

PLANNING COMMITTEE – 6 NOVEMBER 2018

Application No:	18/01592/OUT		
Proposal:	Erection of a proposed dormer bungalow (resubmission)		
Location:	Meadow View, Fiskerton Road, Rolleston, Newark On Trent, Nottinghamshire, NG23 5SH		
Applicant:	Mr & Mrs Reilly		
Registered:	23 August 2018	Target Date: 18 October 2018	<i>Extension Agreed to: 9.11.18</i>

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

The Site

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

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

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

The EA flood mapping provides a low resolution image to identify FZ areas from making percentage differentiation between FZ2 and FZ1 difficult to interpret. The FRA submitted with this application does interpret land levels but still highlights how the north eastern portion of the size is FZ2.

The general character of the Fiskerton Road area in the immediate locality around the application site is characterised by ribbon development with dwellings of varying sizes and designs with the main bulk of the dwellings set back within their plot c.10-20m in most cases (noting that there are instances where projecting garages are closer to the highway). Most dwellings have reasonably sized and spacious curtilages.

Relevant Planning History

18/00697/OUT – Erection of a proposed dormer bungalow (all matters reserved except for access)
– Refused 04.07.2018

01

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

02

The outline nature of the application seeks confirmation of the acceptability of the principle of the development on site and reserves matters including layout, appearance, landscaping and scale for subsequent approval. As such, it is not possible to consider a precise layout of the proposal as part of this application. The site lies within both Flood Zones 1 and Flood Zones 2. No sequential test has been submitted with the application. This development is speculative and there is no identified need for a dwelling at this site. There are many other sites within the district that are within Flood Zone 1 at lower risk of flooding that could accommodate such a dwelling. Nor has it been demonstrated that no adverse impact on flood risk would result. As such the proposal is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD as well as the National Planning Policy Framework 2012 and National Planning Practice Guidance, which are material considerations.

The Proposal

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

The dwelling is proposed to be sited in the portion of the site that is defined as FZ1 by the EA Flood Mapping. The dwelling is proposed to be set back c. 8.8 m from the SW boundary hedgerow and 1.2 m from what is shown on the plan as the boundary between the new dwelling and 'Meadow View' to the NW. The rear elevation of the new dwelling would be in line with the principal elevation of Meadow View - a 2.2 m separation distance would be present here between the side elevations.

The dwelling is proposed to be 8.8 m wide and 11.3 m maximum depth with an area of 86.5m². The rear elevation has been designed in an L shaped arrangement which appears to be to avoid having any part of the dwelling situated within land that is designated as FZ2. From the site location plan it appears that the dwelling is proposed to be situated within a plot that would be c.14.6 m wide and c.43.2 m deep.

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

The site is defined as being largely within Flood Zone 2 in accordance with the Environment Agency flood zone mapping, mapping with the south west corner of the site identified as FZ1 - The submitted plans show the application site is capable of accommodating the proposed dwelling in flood zone 1.

Documents submitted with this application:

- Planning Application Forms and Ownership Certificate
- Site Location Plan (1:2500) Drawing Ref 340/2018
- Proposed Site Layout Plan (1:500) Drawing Ref 340_2018_01Rev B
- Planning, Design and Access Statement (GPS)
- Flood Risk Assessment – Rob Lobley Consulting Ref. RLC/0246/FRA02

Departure/Public Advertisement Procedure

Occupiers of 6 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

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

Allocations and Development Management DPD (adopted July 2013)

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

Other Material Planning Considerations

National Planning Policy Framework 2018
Planning Practice Guidance 2014
Landscape Character Assessment SPD 2014

Consultations

Rolleston Parish Council – Support the proposal - “The parish council noted that the application is in outline only and would expect to have the opportunity for further consultation when detailed information becomes available. It is noted that the property’s indicated siting within the application land has been revised since the original submission but still has concerns in relation to proximity to the road and access.”

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

There are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access has been completed, surfaced in a bound material, and have a minimum width of 4.25m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of highway safety.

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

Reason: In the interests of pedestrian safety.

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

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

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

Reason: In the interests of highway safety.

Note to Applicant

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

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

It is recommended that disabled persons and wheelchair users' access to, into and around the new dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, 'step-free' access to and into the dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route clear of parked vehicles is important to and into the dwelling from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

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

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

The Environment Agency – "The site falls in Flood Zone 2 and Standing Advice can be applied. The site may be an island in a major flood event and the Emergency Planner should be consulted regarding access and egress."

NCC Flood Risk – "Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council."

