

PLANNING COMMITTEE – 4 SEPTEMBER 2018

Application No:	18/01217/OUT		
Proposal:	Demolition of existing barn, erection of 4no. dwellings and associated carports/garages.		
Location:	Land at Enfield Court, Harby, Notts		
Applicant:	Mr C Medley		
Registered:	29.06.2018	Target Date: 24.08.2018	Extension of Time Agreed: 07.09.2018

This application is brought before Members as the Officer recommendation differs from that of the host Parish Council which under the Council's current Constitution it states it should be brought to Committee for Members to determine.

The Site

The site lies to the north of the settlement of Harby, to the west of Station Road and is located within a site area of approximately 0.165ha. There are existing dwellings located to the south of the application site with the existing gated access off Station Road to the east.

There is an existing open brick and timber framed agricultural building located to the east of the site adjacent to Station Road. To the north and west of the site are arable fields. The eastern boundary with the highway is defined by a shallow ditch drainage channel with the hedge adjacent.

The application site is reasonably flat throughout however the north-west of the site has a mound of rubbish approximately 1.5-2m high.

The eastern half of the site is designated as being within Flood Zone 1 and the western half is located within Flood Zone 2 in accordance with Environment Agency mapping.

Relevant Planning History

15/00616/DISCON - Request for confirmation of discharge of condition 02 attached to 14/01768/CPRIOR for Prior Approval for Change of Use from Agricultural Building to Dwelling – Part discharged 05.06.2015

14/02211/NMA - Application for non-material amendment to planning permission 05/02562/FUL for Demolition of modern farm buildings, conversion of barns to form 2 No. dwellings, erection of 4 No. new dwellings & erection of double detached garage for Enfield House – Approved 14.01.2015

14/02139/FUL - Variation of condition 7 of permission 10/01490/FUL to enable retention of one agricultural building – Approved 01.04.2015

14/01768/CPRIOR - Prior Approval for Change of Use from Agricultural Building to Dwelling – Prior approval not required 25.11.2014

In November 2017 it has been confirmed, although not through the approval of a Lawful Development Certificate, that development had commenced through the excavation of trenches, drainage channels and installation of service ducts. It is the informal opinion of the LPA that this application is extant.

14/01473/CPRIOR - Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse – Planning application required 25.09.2014

13/01126/FUL - Proposed erection of single sustainable 'Live / Work' unit to meet a local need – Refused (appeal dismissed) 09.01.2014

12/01329/FUL - Residential development comprising total of 7 dwellings (of which 4 are over and above previous approved scheme). This involves the conversion of barn to two x 4 bedroom dwellings, two new pairs of semi-detached dwellings and amendments to an approved 3 bedroom house to form a four bedroom house. Resubmission of 12/00727/FUL, which was refused. Refused 21.11.2012

12/00727/FUL - Residential development comprising total of 9 dwellings (of which 6 are over and above previous approved scheme). This involves the conversion of barn to 4 dwellings, a new row of 3 terraces, a new four bedroom dwelling and amendments to an approved 3 bedroom house to form a four bedroom house - Refused 07.08.2012

10/01490/FUL - Demolition of modern farm buildings, conversion of barns to form 2 No. dwellings, erection of 4 No. new dwellings & erection of double detached garage for Enfield House. (Variation of conditions 3, 4 & 12 of planning approval 05/02562/FUL) – Approved 20.12.2010

05/02562/FUL - Demolition of modern farm buildings, conversion of barns to form 2 No. dwellings, erection of 4 No. new dwellings & erection of double detached garage for Enfield House – Approved 09.02.2006

76/53 - Building for storage of implements – Approved 02.03.1976

The Proposal

The applicant seeks outline planning approval for the erection of 4no. market dwellings (2no. semi-detached and 2no. detached) on land formerly used for agriculture but which now appears to be for storage. All matters are reserved apart from access. There is already an access created to the site that serves the southern section of the site which has already been developed with 6 dwellings. The proposal would seek the demolition of the existing open framed agricultural building to the east of the site which measures approximately 12.5m (width) x 18m (length). No details of the height of the building have been submitted as part of the application consideration.

