

PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/01925/FUL	
Proposal:	Proposed detached residential annex	
Location:	Marlock Chase, Station Road, Fiskerton, Nottinghamshire, NG25 0UD	
Applicant:	Mr & Mrs Rule	
Registered:	25th October 2018	Target Date: 20th December 2018

The application is reported to Committee as the Officer recommendation is contrary to that of the Parish Council.

The Site

The site is located to the NW of the village of Fiskerton, close to the village's train station. The site is relatively isolated and has no immediate neighbours, with Station Road to the NE and Station Lane to the NW. The wider site currently comprises a detached bungalow with detached garage to the west of the dwelling and an agricultural/stable building to the SW of the site. The land proposed as part of this application currently open with new tree planting and is joined with the residential front garden associated with Marlock Chase. However aerial imagery from 2016 shows that the site previously formed part of the paddock to the rear of the site but the fencing has been relocated since this image was taken; there is no planning history to suggest that the use of the land has been lawfully changed to residential curtilage.

There are two accesses to the site, one directly serving Marlock Chase which is the main access, with the other to the NE corner of the site, close to the proposal site. This latter access does not appear to be in regular use currently although is gated.

The proposed site lies within flood zone 2 with the wider Marlock Chase site also within Flood Zone 2 of the Environment Agency's Flood Maps.

Relevant Planning History

09/01012/FUL - Householder application for the erection of two-storey extension to east elevation (permitted 23.09.2009)

03/01341/FUL - Proposed extension (permitted 14.07.2003)

39910515 - Racecourse training centre including stable block, menage and bungalow (permitted 07.08.1991)

39900649 - Dwelling for trainer/assistant barn type stable unit with staff rest room and WC (refused 11.04.1991)

The Proposal

Full planning permission is sought for the erection of a detached single storey annexe located approximately 20m to the east of the main dwelling. The annexe would measure 14.1m in width, 5.9m in depth and 5.8m in ridge height. The annexe would provide 1no. bedroom, wet room, hall, living area and store with WC. Cooking facilities would be shared with the main dwelling.

Access to the annexe would be via a footpath leading from the driveway serving Marlock Chase.

No details on materials to be used in the construction of the building have been submitted with the application.

Submitted Documents

The following documents accompany the application:

- Site location plan
- Proposed ground floor plan - 372_2018_01
- Proposed elevations - 372_2018_02
- Existing site plan - 372_2018_03
- Proposed site plan - 372_2018_04
- Planning, Design and Access Statement dated October 2018
- Flood Risk Assessment dated October 2018

Public Advertisement Procedure

The occupiers of three nearby properties have been consulted on the application.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

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 DM8: Development in the Open Countryside

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

*National Planning Policy Framework 2018
Planning Practice Guidance 2014
NSDC Landscape Character Assessment 2010*

Consultations

Fiskerton-cum-Morton Parish Council – Support the proposal but have included the following comment,

Concerns re setting a precedent of building 2 proposed on plot which was originally meant for 1.

NCC Highways – This proposal is for a single storey detached residential annexe within the curtilage of Marlock Chase. The site is of sufficient size to easily accommodate this proposal. The information and plans submitted demonstrate that the residents of the annexe will share the use of kitchen facilities with the main dwelling.

Therefore, the Highway Authority would not wish to raise objection to this proposal subject to the following condition being imposed:

The proposed annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Marlock Chase.

Trent Valley Internal Drainage Board – *The site is within the Trent Valley Internal Drainage Board District.*

The Board's consent is required for any works that increase the flow or volume 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.

If you require any further information please do not hesitate to contact the Board's Operation's Manager, Mat Everett.

Environment Agency – *We have reviewed the documents submitted with this application and on this occasion the Environment Agency has no formal comment to make. We note that the development is classed as 'More Vulnerable' and located within flood zone 2 and therefore the applicant should be made aware of our standing advice which can be found at the following link: <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>*

If any aspect of the proposal changes such that you feel it may pose significant environmental threat then please do not hesitate to contact us.

LCC Archaeologist – *This proposed development site lies within an area of known archaeology, there are known settlement remains in the immediate vicinity that could extend into this site. These remains have been tentatively interpreted as Roman but could also relate to medieval settlement, the potential for disturbing archaeology during this development is high.*

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.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 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.

Ramblers Association – No comments received

No other letters of representation have been received.

Comments of the Business Manager

Principle of development

The application seeks to erect an annexe adjacent to Marlock Chase for the current owners of Marlock Chase to move into to prepare for later life. The Council's SPD for householder development states that *'where an annexe includes all of the primary aspects of accommodation (bedroom/ living room, kitchen and bathroom) and the unit could be, or is being, lived in separately with limited or no relationship to the host dwelling either through a family member or the level of accommodation then it will be considered as a new dwelling and so not householder development. Accordingly full planning permission for a new dwelling would be required with relevant policies of the development plan being applied in its consideration.'*

In accordance with the above, it is considered that Policy DM6 relating to householder development would not be the appropriate policy to assess the proposal in this particular instance. The scale and character of the proposed annex are more akin to a separate dwelling, having a footprint of 89m² (including porch) and a ridge height of 5.8m, which is 1.1m higher than the ridge height of the main dwelling, with the exception of the extension built c.2009. I therefore would not consider the annexe to sit as a subordinate building to the host dwelling.