NSDC Emergency Planner – "Whilst the living area of the planned building is not within flood zone 2 or 3 it should be noted that access roads to the property may be subject of flooding in effect creating an island effect for the dwelling. The impact upon emergency services or other critical responders may be dependent upon the resilience or vulnerability of residents. Previous flood events demonstrate that residents who witness rising flood waters may become fearful of the consequences and attempt to call upon council services for support. Residents would be expected to prepare personal flood plans and it would be advisable for flood impact mitigation measures to be planned into the building to both limit the potential impact of a severe flood but to also provide reassurance to residents. This may affect the design of thresholds, siting of utility controls and internal wiring."

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

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

"Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation. 'Policy 189 National Planning Policy Framework (2018)'.

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

One Neighbour comment has been received in support of this proposal.

Comments of the Business Manager

I consider that the main issues in assessing the proposal to relate to (1) the principle, (2) flood risk issues, (3) highway matters and (4) the impact on neighbours. Each matter is addressed in turn below:

Principle (including position on 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. Therefore paragraph 11 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making.

The site is situated within the parish of Rolleston, which in accordance with Spatial Policy 1 (Settlement Hierarchy) of the Core Strategy is defined as an 'other village' which is the lowest housing tier. The site is situated to the south side of the village of Rolleston off Fiskerton Road and relates to approximately 50m x 41m paddock situated to the south-east of 'Meadow View', further to the south east of the site is a field which serves the adjacent agricultural unit – across this field is the property known as 'Springfield Lodge'.

To the north and north-east of the site is agricultural land and countryside, given the reduction in density of development along this part of Fiskerton Road and to the south-east of the application site I consider this site to be outside of the built up area of the village. Whilst I acknowledge that there are properties in existence across the highway to the south-west of the site I note that these are set back within their plots and are surrounded by open fields. Some 60 m to the south of the application site there is no development present across the highway and on the north side of Fiskerton Road development terminates at Springfield Lodge until 'New Manor Farm' approx. 200 m to the south-east. The remainder of the area is characterised by open countryside.

It therefore falls in the first instance to consider the proposal against Spatial Policy 3 relating to Rural Areas. Under this policy development away from the built up areas of villages, in the countryside, will be strictly controlled and restricted to uses which require a rural setting. The policy goes on to direct the decision maker to an open countryside policy in the Allocations and Development Management DPD, being the extant Policy DM8. This policy is considered up to date for the purposes of decision making and is NPPF compliant.

The scheme proposed here is considered to be beyond the main built up area of the village and would constitute further ribbon development. Core Strategy Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development to certain types. With reference to new dwellings, the policy stance is 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.'*

The Council recognises that an inspector's decision in respect of Land to the South of Bilsthorpe Road in Eakring, dated 23rd January 2018 and the dismissed challenge to the decision (under section 288(1) of the Town and Country Planning Act 1990), concluded that policy DM8 of the Allocations and Development Management Plan Document, and Policy SP3 of the Core Strategy, are inconsistent with paragraph 55 of the NPPF and out of date, so that the weight given to any conflict with them should be greatly reduced. Whilst this challenge was dismissed I would refer to the recently dismissed September 2018 appeal (APP/B3030/W/18/3199931, 16/00033/OUTM) which also considered a proposal for new housing within the open countryside.

In this appeal the Inspectorate states:

"11. Paragraph 55 of the now superseded Framework advised that new isolated homes within the countryside should be avoided unless there are special circumstances. This has been carried forward into paragraph 79 of the revised Framework.

12. Reference has been made to an appeal decision (Appeal Ref APP/B3030/W/17/3169590) that was subject to a recent unsuccessful judicial review by the local planning authority. The appeal decision found, on the basis of the Braintree District Council judgement (Braintree District Council v Secretary of State of Communities and Local Government & Others [2017] EWHC 2643 (Admin)), that in terms of paragraph 79 of the Framework a development on the outskirts of a village was not isolated. As a result, it concluded that the same development plan policies at stake in this appeal that restrict development that was not in an isolated location were at odds with the interpretation of national policy. This greatly reduced the weight the Inspector attached to the proposal's conflict with development plan policy and was an important factor in allowing the appeal.

13. However, I disagree with the Inspector on this point. For strategic reasons, new build open market housing is not required by the development plan within the countryside outside the main built up areas of 'Other Villages' and is strictly controlled. I do not accept therefore that there is any inconsistency between development plan policy and the Framework in terms of the spatial strategy of the Core Strategy. As a result, the weight attached to the conflict between the proposal and the policies of the development I have identified should not be reduced.