The applicant has indicated on the application form that three of the dwellings would be 3 bedroomed and one would be 4 bedroomed and an indicative layout has been submitted (drwg. 1464M/004).

Documents/plans submitted in support of the application

DRWG no. 1464M/002 Site Location Plan;
DRWG no. 1464M/003 Existing Site Block Plan;
DRWG no. 1464M/004 Site Block Plan;
DRWG no. 1464M/SA03 Sequential Test Plan;
Design and Access Statement Artech Designs (1464M/DA01 June 2018);
Flood Risk Assessment, Roy Lobley Consulting (RLC/0244/FRA01 27/06/2018)

Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 - Climate Change
Core Policy 12 - Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD (adopted July 2013)

DM1 – Development within settlements central to delivering the spatial strategy
DM5 – Design
DM7 - Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014

Consultations

Harby Parish Council - This proposal will tidy up the area and the proposed houses will be more in keeping with the village environment in which it is set as well as supplying housing needs for the village. This small-scale development is in line with the Community Led Plan. Although this proposal has been amended from the currently approved application this new proposal is more in keeping with the location

NSDC Environmental Health Officer - Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos.

As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

Environment Agency - If we accept that the 7.70AOD is the 1 in 1000 flood level then they are only proposing 150mm of freeboard. Models are just that and it's always proposed that 600mm of freeboard is added to take out all risk. This might be negotiated down to 300mm if flood resilience is built into the dwelling as a compromise.

Nottinghamshire County Council Highways Officer - The proposed dwellings will be served off a recently constructed private access. Providing vehicular access rights are made available to the residents then there is no objection, since the access is capable of serving additional dwellings.

Lincolnshire County Council Archaeology – No archaeological input required.

NSDC Access and Equality Officer – Observations

Representations

One neighbour has responded seeking clarification on whether the buildings would be bungalows or houses. They state that bungalows would be preferred and they also seek clarification on the exact number of buildings proposed.

Comments of the Business Manager

5 Year Housing Land Supply

With regards to the Councils current position with regards to 5 year housing land supply it is relevant to acknowledge that at the present time the LPA is well advanced in the process of a plan review with an examination which took place in February 2018. For the avoidance of doubt the Council considers that it has a 5 year housing land supply against the only objectively assessed need (OAN) available and produced independently by consultants and colleague Authorities. Therefore for the purposes of decision making, the Development Plan is considered to be up to date. This has also been confirmed by Inspectors through recent appeal decisions dated April 2018 following a Public Inquiry.

Principle of development

Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Spatial Policy 1 and 2 does not include the settlement of Harby as one which is capable of supporting additional growth with its nearest Principal Village identified within the District as Collingham. The application site is located within a reasonably built up rural area and as such Spatial Policy 3 applies. The site, in the wider context, has been partly developed upon with residential development to the south of the current application site. Nonetheless, these are now in private occupation and do not form the basis of

this application. The application site contains an open steel framed agricultural building to the east of the site approximately 12.5m (width) x 18m (length).

Spatial Policy 3 of the Adopted Core Strategy states that housing should be provided for in settlements with an identified local housing need and housing will be focussed in sustainable accessible villages. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. This is Location, Scale, Need, Impact, Character.

In considering this proposal I am mindful that the changes to Policy SP3 as part of the plan review. The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017 for independent examination by a Planning Inspector with the examination having taken place on the 2nd February 2018. Further details have been submitted to queries which have been raised relating to Spatial Policy 3 and the Council is currently out to consultation on those amendments. Accordingly for the purposes of this proposal it is considered that weight can be attached to this emerging policy.

