

PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/01833/OUT	
Proposal:	Outline Planning permission for the erection of a detached dwelling.	
Location:	Land To The Rear Of The Croft, Great North Road, Cromwell	
Applicant:	Mr S Price	
Registered:	03 October 2018	Target Date: 28 November 2018

This application is presented to the Planning Committee for determination because the recommendation differs from the Parish Council's views.

The Site

The site comprises a parcel of land approximately 0.09 hectares in area on the west side of Great North Road within the settlement of Cromwell. The site is currently an overgrown area of grass. A close boarded fence is located along the north, south and east boundaries of the site. A post and wire fence is located along the west boundary of the site. Access to the site is via a single lane access track which runs to the south of The Orchard and connects to Great North Road approximately 50 metres to the east of the site. The Orchard is a two storey dwelling recently constructed (under planning application no. 17/00975/FUL) within the grounds of The Croft.

The Croft is a local interest building located to the north east of the application site. 36 Great North Road is a bungalow located to the south of the site. A pumping station is located immediately to the north of the site.

Approximately one half of the access to the site is located within Flood Zone 2 according to the Environment Agency maps.

Relevant Planning History

No relevant history relating to the site itself however, the following application relates to land to the north and south of The Croft:

North:

17/02278/FUL Erection of a Pair of Semi-Detached Dwellings – permission 20.02.2018 (with regard given to the previous appeal decision/fallback position).

15/01534/FUL Detached dwelling – refused 30.10.2015 because Cromwell was not considered to be a sustainable location suitable for residential development and the applicant had failed to demonstrate the proposals met an identified proven local need. Allowed on appeal 28.07.2016.

96/50444/FUL – new dwelling – Approved

06/000017/OUT – erection of a dwelling – Refused

South:

17/00975/FUL Demolition of existing stores. Construction of new dwelling, access and hard standing – permission 09.08.2017 (Member overturn following Officer recommendation of refusal on sequential test flood risk grounds).

The Proposal

The application seeks outline planning permission with all matters reserved for the erection of one detached 2-storey four bedroom dwelling with garage. The Block Plan submitted with the application indicates the provision of a roughly rectangular shaped dwelling with projecting front gable and single storey integral garage to the south side of the main dwelling. It would measure approximately 17 metres by 11 metres (at its widest points)

The following plans and documents have been submitted with the application:

- Planning Statement
- PC/18/001 Site Location Plan
- PC/18/002 Block Plan

Departure/Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter.

A site notice was posted on 19.10.2018.

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 10 - Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations and Development Management DPD (Adopted July 2013)

Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2018
- National Planning Policy Guidance (NPPG) 2014
- Housing Market Needs Sub Area Report (2014)
- Newark and Sherwood Amended Core Strategy DPD 2017
- Spatial Policy 3 Guidance Note (September 2013)

Consultations

Cromwell Parish Council: *In Favour - This application was discussed at the well attended Quarterly Parish Meeting held on the 11th October. It was pointed out that any such development would require the location of the pipes which serve the adjacent Severn Trent pumping station, and their protection throughout any construction. It was further pointed out that this has always been considered to be agricultural land although the location, size, and shape of the plot is only consistent with a dwelling. The meeting was broadly indifferent to the proposal but with a majority in favour of it.*

Trent Valley Internal Drainage Board: *The site is within the Trent Valley Internal Drainage Board district. The erection or alteration of any culvert, whether temporary or permanent within the channel of a riparian watercourse will require the Board's prior written consent. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).*

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

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Environment Agency: *We have reviewed the submitted documents and on this occasion the Environment Agency has no formal comment to make regarding the submission. The site is primarily located in flood zone 1 however there are areas within flood zone 2. Therefore the applicant should follow the Environment Agencies standing advice for this development.*

Lead Local Flood Authority: *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 (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

NCC Highways: This is an outline application with all matters reserved for the construction of a detached dwelling served by an existing access onto Great North Road. The access currently serves an existing dwelling and a water pumping facility.

