

Application No:	17/02016/FUL	
Proposal:	Proposed Bespoke Dwelling	
Location:	Garage House, Great North Road South Muskham	
Applicant:	Mr & Mrs Brown	
Registered:	08.11.2017	Target Date: 03.01.2018

This application is being referred to the Planning Committee given that Officer's recommendation differs to that of the Parish Council.

The Site

The application site is located on the western edge of the settlement of South Muskham, on the western side of Great North Road. The development site appears to be a former paddock situated to the south of the host dwelling, albeit associated to the host dwelling. The host dwelling and associated garden situated to the north of the site are separated from the development site by post and rail fencing and planting. The host dwelling is a large, extensive two storey dwelling with detached roadside garage and other domestic outbuildings. At the time of visiting the site the paddock area was being used for the storage of materials, contained a metal clad outbuilding and a vehicle was parked on the site.

Access to the site and dwelling is currently gained from a gated access track to the south of the site and the dwelling can also be accessed directly from a driveway to the east of the dwelling off Great North Road. To the north of the site is a former garage which now operates as an architectural reclamation yard, to the west of the site are open agricultural fields and to the east (across the highway) are residential properties fronting onto Great North Road.

The site is flat and grassed and bound by a mix of post and rail fencing and hedging and contains a number of immature trees with one being mature and of interest on the southern boundary.

In accordance with Environment Agency Flood Zone maps, the site and the majority of the surrounding area is designated as being within Flood Zone 2.

Relevant Planning History

There is no relevant formal planning history on the site albeit pre-application advice for a dwelling was sought prior to the submission of the current application by the applicants where negative advice was offered.

The Proposal

The proposal seeks full planning permission for the construction of a large detached 4 bedroom dwelling of contemporary design with integral garage. The property, orientated north-east to

south-west in the plot is proposed to be two storey in height and feature 4 equal height gables of varying widths. The property would provide extensive ground floor accommodation and 4 bedrooms at first floor. It would be offset from the northern paddock boundary by 8m and offer a degree of separation from the host dwelling of approximately 27.5m. Access would be gained from the existing access point to the south, which would be improved and a garden area is proposed to the south within the existing paddock.

It is proposed that the dwelling be constructed of red brick and timber cladding with a metal standing seam roof and a large number of solar panels proposed on the south-eastern roof slopes.

The application has been supported by a Flood Risk Assessment and Design and Access Statement.

Departure/Public Advertisement Procedure

Occupiers of ten properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

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)

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

South Muskham Parish Council – The Parish **unanimously AGREED** to **SUPPORT** this application on the following grounds:

- It was an appropriate use of the land;
- The applicant currently lived on another part of the land. He wished to stay in the Village but moved away from existing traffic problems associated with a neighbouring business and provided himself with a more eco-viable property;

- In his application, the applicant had fully addressed any potential highway issues with regard to vehicular access;
- It was understood that previously a house was standing on the proposed site;
- The site for the proposed dwelling is close to a main entrance to the Parish but, importantly, it is suggested that the design of the property would not be detrimental to the area.

Environment Agency - Flood risk standing advice applies

Trent Valley Internal Drainage Board – No objection:

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

NCC Highways Authority – No objection subject to amendments

I am unconvinced that the proposed access off Great North Road satisfactorily enables cars to turn northwards from the site on to Great North Road without blocking any vehicle wishing to enter the access, or encroaching on to the opposite lane of the main road. I attach a plan showing a layout with a 3m radius which I know would operate safely. Either the drawings should be amended to reflect this sketch, or vehicle swept path drawings should be submitted to support the original design.

Also the layout does not adequately show a convenient turning facility for cars parked at the proposed dwelling to avoid long reversing manoeuvres.

If the above issues can be satisfactorily addressed then approval could be given with the following conditions attached:

- No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

- No part of the development hereby permitted shall be occupied until a vehicle access with 3m (minimum) kerbed radii is available for use and constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of Highway safety.

- No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent reinstated as verge.