Location

The emerging Spatial Policy 3 of the Core Strategy, which now carries some weight in the decision making process, states within the Location criterion that *'new development should be within the main built-up areas of villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages **and** have a range of local services themselves which address day to day needs.'*

The application site is located within the main built up area of the village although to the northern fringe of the settlement. Harby does have some limited facilities to offer new development of a Primary School, Pub, village hall and small shop however it does not have good public transport access to other Service Centres or Principal Villages. Travel Wright provide the no.67 bus service between Newark and Saxilby (Lincoln) and although there is one stop in Harby (Low Street) the earliest bus from Newark is 12:40 and Collingham at 12:58 which arrive in Harby at 13:35. There is 1 subsequent bus which stops at both Newark and Collingham which departs Newark at 14:03 and arrives in Harby at 15:05. There are 4 busses which depart from Collingham however the earliest is 12:58 and the latest is 17:35. An extract of the bus timetable is provided in Table 1 below. Harby is located approximately 4 miles from the settlement of Saxilby which is within Lincolnshire and does provide for more local facilities. However the bus service to Saxilby is inferior than from Newark or Collingham with Harby only identified as a 'Demand Responsive Area' which means the bus does not automatically stop in Harby and the stop has to be booked in advance by telephoning the bus company, much like a taxi service. However there is one scheduled route from Saxilby to Harby which leaves Saxilby at 13:50 and arrives in Harby at 14:00 and carries on to Newark. A copy of the bus timetable is provided in Table 2 below.

With regard to the level of facilities that Harby has to offer it has a primary school, pub, village hall, church, a newly opened village shop and a post office (open two afternoons a week). For a small village it does provide for a degree of servicing. However, there would still remain a need for wider services provided by more sustainable settlements which, as outlined above, would not be reasonably accessible by sustainable access means. Spatial Policy 3 is clear that both elements (i.e. local services and sustainable access) must be met in order for development to meet the locational criteria. Given that the transport links to more sustainable settlements are inferior and thus new residents would be reliant on the use of their own car to access shops and other services

which are not provided for in the existing settlement, Officers consider that locationally the proposal fails to accord with Spatial Policy 3 of the Core Strategy.

A bus service operated by [Travel Wright](#)

Wednesday 15 August 2018 ▼

Newark - Collingham - Saxilby

☒ Show all stops

Newark Bus Station (Bay A)		07:40	09:03	10:03	11:03	12:03	12:40	13:03	14:03	15:48		17:08		18:08
Newark Bus Station (Bay AE)	06:40													
Newark, opp Kirk Gate	06:42	07:42	09:05	10:05	11:05	12:05	12:42	13:05	14:05	15:50		17:10		18:10
Newark, opp Lincoln Street	06:45	07:45	09:08	10:08	11:08	12:08	12:45	13:08	14:08	15:53		17:13		18:13
Newark, adj Gainsborough Drive	06:47	07:47	09:10	10:10	11:10	12:10	12:47	13:10	14:10	15:55		17:15		18:15
Winthorpe Demand Responsive Area	06:52	07:52	09:15	10:15	11:15				14:15	16:00		17:20		18:20
Winthorpe, opp Holme Lane							12:50							
Langford, opp Elmtree Farm	06:56	07:56	09:19	10:19	11:19	12:19	12:54	13:19	14:19	16:04		17:24		18:24
Collingham, adj The Green	07:00	08:00	09:23	10:23	11:23	12:23	12:58	13:23	14:23	16:08		17:28		18:28
Collingham Braemer Road (N-bound)									14:27					
Collingham, adj Queen Street	07:02	08:02	09:30	10:30	11:30	12:25	13:00	13:25	14:30	16:10	16:13	17:30	17:35	18:30
Collingham, adj The Rookery									14:32s		16:15s		17:38s	
Collingham, adj The Rookery	07:05	08:05	09:32	10:32	11:32	12:28		13:28		16:13		17:33		18:33
South Scarle Demand Responsive Area							13:04		14:34		16:17s		17:42s	
Besthorpe, adj Trent Lane									14:38		16:21s		17:46s	
Besthorpe Demand Responsive Area							13:08							
North Scarle Demand Responsive Area							13:09		14:39		16:22s		17:47s	
Girton Lane (opp)									14:40		16:23s		17:48s	
Girton Demand Responsive Area							13:10							
Spalford Demand Responsive Area							13:15		14:45		16:25s		17:53s	
South Clifton Demand Responsive Area							13:19		14:49		16:27s		17:57s	
North Clifton Demand Responsive Area							13:21		14:51		16:29s		17:59s	
Thorney Demand Responsive Area							13:28		14:58		16:38s		18:06s	
Wigsley Top Road (SE-bound)							13:32		15:02		16:40s		18:10s	
Harby Low Street (N-bound)							13:35		15:05		16:43s		18:13s	
Saxilby Demand Responsive Area							13:45							
Saxilby, adj Thonock Drive									15:15		16:53		18:23	