14. In allowing the appeal the Inspector found that the benefits of the proposal were sufficient to warrant granting permission. It is an established principle though that each application is assessed on its merits. The Inspector exercised his judgement in the cited appeal based upon the evidence before him, as shall I in relation to the evidence before me in relation to this appeal. For the reasons that I have given, reference to this appeal decision and the failed judicial review therefore has not altered my findings in relation to this appeal."

Similarly to the Inspectorate the Council respectfully considers the case at *Land to the South of Bilsthorpe Road in Eakring* to be a rogue decision and as such will proceed on the basis that Policy DM8's approach to controlling development in the countryside for the purpose of promoting a sustainable pattern of development in accordance with CS SP3 is fully consistent with the Framework. Policy DM8 will therefore be accorded full weight.

Location of the Development and Sustainability

Whilst the site is judged to be countryside, given its located at the edge of Rolleston, is not necessary considered truly isolated. However, with reference to access to services and other villages I have the following observations; the site is within relatively close proximity to a bus stop on Fiskerton Road which provides hourly access to the settlements of Southwell & Newark. The village also benefits from a train station which has connections to Nottingham and Newark.

However facilities in Rolleston are limited to a pub/restaurant, village hall & church. In the inspectors appeal decision in 2008 (Appeal Ref: APP/B3030/A/07/2060030/NWF (Application Reference: 07/01286/FUL)) it was stated that 'although the adequacy of public transport services to the village may be disputed this consideration alone would not make this as sustainable a location as a larger settlement with more services.'

As I have concluded that the site is not within the main built up area of Rolleston, it must be assessed Policy DM8 of the Allocations and Development Management DPD. This 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 order for the principle of development within this location to be acceptable, that the proposal would need to accord with the aforementioned policy and be of a style and design that reflects the highest standards of architecture which has not been demonstrated as part of this outline planning application.

Paragraph 55 of the now superseded Framework advised that new isolated homes within the countryside should be avoided unless there are special circumstances. This has been carried forward into paragraph 79 of the revised Framework which states "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply..." The only circumstance listed that could apply to this proposal is (e) "the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

As above, no information has been provided regarding design, whilst the indicative plan shows a dwelling that would be of a relatively comparable scale with neighbouring properties, it has not been demonstrated that the dwelling would be of exceptional and innovative design or that it would significantly enhance the immediate area. In fact I consider the layout plan would not be entirely sympathetic to the defining characteristic of the built form of the local area insofar as it would be set further forward within its plot than the surrounding built form, contrasting with the urban grain of this part of Fiskerton Road. An observation that is mirrored in the planning statement that explains *“The general prevailing character of the Fiskerton Road area in the immediate locality around the subject site ... remains as ribbon development with dwellings of varying sizes, designs and ages irregularly set back from the road in reasonably spacious plots.”* This development would result in a tighter knit arrangement of built form on the site with the principal elevation of this dwelling sat approx. 11 m closer to the road than the principal elevation of the main body of the neighbouring dwelling ‘Meadow View’ - noting that the projecting wing of the dwelling forms a single storey garage area (SW projection).

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

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

I maintain the judgement that this site is not isolated in the true sense and in response the agent has countered this referencing the High Court judgement of Braintree District Council v SoS for CLG, Greyhead Ltd & Granville Developments Ltd [2017] EWHC 2743 which considered the interpretation of the term ‘isolated homes in the countryside’ within paragraph 79 (was 55) of the NPPF.

In response to this I would highlight that in the judgement by Mrs Justice Lang, it is clear that Braintree District Council had a supply of housing land that fell well below the 5 year supply required by paragraph 73 (was 47) of the NPPF and such the Development Plan was considered out-of-date for decision making.

This is a marked difference to the position of this Council and in this case. This Council has robust evidence that demonstrates a 5 year supply of housing land available and this has not been contested by the applicant in this case. As such the provisions of the point (c) of ‘decision taking’ of the NPPF paragraph 11 (was 14) applies and the second point (d) of (decision taking) paragraph 11 of the NPPF does not apply.

Section 38(6)(Planning and Compulsory Purchase Act 2004) requires applications be determined in accordance with the development plan, and paragraph 2 of the NPPF confirms that applications for planning permission must be determined in accordance with it unless material considerations indicate otherwise. In this case the application is assessed against the provisions of the Development Plan which is a significant different to the Braintree judgement that has been referred to by within the Planning Statement.