This proposal is not expected to have a significant impact on the public highway, therefore, there are no highway objections.

NSDC Conservation Officer: Cromwell is a characterful village with a number of historic buildings, notably the landmark Grade I Church of St Giles. The Croft, formerly Greenways, is identified as a Local Interest building. The adjacent late 19th century former almshouses in Tudor Revival style (6-9 Main Street) are also of architectural interest. To the south of the proposal site at Willingham House are the remains of a late 17th century pigeoncote which is Grade II listed. Combined with the Croft, these buildings form a positive group.

The architectural form and age of the Croft makes it of Local Interest. The Croft is formally identified on the County Historic Environment Record (HER). In accordance with Annex 2 of the National Planning Policy Framework (NPPF), Local Interest buildings are non-designated heritage assets.

We have reviewed the submitted plans and do not wish to make any formal comments in this case. In reaching a decision, we urge you to consider the impact of the proposal on the significance of any non-designated heritage asset, which is a material consideration in accordance with paragraph 197 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

We also advise you to take into account section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') which requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm.

NSDC Access Officer: the Applicant is advised to make separate enquires with regards to Building Regulations matters.

2 letters of representation have been received from local residents/interested parties. Main issues raised include:

- Elevation drawings are required to ensure the proposal does not overlook adjacent gardens – a bungalow or dormer bungalow is suggested.
- The property would be built on agricultural land (previous owners of this land were advised of this when they wanted to put a store on land in 2011).
- Severn Trent pipes go through this land.

Comments of the Business Manager

5 Year Housing Land Supply

This Council, as Local Planning Authority (LPA), has dealt with a number of housing planning applications in recent years. The issue as to whether an LPA has a 5 year housing land supply (HLS) is of significant importance when dealing with planning applications for housing development, particularly in terms of the NPPF, weighting of Development Plan policies, and the need for housing delivery when weighted against other material planning considerations, with the 'tilted balance' potentially coming into play.

As an LPA we have been challenged in the past on our ability to demonstrate a 5 YHLS, most recently in November 2017 when the appeal(s) were recovered by the Secretary of State who confirmed that the Council does indeed have the required 5YHLS (APP/B3030/W/17/3169436).

Consequently, the policies of the Development Plan are up-to-date (also having regard to the PAS review of the Core Strategy Policies and in attaching weight to the fact that the Allocation and Development Management DPD Policies were independently examined and found sound post NPPF adoption) for the purpose of decision making.

Principle of Residential Development

The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration.

I am mindful of the proposed changes to SP3 as part of the on-going plan review, some of which can now be afforded weight in the decision making process. The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017, with the examination undertaken early in 2018. For the purposes of paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy), it is considered that those areas of the emerging SP3 content not identified in the Inspector's post-hearing notes, satisfy the tests to the extent that 1) it is at an advanced stage, with the Examination taken place in February 2018 with only the modifications to be finalised and consulted upon and 2) there are no unresolved objections to aspects of the policy relevant to this proposal. Accordingly for the purposes of this proposal, I consider that weight can be attached to the emerging policy in the overall planning balance.

Location

The first criterion 'Location' states 'new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.'

I consider the application site to be within the built-up area of the village given that parcel of land is enveloped by built development on three sides.

Cromwell has limited services and facilities itself other than a church and shop. However, there are regular bus routes to Newark and Retford. Whilst there would be some reliance on use of the private motor vehicle this would not be uncommon with other, more sustainable settlements. Given the proximity to the A1 and the bus service it has been concluded by previous planning decisions that the location of a dwelling in Cromwell would not cause any difficulty in accessing services and facilities which exist in other relatively nearby settlements. It therefore considered that Cromwell is a sustainable location for new dwellings and the proposal complies with the locational criterion of Policy SP3.

Scale

The guidance to accompany SP3 referred to above confirms the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. It is also considered one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume (this is further discussed in the Highway Safety section in this report).