Table 1: Travel Wright Bus Timetable route no.67

☒ Show all stopsTable 2 : Travel Wright Bus Timetable route 67

Scale

The proposal is sought for four two storey residential dwellings on a site which is approximately 0.165ha in area. At the last Census in 2011 the number of properties in Harby was 128, the Council has received notification of 11 completions to properties since 2011 and 4 commitments which haven't yet been constructed. The proposal constitutes a 5.7% increase in the total number of properties in Harby (including the committed properties) which I consider to be of low scale in comparison to the overall number of properties within the settlement.

Need

The NPPF (2018) states *“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as **meeting the needs of the present** without compromising the ability of future generations to meet their own needs”*. (para.7 emphasis added).

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need.

In this regard I am mindful of the need criterion within the emerging Spatial Policy 3. This states that local housing need will be addressed by focusing housing in sustainable, accessible villages. New housing will be considered where it helps to support community facilities and local services and reflects **local need** in terms of both tenure and house types. Supporting text to this revised policy states that this policy requires applicants to demonstrate the services it will support and the housing need within the area. No information has been submitted with the application to demonstrate housing need in the area.

The ‘Newark and Sherwood Sub-Area Report for Housing 2014’ produced on behalf of NSDC establishes the housing needs position across the District. Harby is included within the Collingham and Meering Area. According to the report there is a demand for 2, 3 and 4 bedroomed market housing, with the highest demand being for 2 bedroomed dwellings.

The settlements of Harby, Thorney and Wigsley have in 2015, published a Community Led Plan for the period of 2015-2025, which illustrates their vision for new development within the communities. This plan stated that within Harby the highest demand was for detached family homes (58% of respondents) on individual plots; however there was also a high demand for affordable/shared ownership properties (46%), bungalows (47%) and semi-detached properties (50%).

Whilst it is clear that substantial work has gone into producing the document, it only shows the preferences of those surveyed. Whilst this carries some weight as an aspiration, the results in the Community Led Plan alone do not demonstrate a proven local need as required by Policy SP3. Identified proven local need is not just a question of what the demand is but also needs to include an analysis of the current housing stock to help identify what is required. The Council’s Spatial Policy 3 Guidance Note states *‘Housing need should not be confused with the state of the housing market in a particular settlement at a particular point in time’ and that ‘Assessments should be based on factual data such as housing stock figures where the need relates to type of housing or census data where the need relates population groups.’* A Housing Needs Assessment, which is the identified route for providing a clear needs assessment has not been produced for Harby and thus whilst the Community Led Plan is a useful document it represents a desire and aspiration for development and not a proven local need. I therefore consider that the document carries very little planning merit.

Nonetheless, the proposal provides for market dwellings which meet a Housing Need within the Collingham and Meering area regardless of the applicant not having provided details of which

community services they would directly support. It is accepted that 3 and 4 bedroomed properties are such which would attract families and as there is a primary school in the village it is reasonable to suggest that this would see some benefit from such a development. Therefore I consider that although there is no housing need survey produced, the proposal would seek to meet the 2014 Housing Need identified through the work carried out by NSDC. I therefore consider that on this basis, and that the proposal would contribute to sustaining community facilities (school), the Need criterion has been met.

Impact

I consider that a scheme could be designed so it does not have a detrimental impact upon nearby residents. The proposal is for 4 properties, which is low scale, and the level of car-borne traffic caused by the development whilst unsustainable in locational terms is unlikely to be overly excessive in terms of impact due to the proximity to the neighbouring more sustainable settlement of Saxilby.