Paragraph 79 (was 55) of the NPPF is a material consideration to the application at hand but not a primary one albeit it largely reflects contents of Development Plan in any event.

The test of Policy DM8 criteria 3 requires 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 characteristic of the local area.'* Having considered the proposal it is my opinion that given no detail has been submitted for me to consider the design and/or innovation of the proposal, I cannot conclude that this dwelling would be of exceptional quality or innovative in nature sufficient to constitute the special circumstances required to outweigh the inappropriateness of development in the Open Countryside.

Whilst the Braintree judgement is an interesting one, it is not considered to be directly relevant to this application given that in this case the decision should be made against the Development Plan, which is compliant with the NPPF.

I therefore remain of the view that the principal of a new dwelling in this location would serve to further extend the ribbon pattern of development of this part of Fiskerton Road into an area that would result in the loss of undeveloped countryside and is therefore unacceptable in principle.

Impact on the Character of the Area: Layout

The NPPF states that good design is a key aspect of sustainable development, this is mirrored by Policy DM5 (ADMDPD) which confirms the requirement for new developments is to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

The general character of the Fiskerton Road area in the immediate locality around the application site is characterised by ribbon development with dwellings of varying sizes and designs with the main bulk of the dwellings set back within their plot c.10-20m in most cases (noting that there are instances where projecting garages are closer to the highway). Most dwellings have reasonably sized and spacious curtilages.

The dwelling is proposed to be sited in the portion of the site that is defined as FZ1 by the EA Flood Mapping. The dwelling is proposed to be set back c. 8.8 m from the SW boundary hedgerow and 1.2 m from what is shown on the plan as the boundary between the new dwelling and 'Meadow View' to the NW. The rear elevation of the new dwelling would be in line with the principal elevation of Meadow View - a 2.2 m separation distance would be present here between the side elevations. There would be approx. 4.6 m between the side elevation of the new dwelling and what has been marked on the SLP as the SE boundary to the site.

The dwelling is proposed to be 8.8 m wide and 11.3 m maximum depth with an area of 86.5m². The rear elevation has been designed in an L shaped arrangement which appears to be to avoid having any part of the dwelling situated within land that is designated as FZ2. From the site location plan it appears that the dwelling is proposed to be situated within a plot that would be c.14.6 m wide and c.43.2 m deep.

Properties across the highway are two storey dwellings set back within their plots, the neighbouring property, Meadow View, is a two storey dwelling set approx 20 m back within its plot with a SW projecting single storey garage that is approx 11.5 m back from the edge of the highway.

The property 'The Dairy' is 3 plots to the NW of the application site and is a one and a half storey height. Across the highway to the NW are two bungalow style properties 'Taree' and 'Glenfield'. Given the properties along this stretch of Fiskerton Road are of varying styles and sizes I accept that a dormer bungalow style property would not unduly impact the character of the area. However I note that the surrounding dwellings are generally set back within their plots, on the NE side of Fiskerton Road, where this new dwelling is proposed, the main bodies of the surrounding dwellings are set back c.15-20 m with some dwellings having single storey garage ranges that sit further forward within their plots. The rear elevation of the proposed dwelling would sit in line with the principal elevation of Meadow View and project further SW than the end of the single storey garage.

I acknowledge that across the highway there is a much more uniform build line where properties are set approx 12 m from the highway. There is less uniformity on the NE side of Fiskerton Road but still a general prevailing character of properties being set back within their plots with circulation space to the front and good separation between properties. In this case there would be c.2.2m between the side elevation of the proposed dwelling and the main body of Meadow View – albeit I acknowledge that this would appear as 7.7 m when viewed from the highway given the single storey garage outshot. Despite this, I remain of the view that from the highway it would appear that this property is set closer to the highway than the surrounding dwellings and as such would be a more prominent feature within the streetscene.

It is clear that the new dwelling has been positioned as such within the plot to avoid the built form being within the land that is designated as FZ2 however this would result in the introduction of a single storey property that would contrast with the linear form and grain of the layout of adjacent development.

Overall I consider the positioning of this dwelling would be out of keeping with the prevailing set back characteristic of the immediate locality. The locality is characterised by a linear build line which is set back from the highway c.15-20 m. The proposal would create a dwelling further SW within the plot which would be unsympathetic to the general grain, character, layout and appearance of the surrounding area and is therefore contrary to Core Policy 9 of the Newark and Sherwood Core Strategy DPD (Adopted March 2011) and policy DM5 of the Allocations and Development Management DPD (Adopted July 2013).