Reason: In the interests of Highway safety.

- No part of the development hereby permitted shall be occupied until details of a vehicle turning area have been submitted to and approved in writing by the LPA and thereafter implemented.

Reason: To enable vehicles to enter and leave the site in a forward direction, in the interests of Highway safety.

Note to Applicant:

The development makes it necessary to construct/alter a vehicular access verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact david.albans@nottscc.gov.uk to arrange for these works to be carried out.

NSDC Access and Equalities Officer – Observations relating to Building Regulations.

No letters of representation have been received.

Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to the principle of a new dwelling in this location, the flood risk of the site, the impact on the character and appearance of the area, impact on residential amenity and highway safety concerns.

5 Year Housing Land Supply

The Council's position is that it can demonstrate a 5 year housing supply. Following the allowed appeal at Farnsfield in 2016 where one Inspector concluded we did not have a five year housing supply, in order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, produced a Strategic Housing Market Assessment (SHMA). The SHMA has produced an OAN for NSDC of 454 dwellings per annum (using 2013 as a base date), which shall be tested through an Examination In Public (EIP) in February this year. The Council has recently defended a Public Inquiry on this basis (outcome yet unknown) and this is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure. Indeed the recent appeal decision (for development in the green belt at Blidworth in August 2017) recently concluded that the Council does indeed have a 5 year supply against its OAN. Whilst this cannot yet attract full weight given previous comments and the advanced stage of the Plan Review it can attract significant weight. Therefore in our view paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making.

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

Location of Development

The critical consideration in the determination of this application is whether the application site is located within the main built-up area of the village or in the open countryside. This, of course is a matter of judgement as the application site is right at the edge of the settlement and smaller (other villages for the purposes of SP3) no longer have defined settlement boundaries. Historically if one looks to history as a guide, the village envelope for South Muskham set out within the 1999 Local Plan (now defunct), detailed the site to be outside of the envelope.

From site inspection and from aerial photography, the site appears to be a former paddock, which has been absorbed, albeit it without formal planning consent as part of the residential curtilage for the property. The aerial photography shows that the site has in the majority remained free of development and was relatively rural in appearance. A degree of domestication appears to have crept in as shown on the 2013 aerial photo, which is considered to be unauthorised development.

From reviewing historic maps, aerial photos and visiting the site I am of the opinion that the site is considered to be within the open countryside. On this basis, SP3 simply acts as a signpost as it says; *“Development away from main built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as agricultural and forestry...The Allocations & Development Management DPD will set out policies to deal with such applications.”* The principle of the proposed dwelling would be therefore assessed against Policy DM8 of the Allocations and Development Management DPD.

Policy DM8 states allows for agricultural/rural workers dwellings which this is not promoted as being. It also states that *“planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.”*

In accordance with Policy DM8; the proposed dwelling whilst being of contemporary appearance is not considered to be particularly innovative in its design and finish. The dwelling would be constructed of brick and timber cladding with metal roof slopes covered with a number of solar panels. It is also detailed that Structural Insulated Panels (SIPs); in effect pre-constructed insulated walls, may be used as part of the build process. Whilst I accept that the proposed design is different to the traditional red brick host dwelling and those to the east on Great North Road, it is not considered to result in a particularly innovative form of development and no eco credentials for the proposed property have been submitted in support of the scheme. The dwelling could be viewed as acceptable in terms of design, however concern is raised in relation to the proposed scale and massing which is discussed further below.

As the development plan is up to date, the planning Act requires that development is determined in accordance with it unless material considerations indicate otherwise. The NPPF is a material planning consideration but the A&DMP is NPPF compliant and therefore the Development Plan is the primary decision making tool and should carry most weight.

Paragraph 55 of the NPPF states *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.”* In relation to the guidance of Paragraph 55; the proposed dwelling is not considered to contribute towards the maintenance of the vitality of the community and it is not considered that any special circumstances exist which would outweigh the harm resulting from

the construction of a further dwelling in this location. Concern is also raised that should this edge of settlement proposal be considered to be acceptable, it could all too easily be repeated elsewhere and lead to unacceptable encroachment into the open countryside. This would be contrary to the aims of sustainable development which is at the heart of the planning system.