Need

Policy SP3 currently states support could be forthcoming for new housing where it helps to meet identified proven local need. 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 on the Applicant to provide evidence of local need. No Needs Assessment has been submitted with the application and I am not aware that Cromwell has an up to date Local Needs Survey (prepared in conjunction with the Parish Council). The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. As the current application is outline, it is not possible at this stage to confirm whether or not the proposal is reflective of this need, however this is a matter which could be explored further at the reserved matters stage.

I am however mindful of the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight (as set out in the principle of development section above). This states that new housing will be considered where it helps to support community facilities and local services. 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.

I consider the proposed dwelling is likely to support community services and facilities including the church, shop and the local bus services. I am therefore satisfied in this instance that the proposal would accord with the need element of policy SP3 when attaching weight to the emerging Spatial Policy 3.

Impact

Policy SP3 states new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people and not have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. These matters are dealt with in the relevant sections below.

Character

Policy SP3 states new development should not have a detrimental impact on the character of the area. This matter is dealt with in the relevant section below.

Impact on the Character of the Area including the Setting of the Local Interest Buildings

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Croft and the former almshouses (6-9 Main Street) are non-designated heritage assets located east/south east of the site and the development of the application site therefore has the potential to affect their setting. Within the wider setting, the remains of the Grade II Listed pigeoncote and Grade I listed church to the south of the site are not thought likely to be affected by the proposal given the separation distances and intervening built form.

The Conservation Officer's comments are set out in full in the 'Consultations' section above and raise no objection to the principle of development. The detailed design of the proposal would be subject to further consideration at the reserved matters stage and it is considered feasible that a detailed design that preserves the setting of the adjacent Local Interest Buildings (The Croft and former almshouses 6-9 Main Street) could be achieved on site.

Due to the existing built form on three sides of the proposed development, the proposed dwelling would not be out of keeping with the character surrounding site context. Likewise, whilst the proposal represents a form of backland development, this form of development is not considered to be out of character given the surrounding site context. The resultant plot size would also be similar to surrounding plot sizes.

Overall, the proposal would not result in an adverse impact upon visual amenity or the setting of heritage assets having regard to Core Policies SP3, CP9 and CP14, policies DM5, DM9 of the DPD and the NPPF.

Impact on Flooding

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. Para.163 of the NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It further states 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 Environment Agency Flood Map identifies the front half of the site access would be situated in Flood Zone 2. It is noted that the erection of a dwelling on a plot of land to the north of The Croft was allowed at appeal in July 2016 (15/01534/FUL) and this has represented a fall back position for a subsequent application to build houses on this land (17/02278/FUL). At the time of determination of 15/01534/FUL by the Council, it appears that this site was located within Flood Zone 1. Flood maps have since been amended. In addition, a dwelling on land to the south of The Croft was recently constructed (17/00975/FUL) following approval by Planning Committee (an overturn following Officer recommendation of refusal on sequential test flood risk grounds).

A Flood Risk Assessment (FRA) has been submitted with the application. This proposes the following:

- Any hard standing to be of a “permeable” for example to be 20mm gravel or “Breadon” rolled marle.
- No flood prevention measures are required to the proposed building as it will not be sited in the flood plain.
- Occupiers will subscribe to the “Flood Warning Direct” phone text service and any occupiers on site will be warned of any likelihood of imminent flood inundation.

Whilst this level of mitigation may be acceptable in the case, the NPPF is clear that the exception test should not be applied until the Sequential Test has been passed.

I note that the submitted FRA refers to the fact that a proposed dwelling in Flood Zone 2 is identified as more vulnerable development within the flood risk vulnerability classification and flood zone compatibility set out in the PPG and is considered to be ‘appropriate’ development in that respect. However, the PPG is clear that more vulnerable development should first pass the sequential test before it is considered to be appropriate; the sequential test is applied to guide development first to Flood Zone 1, then only Zones 2 and 3 if no land within Flood Zone 1 is available.