Flood Risk

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF adopts a sequential approach to flood risk advising that development should first be directed towards less vulnerable sites within Flood Zone 1. Where

these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific Flood Risk Assessment (FRA), the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted.

Para 159 states that 'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance'.

Para.160 of the NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant. This includes safe access and escape routes where required and that any residual risk can be safely managed and it gives priority to sustainable drainage systems.

The NE portion of the application site is defined as FZ2 as identified by the EA flood mapping with the south west corner of the site identified as FZ1. The wider paddock land to the SE is mostly FZ2 with the north-east portion of the paddock within Flood Zone 3 and a drainage dyke to the south-east of the site that runs along the site boundary with a portion of land benefiting from flood defences to the south. The EA flood mapping provides a low resolution image to identify FZ areas from making percentage differentiation between FZ2 and FZ1 difficult to interpret. The FRA submitted with this application does interpret land levels but still highlights how the north eastern portion of the site is FZ2.

This outline application seeks for layout to be considered – the proposed site plan shows that the dwelling has been sited within the portion of the site that is defined as FZ1. The rear garden to the site is within FZ2 and the access is within FZ1. Given the site includes land designated as FZ1 and FZ2 I must apply the aforementioned tests as directed by the NPPF.

The D&A Statement states that the applicant wishes to build a new dwelling to allow the applicants to decant from Meadow View into the proposed, smaller dwelling, with their elderly relatives. The agent states that the applicant has lived in the village for many years and wishes to remain part the local community. As such, sites beyond Rolleston would not provide a reasonable alternative for this purpose, to the application site.

Paragraph 33 of the Planning Practice Guidance: Flood Risk and Coastal Change advises that for individual planning applications where there has been no sequential testing of the allocations in the development plan, a pragmatic approach on the availability of alternative sites should be taken and the area to apply the Sequential Test will be defined by local circumstances relating to the catchment area for the type of development proposed. Para. 33 also provides guidance as to the area that should be used in the Sequential Test for the proposal subject to this Flood Risk Assessment. It states that where there are large areas in Flood Zones 2 and 3 and development is needed in those areas to sustain the existing community, sites outside them are unlikely to

provide reasonable alternatives. It also uses the example of an extension for an existing business premises to advise that where the proposal needs to be in a certain location, it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

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

Given the applicant has failed to demonstrate that there is an identified local need within Rolleston for a new dwelling that could outweigh the Flood Risk concerns and that there are other allocated sites within Flood Zone 1 and more sustainable settlements within the District I consider that the principal of this development site overall would fail the sequential test. However, the layout plan shows that the dwelling is to be positioned in FZ1 and the applicant has demonstrated within the FRA that the dwelling could be constructed on the site whilst ensuring the safety of future occupiers and would not increase the risk of flooding to third parties. Whilst it is accepted that there would be alternative sites within the District that would be at a lower risk of flooding that would be suitable for this development, in taking a pragmatic approach, given the built form and all residential accommodation would be located within FZ1 (with only garden land in FZ2) I am of the view that it would be difficult to conclude and subsequently uphold in an appeal scenario that the new dwelling in this position wouldn't pass the sequential test.

Notwithstanding this, the EA have commented on the application advising that the site may become an island in a major flood event and as such the Emergency Planner has been consulted and has advised "Whilst the living area of the planned building is not within flood zone 2 or 3 it should be noted that access roads to the property may be subject of flooding in effect creating an island effect for the dwelling. The impact upon emergency services or other critical responders may be dependent upon the resilience or vulnerability of residents. Previous flood events demonstrate that residents who witness rising flood waters may become fearful of the consequences and attempt to call upon council services for support. Residents would be expected to prepare personal flood plans and it would be advisable for flood impact mitigation measures to be planned into the building to both limit the potential impact of a severe flood but to also provide reassurance to residents. This may affect the design of thresholds, siting of utility controls and internal wiring."

On balance it is considered that the proposal in this instance, with the siting of the dwelling wholly within the portion of the site within FZ1, satisfies the sequential test and is therefore in accordance with Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and satisfies the Sequential Test as set out in the National Planning Policy Framework 2018, a material consideration. In the event that the application were to be otherwise approved, it is considered that matters of flood risk for the occupiers could be controlled by condition (i.e. requiring specific flood plans).

Housing Need

The D&A Statement states that the applicant wishes to build a new dwelling to allow the applicants to decant from Meadow View into the proposed, smaller dwelling, with their elderly relatives. The agent states that the applicant has lived in the village for many years and wishes to remain part the local community.