Character

The erection of four dwellings is considered low scale and the application is only in outline form with layout to be considered as a reserved matter. The site lies to the north of a recently constructed residential development/conversion of 6 dwellings located off a private access. The layout as proposed, whilst only illustrative, shows how 4 properties would integrate on the site. This illustrated layout and the number of properties proposed would introduce sensible layout, in my opinion which I consider is general accordance with the immediate locale. I therefore consider the proposal would accord with the character criterion of Spatial Policy 3.

The NPPF (2018) states *'the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area' (para 9).*

It has not been proven to the satisfaction of officers that the settlement of Harby is adequately serviced by public transport and thus the proposal is located within an unsustainable location. I note that the settlement does provide for some limited 'permanent' facilities. The agent has stated within their Design and Access Statement that additional facilities are provided however these are mainly mobile, such as the butchers, fish and chip van, library, newspapers, bakery van, fresh fish delivery, which I consider to be a response to provide occasional services to a village which is in an unsustainable location, rather than established uses based within the settlement that serve the residents. Such facilities could be achieved in any settlement and are not a permanent base within the village. I still consider the settlement is not wholly supportive of additional speculative development and thus the settlement of Harby fails to be adequately sustainable to support further development.

Impact on Highway Safety

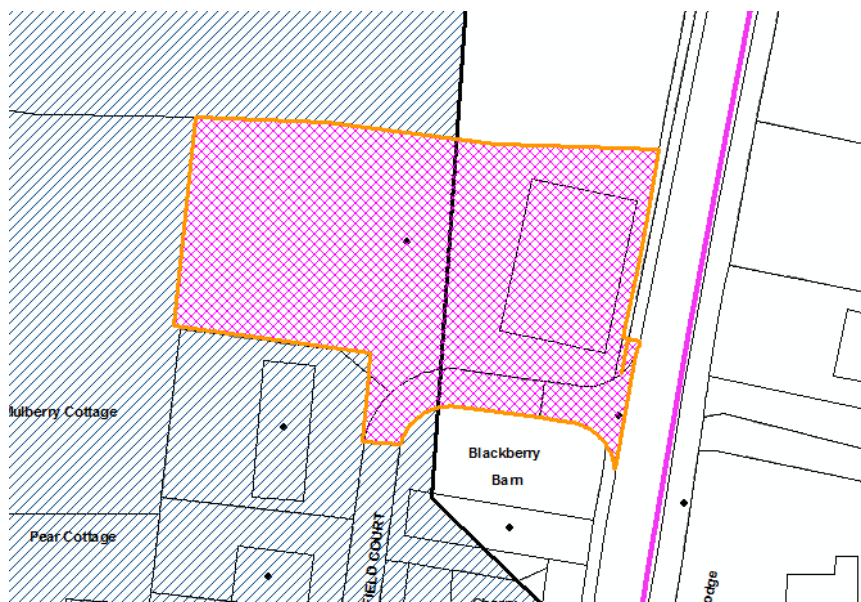
Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

Access is a matter which is to be considered as part of this application and not at reserved matters stage. The proposal would utilise an already constructed access which serves the southern side of the site. The access has not raised any objections from Nottinghamshire County Council Highway colleagues as the access is capable of supporting additional dwellings.

I therefore consider the proposal to be acceptable with regards to highway safety and accords with Spatial Policy 7 of the Core Strategy and Policy DM5 of the ADMDPD.

Impact on Flood Risk

The application site falls within Flood Zones 1 and 2 according to the Environment Agency flood zone mapping (see plan below). Flood Zone 1 is to the eastern half of the site where plots 1, 2 and 3 are located and plot 4 (and associated garaging), extended spine road and half of the garage building for plots 1 and 2 are located within flood zone 2. The proposed use of residential dwelling houses would be considered as more vulnerable according to the Technical Guidance of the NPPF.



Flood zone mapping, blue indicates zone 2

The National Planning Policy Framework (NPPF) provides guidance on dealing with development within Flood Zone 2. 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 risk 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.