A sequential test has not been carried out by the applicant to demonstrate there are no other suitable sites available for the development at lesser risk of flooding. At a district level there are other sites at a lower risk of flooding than the application site (i.e. located in Flood Zone 1) on which new housing could be developed. For individual planning applications, the area to apply to the Sequential Test can sometimes be defined by local circumstances relating to the catchment area for the development. In the ‘Need’ section above, I consider the proposal has the potential to meet a need for housing identified in the Sutton on Trent Sub Area. The sequential search could therefore apply to the sub area of Sutton on Trent at minimum as this is the area of need for the

new dwellings being met. However, this does not overcome the fact that no such sequential test has been applied.

As such the proposal fails the sequential test and is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2012, a material consideration.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. The proposal would utilise an existing access to the site. The Highways Officer raises no objection to the application as it is considered to have a negligible impact on the public highway. As such, the proposed is considered to comply with the highways requirements of Policy DM5 and SP7.

Impact on Neighbouring Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

The submitted Block Plan indicates that a satisfactory relationship with neighbouring dwelling could be achieved (and shows that the two storey section of the proposed dwelling would be located 13 metres away from the edge of the bungalow to the south of the site). First floor windows would have the potential to overlook the rear of The Croft and The Orchard, however the separation gap would be in excess of 35 metres (window to window) which is considered an acceptable distance. Whilst the distance to the rear garden area is less than this, this is not considered to result in a material increase in overlooking over and above existing levels (given that the Orchard overlooks the rear garden of The Croft and vice versa).

Ensuring no adverse impact upon the occupiers of neighbouring dwellings is an issue which would need to be considered in greater detail when the reserved matters of appearance, layout and scale are applied for, however, I am satisfied that the illustrative layout provides sufficient certainty that the objectives of Policy DM5 can be achieved.

Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The application has not been accompanied by a tree survey. There are some trees located along the southern boundary of the site which appear to be located outside of the application site and are therefore unlikely to be affected by the proposed development. It is recommended that a landscape scheme (to include tree protection measures as required and landscape planting) be imposed as part of any permission, should Members be minded to approve the application.

The application also is not accompanied by an ecology survey. However, I note that the site has very low ecology potential having regard to Natural England Standing Advice given that no trees

are to be removed/buildings to be demolished. As such, it is unlikely that any adverse ecology impacts would result from the proposal in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

Overall Planning Balance and Conclusion

The Council is satisfied that it has its 5 year housing supply. The application has been carefully assessed against Spatial Policy 3 (Rural Areas) of the Development Plan along with the NPPF. SP3 supports new dwellings in rural areas subject to satisfying five criteria namely, location, scale, need, impact and character. The development is considered acceptable when assessed against each of these criteria.

However, part of the site access is located in Flood Zone 2. Insufficient information has been provided in order to assess whether the proposed development would comply with the Sequential Test to demonstrate that there are no alternative sites which could accommodate the development at a lesser risk of flooding.

It is not considered that there any benefits to the proposal which would outweigh the flood risk harm identified within this report. For the reasons stated above, the proposal is considered to be contrary to relevant local and national planning policy and is recommended for refusal.

RECOMMENDATION

That outline planning permission is refused on the following grounds:

01

Section 9 of Policy DM5 of the Allocations & Development Management Development Plan Document relates to flood risk and water management and states that the Council will steer new development away from areas at the highest risk of flooding. Development proposals within Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes 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.

Part of the site access is located in Flood Zone 2 which is an area considered to be at risk of flooding. The submitted application does not outline the need for the proposed development to be located within Flood Zone 2 when there are sites at a lower risk of flooding located elsewhere within the District and therefore the Local Planning Authority have been unable to assess whether the site would meet the Sequential Test. The proposal is therefore contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2018, a material consideration.

Note 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 Helen Marriott on ext 5793.

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 - 18/01833/OUT