In summary the application is judged to be countryside where development is encroachment of the countryside and represents an unsustainable pattern of development contrary to the development plan and the NPPF.

Impact on Flood Risk

The application site and all surrounding land within South Muskham is situated within Flood Zone 2 (at medium risk of flooding) according to the Environment Agency flood zone mapping.

The NPPF adopts a sequential approach to flood risk, advising that development should first be directed towards less vulnerable sites within Flood Zone 1. In summary, where these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific FRA, the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted. This is reflected within Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

The application is accompanied by a Flood Risk Assessment (FRA) which states that notwithstanding the Environment Agency classification of the site as being within Flood Zone 2, 'there is no viable route for flood water to enter the site, due to higher ground levels and therefore the site is concluded to be within Flood Zone 1 and has a low risk of flooding from tidal/fluvial sources and as such the sequential and exception test do not need to be applied'. It is also detailed in relation to a 1 in 1000 flood event that an approximately 0.5m high boundary wall contained within the Garage House site to the north would provide a physical boundary to flooding from the north.

Notwithstanding the above consideration that the site is considered to fall outside of the urban boundary of South Muskham and within an open countryside location, a housing needs assessment was undertaken in South Muskham in 2015. The study not only investigated the actual affordable housing need of the Parish, but also peoples' preferences for market rent level housing and open market housing. In addition, the survey ascertained residents' views with regard to living in the Parish and support for local needs housing to help sustain local communities. The study identified a 'preference' for 11 open market dwellings comprising:-

- 1 x 2 Bed house
- 2 x 3 Bed houses
- 2 x 4 bed houses
- 4 x 2 Bed bungalows
- 1 x 3 Bed bungalow
- 1 x 4 Bed bungalow

Some of this 'preference' could be met through the approval at the November planning committee meeting of the 3 units at Ashleigh (16/01761/OUT); however it is considered that a preference for a 4 bed unit (which this scheme would provide) still exists.

Notwithstanding the findings of the submitted Flood Risk Assessment (FRA), I consider that limited weight can be attached to the reasoning that due to an adjacent boundary wall the site should actually be considered to be within Flood Zone 1. Having discussed this with the Environment Agency they agree with my scepticism of this approach and consider that if the applicant considers the site to actually be within Flood Zone 1 then a formal challenge to the flood modelling for the site should be submitted. To date no challenge has been made and as such the site remains to be considered as being within Flood Zone 2. Under normal circumstances given the sites flood classification the onus would be upon the applicant to undertake a sequential test to demonstrate that no sequentially preferable sites exist elsewhere in the district at a lower risk of flooding. However given the proven identified local preference/need for housing which hasn't yet been met evidenced by the 2015 Midlands Rural Affordable Homes Assessment and the fact that all of the village is washed over by flood zone 2, irrespective of whether we consider the site to be in zone 1 or 2 it could be said to pass the Sequential Test as a local need for South Muskham cannot be sited anywhere else but in the parish of South Muskham.

The FRA concludes that the following mitigation measures would make the proposed dwelling safe from fluvial flooding:

- Finished floor levels set at a minimum of 300mm above external ground levels.
- Flood resistance/resilience measures recommended for minimizing ingress associated with flood water is incorporated into the ground floor building design.
- Due to proximity to the River Trent it is recommended that residents register to receive Environment Agency Flood Warnings/Alerts.
- Residents must be encouraged to complete a personal flood plan.
- Evacuation from the property should be undertaken if advised by the Police, Environment Agency or other emergency service.
- Safe place of refuge to be designed into the new dwelling to provide a high place outside of the flood waters where residents can get to if onset of flooding is too rapid or flood waters are too deep for safe evacuation to occur.
- Surface Water Management – surface water to be managed using sustainable methods, where appropriate. Methods such as rainwater re-use is encouraged and should be considered.