I note that development should be considered with the wider public benefit in mind rather than for private interest - such a requirement is not considered to be consistent with the NPPF.

In any case the proposal is not to be assessed against SP3 and the 'need' criteria contained therein. I do however accept that local need can be a material planning consideration where there is clear evidence to support this. However no supporting documents have been provided as part of this outline application. Whilst this can be taken into consideration as an 'other material consideration', given that this need has not been evidenced the 'need' outlined would not outweigh the considerable harm of development in the open countryside and on the surrounding area that would sway the balance in favour of the application.

Highway Matters/Access

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

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

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

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

Neighbour Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. An assessment of amenity impact also relates to both the existing neighbouring occupiers and the occupiers of the proposed dwellings in terms of the amenity provision. Given that the proposed development is only outline, only the site layout has been provided. Given the separation distances between the individual properties and neighbouring dwellings it is not considered that the proposed layout would detrimentally impact upon the amenity of surrounding properties.

Community Infrastructure Levy

The site is located within Housing Very High Zone 4 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £100m² for CIL purposes. Given that the floor plans have not been submitted as part of this application the CIL charge on the development would be determined at Reserved Matters stage if the application were to be otherwise accepted.

Conclusion

The above appraisal has concluded that the new dwelling would accord with the policies set out within the NSDC Core Strategy and Allocations and Development Management DPD and the NPPF (2018) concerning the impact upon neighbouring amenity, highways safety and flood risk.

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

Whilst the site is not 'isolated' the proposal does represent an unsustainable form of development when considering matters of sustainability and the proposal is contrary to the Development Plan. There is no need for this speculative dwelling to be located in this particular area. Furthermore the positioning of this dwelling would be out of keeping with the prevailing set back characteristic of the immediate locality. The proposal would create a dwelling set further forward (towards the highway – SW) within the plot which would be unsympathetic to the general grain, character, layout and appearance of the surrounding area and is therefore contrary to Core Policy 9 of the Newark and Sherwood Core Strategy DPD (Adopted March 2011) and policy DM5 of the Allocations and Development Management DPD (Adopted July 2013).

It has been concluded that the proposal would adversely affect the rural setting of the village as a matter of principle and that in any event given that matters of detailed design have not been submitted with this application it fails to be demonstrated that the dwelling would be of "exceptional quality, in that it: is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area" in accordance with the exception point of Para 79 of the NPPF.

The proposal conflicts with the spatial strategy of the adopted development plan which focuses development on larger settlements and strictly controls new housing in the open countryside and 'Other Villages'. Furthermore, the proposal, contrary to the development plan, would also cause demonstrable harm to the character and appearance of the countryside.

The conflict with the spatial strategy of the development plan and harm to the character and appearance of the countryside are matters to which I attach considerable adverse weight, particularly having regard to the Framework's emphasis on plan-led decision making. On balance, the material considerations in favour of the proposed scheme do not outweigh the conflict with the spatial strategy of the development plan and the harm that would be caused. The proposal would be contrary to the development plan considered as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan and should be refused accordingly.

RECOMMENDATION

That full planning permission is refused for the following reason:

01

The site is located within the open countryside where development is strictly controlled and limited to a number of exceptions such as agricultural workers dwellings as identified in policy DM8 (Development in the Open Countryside). The proposal does not meet any of the exceptions listed in DM8 nor those contained within the National Planning Policy Framework (NPPF) a material consideration. It is therefore considered that development of this site would result in an unsustainable form of development that would have an adverse impact upon a rural area which if approved would be contrary to Policy DM8 of the Allocations and Development Management Development Plan Document (DPD) which forms part of the Development Plan as well as undermining strategic objectives contrary to the NPPF. There are no other material planning decision which indicate a decision should be made otherwise.

02

In the opinion of the Local Planning Authority the proposed dwelling would result in the introduction of a visually prominent dwelling which would be out of character with the grain and appearance of built form in the surrounding area. The layout of this dwelling would be out of keeping with the prevailing set back characteristic of the immediate locality. The proposed dwelling would result in built form closer to the boundary with the highway which would be unsympathetic to the general grain, character, layout and appearance of the surrounding area and is therefore contrary to Core Policy 9 of the Newark and Sherwood Core Strategy DPD (Adopted March 2011) and policy DM5 of the Allocations and Development Management DPD (Adopted July 2013) which together form the Development Plan as well as being contrary to the good design principles contained with the NPPF, a material consideration.

Notes to Applicant

01

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

02

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

Background Papers

Application Case File

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

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 18/01592/OUT