This is reflected in Core Policy 10 of the Newark and Sherwood Core Strategy which states that when determining development proposals, the Council will 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 where applicable 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.

The application has been accompanied by a Flood Risk Assessment (FRA) which includes the application of the Sequential Test. The LPA has not outlined a prescriptive approach to applying the Sequential Test as each application must be considered on its own merits unless specified differently under para 33 of the PPG. The starting stance is that the test be applied at the District-wide level, unless a lesser area is justified by the functional requirements of the development or relevant objectives in the Local Plan. For example if the specific settlement has a Housing Need survey which has been accredited by this Authority which this application would seek to provide a need for, then the sequential test could be more specific to the individual settlement as it would be fulfilling a particular identified need. This approach has been historically advocated by the Environment Agency in their advice to applying the Sequential and Exceptions Test and it is one which the LPA considers is the most reasonable.

The submitted Sequential Test only identifies sites within Harby which are either in a Flood Zone or are not available. Members will be aware that the LPA now considers that it has a proven 5 year housing land supply and as such it would not be seeking to approve development where there is a real risk to the occupiers safety from flood water. Therefore as the LPA has available sites within the District to provide housing which are within areas at lower risk from flooding, the proposal is considered to fail the Sequential Test. The NPPF states that the application of the Exceptions Test is only required when the Sequential Test has been satisfactorily addressed. However for completeness and to inform Members decision making I consider it necessary and appropriate to inform them on how the test could be satisfied.

Paragraph 160 of the NPPF states that for the exceptions test to be passed it should be demonstrated that :

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; **and**
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Whilst the proposal has been demonstrated that it would meet an identified housing need within the Collingham and Meering area, this is offset by the unsustainable location due to the inadequate transport links to sustainable locations. I therefore consider the proposal fails to adequately provide a wider sustainable benefit. The second criterion relates to the levels the buildings would be constructed at, however the proposal must pass both criteria to pass the exceptions test. Within the submitted FRA the applicant has stated that the site is at low flooding risk from fluvial and groundwater sources and existing sewers, nonetheless it is still located within Flood Zone 2. They state that the minimum finished floor levels for all four dwellings would be set 150mm above ground level within Flood Zone 2. Having spoken to the Environment Agency they state that for dwellings located within Flood Zone 2 they should be sited so as to be able to cope with a 1 in 1000 flood event. Therefore they advise that for plot 4 the dwelling should be set no lower than 300mm from 7.70AOD providing that flood resilience measures are built in to the dwelling. However they advise that as the levels are only models it is always best that 600mm of freeboard is added to take out all the risk. Therefore plot 4 and associated buildings and access roads are set a minimum of 150mm lower than minimally acceptable and 450mm lower than is reasonably acceptable in the opinion of the Environment Agency to satisfy the Exceptions Test. Therefore on this basis the proposal, in theory, would fail to comply with the Exceptions Test as set out in the NPPF and in my opinion it would also fail the Sequential Test.

It is therefore considered that there remains sequentially better sites for development within the District which are at lower risk from flooding and indeed a reduction in the number of dwellings and development area of the site could in itself take the development out of Flood Zone 2 as only the western half of the site is within Flood Zone 2. I have raised this issue with the Agent, however their client is seeking to proceed with the application as submitted.

As such, on the basis that the Sequential Test should be applied District wide where there are numerous sites available at lower risk of flooding that could accommodate small scale development sites.

It is considered that in this instance the application fails to satisfy the Sequential Test as set out in para 157 of the NPPF. 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.

Housing mix

Whilst housing type, design and layout are not for consideration at this stage, the applicant had previously stated that the general mix is a 3no. three bedroomed dwellings and 1no. four bedroomed dwelling. Whilst this is not a varied mix I do not see it as wholly inappropriate, given the scale of the site and the surrounding community it seeks to serve. I therefore consider this does not represent an adequate reason for the refusal of planning permission and the proposal generally accords with Core Policy 3 of the Core Strategy.