I am mindful that the Sequential Test has been applied at a local level and can be deemed to pass in light of the local need. With regards the Exception Test I conclude that the development can be made safe for its lifetime subject to the above requirements being conditioned. The provision of a house that would meet a wider need for the community would fulfil the requirements of the Exception Test. The proposed development in flood terms is therefore considered to be acceptable.

Impact on Character/Visual Amenities

Core Policy 9 of the Core Strategy requires a high standard of design in new development, while Spatial Policy 3 seeks to protect the countryside, enhance landscapes and ensure that the scale of new development is appropriate and avoids detrimental impacts on the character of the area.

Policy DM5 of the NSDC DPD states that proposals should respect local distinctiveness and character of built form should be reflected in the scale, form, mass, layout design and materials of new development. The NPPF, a material consideration states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping and that development of poor design should be refused.

The site is located within the Trent Washlands Policy Zone (TW PZ 11): Cromwell, North & South Muskham, Kelham, Averham Staythorpe and Rolleston Village Farmlands in accordance with the Landscape Character Assessment SPD 2013. The assessment details that the characteristic visual features of the area comprise a largely flat, large scale intensive arable landscape, with nucleated villages with red brick and pantile roofed buildings. The area is defined as having a moderate sense of place with a moderate degree of visibility leading to a moderate landscape sensitivity. The appraisal highlights the landscape actions for the area in relation to built features to be; to conserve the character and setting of village settlements and to conserve the rural character of the landscape by concentrating new development around settlements. Whilst it is accepted that the development site is on the edge of the settlement, the scale and mass of the proposed dwelling is not considered to conserve the rural character of the landscape and as such the proposal would fail to accord with the requirements of Core Policy 13 of the Core Strategy.

The proposal would result in the construction of a detached 4 bed dwelling which would have a footprint of approximately 215m² and overall floor space of approximately 420m². The gabled frontage would be approximately 22m in width, with a depth of 11.5m and an approximate height of 8m. It is proposed to construct the dwelling from a mix of brick and timber cladding with a grey standing seam metal roof. The dwelling would appear as a contemporary piece of modern architecture when viewed from the surrounding area given the design and proposed materials and whilst no objection is raised to the proposed design, concern is raised in relation to the scale and mass of the proposed dwelling in a countryside context.

Properties within the vicinity are a mix of detached and semi-detached and primarily two storey in height. Given the location of the proposed development site, alongside Great North Road, concern is raised regarding the prominence of the dwelling, in particular of the front elevation as vehicles travel north. It is considered that the proposed elongated gabled frontage exacerbates the mass of the proposed development, to the detriment of the character and appearance of the area. This is particularly the case as the site is at the edge of a small village where density and scale should be reduced (not increased) as one transitions into the open countryside. Consequently the scale and mass of the proposed dwelling is as such considered to be out of keeping with the character of the area and would therefore fail to accord with the requirements of Core Policies 9 & 13, Spatial Policy 3 of the Core Strategy and Policy DM5 of the DPD.

Impact on Residential Amenity

Policy DM5 states that 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. In the context of the current application, consideration of amenity requires deliberation on the impacts of the development on the existing neighbouring properties as well as the proposed occupiers of the development proposed.

Dealing firstly with neighbouring occupiers, the proposed property would be approximately 27.5m to the south of Garage House and separated from dwellings to the east by Great North Road. It is therefore not considered likely that the proposed dwelling would result in any loss of

neighbouring amenity by way of overbearing or loss of light. Balconies are proposed on the front (southern) elevation, however given the degree of separation to neighbouring dwellings and the orientation of the proposed balconies it is not considered likely that direct or unacceptable overlooking would occur.

In terms of amenity for future occupiers of the dwelling; an extensive garden area is proposed to the front of the property which is considered to result in sufficient private amenity space for any future occupiers. Overall I have identified no detrimental amenity impacts which would warrant a resistance of the proposal on grounds of impact on residential amenity. The proposal is therefore deemed to comply with the relevant amenity criterion within Policy DM5.

