD advises that the aim is to steer new development away from areas at highest risk of flooding. Policy DM5 confirms that proposals within Flood Zones 2 and 3 will only be considered where they constitute 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.

Where there are no reasonable available sites in Flood Zone 1, regard should be had to flood risk vulnerability and decision makers should consider sites within Zone 2, applying the Exception Test if necessary. It is considered that whilst not specifically in the village of Hoveringham, but within the wider district and nearby settlements such as Southwell, the district has a supply of housing land that would provide suitable alternative sites at a lower risk of flooding. Given that the applicant has not demonstrated that there is an identified local need for housing within Hoveringham it is considered that the application fails to satisfy the Sequential Test as set out in policy DM5 and **para. 157 of the NPPF. The applicant has also failed to demonstrate how people would be kept safe from flood hazards as a result of the development or consider the effects of a range of flooding events including extreme events on people and the property.** The development is therefore not considered to be in accordance with Core Policy 10, Policy DM5, **Chapter 14** of the **NPPF (2018)**, or Planning Practice Guidance: Flood Risk and Coastal Change.

Ecology

Upon visiting the site it has been identified that the land subject of this application is garden land associated with the hostdwelling The Manor House in which a number of large mature trees are present. The applicant submitted an Arboricultural Survey concurrently with this application.

The applicant notes in the D&A statement that the dwelling has been sited so as to avoid the Root Protection Areas (RPA) of the trees on the site. The conclusion section of the Tree report states:

“Six trees have been included in the report, one RPA is to be infringed (T3) while one tree has been recommend for removed (T6). One hedge and one group have also been included, a small section of G1 is to be removed to re-instate a previous access, this will not have a noticeable effect on the locality.

Construction of the house and drive within the RPA of T3 is possible but the foundation design must AVOID strip footings. Pile and beam construction is recommended and must be designed to bridge over the existing ground level. The driveway within the RPA must be created using no dig techniques and be permeable. Both of these issues are covered within the Method Statement which forms part of this report.

T6 is a relatively young tree with the potential to reach a significant size, it is a Category C tree, its removal and replacement will not be detrimental to the aesthetic appeal of the area.

Any access into the RPA for construction must be considered carefully and protective measures must be undertaken first to prevent damage to the ground, including compaction.”

It is not considered that these conclusions are significant to warrant a refusal for the application and could be controlled via condition. In addition there is not considered to be any significant ecological value to the garden land beyond that where suitable mitigation could be secured through conditions relating to appropriate soft landscaping and provision of bat and bird boxes for example to incorporate biodiversity features in to the design in accordance with the guidance under **Paragraph 175** of the NPPF. As such the proposed development is considered to accord with the aims of policy DM7 of the DPD.

CIL

The site is located in the ‘Housing Very High Zone’ area which is charged at £100 per sq m. The proposed dwelling is 300m² in total internal floor space and as such the charge on the development would be £30,000.

Other Considerations

Comments have been received from neighbouring occupiers which object to the proposal and they have been duly taken on board. The comments raised relate to the impact the proposal will have on the impact on the character of the area, neighbouring amenity and highways safety which have been considered in the appraisal sections above.

I note that some of the concerns make reference to the ‘loss of a view’ as a result of the proposed development. Whilst I appreciate that the conservation area and Green Belt are aesthetically pleasing outlooks for properties I note that this is not a material planning consideration and that the right to a view is considered to be a legal matter.

The comments also refer to a restricted covenant on development on this site, again, this is a legal concern that the applicant is advised to consider but is inherently a legal concern.

Conclusion

In conclusion the proposal is not considered to be regarded as inappropriate development in the Green Belt and it would be a well-designed dwellinghouse that would preserve the character and appearance of the Conservation Area. As a result, it would accord with the development plan in this regard. Concern has been expressed that if this application is allowed this would set a precedent for similar development. However, each application is determined on its individual merits. A generalised concern of this nature therefore does not justify withholding permission in this case.

The application is also not considered to result in an unacceptable impact on neighbouring amenity or on the character of the area. The application has also been assessed with regards to

highways safety and it is not considered that this development would result in a negative impact on highways safety. In reaching this decision the views of local residents and the Parish Council have been taken into account. However, important though they are, they do not lead me to a different view on the planning merits of the proposal relating to the points above.

However, notwithstanding this, given that the applicant has not demonstrated that there is an identified local need for housing and development is needed to sustain the existing community within Hoveringham it is considered that the application fails to satisfy the Sequential Test as set out in policy DM5 and **para. 157** of the NPPF. There are other more sustainable locations for development at lesser risk of flooding in the District.

In addition, the revised FRA has demonstrated that part of the access to this new dwelling would go through FZ3b which is functional floodplain – the FRA does not consider appropriate mitigation to demonstrate how safe access and egress from the property would be achieved within a flood event or propose appropriate floodplain compensation to the satisfaction of the EA. As such it cannot be concluded that the development would not increase the risk of flooding to third parties or indeed, any future occupiers of the dwelling.

The development is therefore not considered to be in accordance with Core Policy 10, Policy DM5, **Chapter 14** of the NPPF, or Planning Practice Guidance: Flood Risk and Coastal Change. The elements in favour of this proposal are not considered to outweigh the flood risk associated with development within Flood Zones 2 and 3.

For the reasons given above, ***notwithstanding that the Planning Committee, as the LPA, have already resolved to support the scheme, this was subject to caveats which transpire cannot be met. The comments from the EA, whilst late, do represent a strong material planning consideration which in my view significant weight must be attached to and*** having regard to all other matters raised, I must therefore conclude that the application should be refused.

RECOMMENDATION

That full planning permission is refused for the following reason.

01

The site lies within Flood Zones 2 and 3**b**. The applicant has not provided evidence to demonstrate that there is an identified local need for housing and that such development is needed to sustain the existing community within Hoveringham. Within the wider district and nearby settlements such as Southwell, the District has a supply of housing land that would provide suitable alternative sites at a lower risk of flooding. ***Furthermore the applicant has failed to demonstrate how people would be kept safe from flood hazards as a result of the development or consider the effects of a range of flooding events including extreme events on people and the property.*** It is considered that the application fails to satisfy the Sequential Test as set out in policy DM5 and **para. 157 of the NPPF**. This together with its associated practice guidance provides that this type of

development in the functional floodplain (Zone 3b) should not be permitted. The development is therefore not considered to be in accordance with Core Policy 10, Policy DM5, **Chapter 14** of the NPPF, or Planning Practice Guidance: Flood Risk and Coastal Change.

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. However the District Planning Authority has worked positively and proactively with the applicant to make discuss potential revisions to the proposal.

02

The applicant is 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 - 18/00373/FUL