Impact upon Residential Amenity

Policy DM5 of the ADMDPD states the *“layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.”* The application is only in outline form however an indicative layout has been submitted (DRWG 1464M/004). I am confident that a scheme could be produced which ensures that the future

occupiers of the dwellings and existing occupiers of the surrounding sites would not have their amenity detrimentally impacted upon.

Impact on the Landscape and Ecology

The site is identified within the Council's Landscape Character Assessment SPD as being located within the East Nottinghamshire Sandlands Policy Zone ES PZ 02: Wigsley Village Farmlands with Plantations. The landscape condition is defined as being of moderate condition with a very low impact to sensitivity. As such the outcome is to create landscape features in new development such as new hedgerows and restore existing, enhance existing tree cover and landscape planting and promote biodiversity. The proposal does not include measures for landscaping only those shown indicatively on the submitted indicative layout plan. The site is currently a greenfield site and would provide a degree of biodiversity and ecological value however this has not been demonstrated through the submission of an ecological survey. Nonetheless the site is not identified within a protected area for ecology and thus I consider it to provide a low ecological value.

Core Policy 12 of the Core strategy and policy DM7 of the ADMDPD states that new proposal should protect, promote and enhance green infrastructure. Proposals should seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The indicative layout allows the provision of a new hedgerow around the site. I consider that despite this layout the site does have capacity to increase the biodiversity of the site through the planting of hedgerows and native trees which I consider would accord with Core Policy 12 and policy DM7. If Members are minded to approve the application then I consider a condition would be required, securing an appropriate enhanced landscaping scheme.

The erection of 4 dwellings (and associated infrastructure) I consider would have limited impact upon the character of the wider landscape area due to the already built up surroundings to the south and east. Therefore the proposal is considered to adhere to Core Policy 13 of the Core Strategy and the Landscape and Character Assessment SPD.

Conclusion

Taking the above into account I am of the view that the proposed development would fail to accord with the Sequential Test as set out in the NPPF as there are more sequentially preferable sites within the District which are at lower risk from flooding. The settlement of Harby has some facilities to support day to day living, however residents would still be reliant on accessing services in other more sustainable locations to which there is an inadequate public transport links in the village. Residents would therefore be reliant on the use of a private car to access such locations and services. The proposal is therefore also considered to be located in an unsustainable location which fails to accord with the location criteria of Spatial Policy 3 of the Core Strategy.

The development would have an acceptable impact on the character of the area, neighbouring amenity and highway safety. There are no further material considerations that would warrant refusal of the application.

RECOMMENDATION

That full planning permission is refused due to the following reasons:

01

The application site contains land which is located within Flood Zone 2 as defined by the Environment Agency data maps. Chapter 14 of the National Planning Policy Framework (NPPF 2018) sets out the due process for assessing new residential development within areas at risk from flooding. The Local Planning Authority must first apply the Sequential Test and then only upon satisfaction of this should the Exceptions Test be applied. In the opinion of the Local Planning Authority the proposal would fail to accord with the Sequential Test as the Council considers there are other more preferable sites at lower risk from flooding within the District to permit housing, and indeed the Council considers it also has a proven 5 year housing land supply so is not reliant on approving such windfall sites which are at risk from flooding. Harby does not have a local housing needs survey and as such these market dwellings are not being built to fulfil a specific identified shortage in local supply.

As such the proposal is contrary to Chapter 14 of the NPPF (2018), PPG (2014), Core Policy 10 of the Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013)

02

Spatial Policy 3 of the Newark and Sherwood Core Strategy DPD states that, beyond principal villages, proposals for new development will be considered against a number of criteria including location. In the opinion of the Local Planning Authority, whilst Harby has limited facilities, new residents would be reliant on the use of a car to access other essential day to day facilities due to the inadequate public transport network.

The proposal therefore fails to comply with the location criteria of Spatial Policy 3 and would thus represent the promotion of an unsustainable pattern of development, contrary to the key aims of the National Planning Policy Framework, the Newark and Sherwood Core Strategy 2011 and explicitly Spatial Policy 3.

Notes to Applicant

01

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

02

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Lynsey Tomlin on Ext 5329.

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 - 18/01217/OUT