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.

Nottinghamshire County Highways have raised concerns regarding the access for the proposed dwelling. The comments have been passed to the applicant who has stated that the access will be revised to accord with the comments raised by colleagues within the Highways Authority. Subject to the receipt of revised plans (yet to be received) and the imposition of a number of conditions or reworded conditions to reflect the required amendments, it is not considered that the proposed development would result in any highway safety issues and would comply with SP7 and Policy DM5 of the Core Strategy and DPD respectively.

Other Matters

As previously mentioned the applicants have domesticated the application site by using this as part of their garden without the necessary planning permission. Should Members be minded to refuse the application as recommended, consideration should be given to taking formal enforcement action to require the cessation of the use of the former paddock area as an extended/enlarged garden with the removal of all domestic outbuildings and paraphernalia from the site. Officers consider this unauthorised use of land to represent encroachment into the countryside which is unsustainable and a form of development could set a harmful precedent for other sites. A second recommendation is therefore included below.

Planning Balance and Overall Conclusion

It is the Council's submission that it can demonstrate a 5 year housing supply against a robust OAN and that for the purposes of decision making the Development Plan is up to date.

It has been concluded that whilst lying within the parish of South Muskham, the application site, as a matter of judgement does not lie within the main built up part of the settlement and consequently is within the countryside for the purposes of planning policy decision making. The proposed dwelling therefore would result in urban sprawl into open countryside, to the detriment of the character and appearance of the area. The principle of development is therefore considered to be unacceptable in sustainability terms and contrary to the Development Plan.

It has also been concluded that whilst the proposed dwelling is of a contemporary design the significant scale and mass of the proposed dwelling would be out of keeping with neighbouring units to the detriment of the character and appearance of the area and the development would fail to respond to its rural surroundings.

It has been accepted that there is a yet unmet identified preference/need for, amongst others, a 4 bedroom house in South Muskham as evidenced through a local housing needs survey. Taking this into account, it is concluded that given all of South Muskham is washed over by Flood Zone 2 that there are no sequentially preferable sites available that would be at less risk of flooding that could meet the local need and that the Exception Test has been passed.

However it is not considered that the merits of providing one additional dwelling, even where it meets an identified preference or need, would outweigh the concerns raised in relation to an unsustainable development in an open countryside location and the provision of a dwelling of a scale and mass out of keeping with the surrounding area.

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

RECOMMENDATION that:

- 1) Full planning permission is refused for the following reasons; and**
- 2) Formal action is considered (such as the serving of an Enforcement Notice) to require cessation of the use of the land for domestic purposes such that it reverts back to paddock land.**

01

In the opinion of the Local Planning Authority the application site lies outside of the main built up part of South Muskham and therefore falls to be assessed as development in the open countryside. Both national and local planning policy restricts new development in the countryside. Spatial Policy 3 (Rural Areas) of the Core Strategy and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD seek to strictly control development in the countryside and limits this to a number of exceptions. This application does not meet any of the exceptions. This proposal therefore represents an unsustainable form of development and encroachment into the open countryside where there is no justification. The proposal is therefore contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and Policy DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management DPD which together form the Development Plan as well as being contrary to the NPPF which is a material consideration.

02

The proposed dwelling by virtue of its massing and scale particularly when viewed from the south is considered to result in an overly prominent form of development which fails to assimilate into its rural surroundings to the detriment of the character and appearance of the surrounding area and wider landscape. The proposal is therefore considered to be contrary to Spatial Policy 3 (Rural Areas) and Core Policy 9 (Sustainable Design) and Core Policy 13 (Landscape Character) of the adopted Core Strategy and Policy DM5 of the adopted Allocations & Development Management DPD which together form the Development Plan as well as national guidance contained within the NPPF, a material planning consideration.

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. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. 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 James Mountain on ext 5841.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/02016/FUL