I am mindful that the proposal seeks to rely upon the host dwelling for kitchen facilities. It is noted that internally there is sufficient space for a kitchen to be added at a later stage without requiring consent from the local planning authority. I must take the applicant's proposal in good faith that the intention is for the occupiers of the annexe to share facilities with the host dwelling. However,

the proposed annexe is some 20m from the host dwelling and thus is not well-related to the dwelling; this distance, in my view, would not be wholly practical for sharing facilities, particularly during times of bad weather or ill-health. The distance would also be impractical should the occupiers have limited mobility in later years.

Aside from the above, there is the issue that the land proposed to accommodate the annexe is not part of the residential curtilage associated with Marlock Chase as its most recent lawful use was a paddock. It is noted that the fence line for the paddock is now to the south of the proposed annexe location, however aerial imagery from 2016 shows the fence line of the paddock to be further north, close to the boundary with Station Road and thus encompassing the proposal site. The paddock is also shown in this location on the 2009 planning application detailed earlier in this report. The proposal would therefore also involve the change of use of the land from paddock to residential.

It is not considered appropriate to assess whether or not a new dwelling would be acceptable in this location given that this is not what has been applied for within the description of development, however I cannot ignore that the scale of this annex could facilitate a new dwelling in the future which would be inappropriate in an Open Countryside location.

In addition to the above, the change of use of the land is not explicitly supported by Policy DM8 of the DPD; the paddock usage is supported within the Open Countryside as it is accepted as a rural use. The change of the land to residential curtilage lends the site to further domestic development which would result in encroachment of the countryside. Policy DM8 seeks to avoid this and therefore I am of the view that the principal of the change of use is unacceptable; there has been no justification submitted with the application to support this change of use.

Whilst the proposal is presented as an annexe which would share facilities, the distance occupiers would have to travel is not considered to be practical. The layout of the site is also such that the site could easily be subdivided in future to create an independent dwelling and even without subdivision the size of the curtilage supports independent living. The application as submitted is therefore contrary to the provisions set out within Core Policy 9 or the core strategy, policies DM 5 & 8 of the ADMDPD and the NPPF which is a material consideration.

Visual Impact

In accordance with Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In this regard I consider it is important to retain the character of the landscape and prevent development from encroaching upon its rural characteristics.

The proposed annexe would be located some 20m from the existing dwelling on the site and as such is not particularly well-related to the dwelling as ancillary accommodation. The proposed annexe would be highly visible from the public realm and given the separation distances between the two buildings, could indeed appear as a separate dwelling when viewed from the public realm. Indeed there is an existing access close to the proposed siting of the building which could be utilised without the consent of the LPA, thus limiting the number of facilities the annexe would rely upon from Marlock Chase. Given the open characteristic of the surrounding area, the addition of built form is likely to have a significant impact upon the character of the area through the addition of built form. The erection of a large building within the paddock would impact upon the views of

the site and detract from the open character, with the new building likely to be perceived as encroaching upon the countryside.

As alluded to above, the proposed annexe in my view provides a footprint over and above that necessary for an annexe and has a considerable footprint (89m²) which in plan form competes with the original footprint of Marlock Chase and is indeed greater in height than the majority of the principal dwelling. As such I do not consider this to be wholly subservient to the host dwelling.

In terms of its design, the annexe would be relatively simple in appearance, as is the host dwelling, however no details in the materials proposed have been submitted and thus should Members be minded to approve the application, these details would need to be conditioned. Assuming they reflect the rural character of the area, it is likely that they would be considered acceptable.

Given the location and scale of the proposed annexe, it is concluded that the proposal would be contrary to the aims of Policy DM5.

Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity. Given the distance from the nearest dwellings I am satisfied that the annexe would not have a significant detrimental impact upon neighbour amenity.

Highway Safety

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

I note the comments of the Highway Authority and consider that the proposal would not raise any highway safety issues subject to the suggested conditions. As such, it is unlikely that the proposed development would result in any adverse impact upon highway safety in accordance with Spatial Policy 7 and Policies DM4 and DM5 of the DPD, however this does not outweigh the issues outlined above.

Flood Risk

Policy DM5 of the DPD states that the Council will aim to steer new development away from areas at highest risk of flooding. In addition Core Policy 9 requires development proposals to include measures to proactively manage surface water wherever possible.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

The NPPF states within paragraph 155 that inappropriate development in areas at risk of flooding

should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

The Application Site sits within Flood Zone 2 and policy DM5 of Newark and Sherwood's Local Development Framework states that the Council aim to steer new development away from areas at highest risk of flooding. The Environment Agency Plan indicates that the wider site owned by the applicant is within Flood Zone 3, with much of the surrounding are within flood zones 2.

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 158 of the Framework confirms that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

It is clear that if the District of Newark and Sherwood were considered as a whole, this site would certainly fail the Test as there are other areas within the District that fall within Flood Zone 1 where new housing could be built.

However, if the Sequential Test is considered locally, the proposed site is at a lower risk of flooding than other parts of the site. As the proposal is for an annexe that would be reliant upon Marlock Chase, it would not be appropriate for the annexe to be located away from the site and therefore I am of the view that the proposal for an annexe would pass the sequential test.

A Detailed Flood Risk Assessment (FRA) has been deposited with the application which states that the site is adequately protected and is not at significant flood risk, and would not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented. These strategies include raising the floor levels to 0.6m above ground level to 15.45m AOD with flood resilience to 15.75 AOD. However, no details on sustainable drainage have been submitted at this stage.

The Environment Agency have been consulted on the proposal and have raised no objection to the proposal, subject to a condition relating to mitigation measures. I am therefore satisfied that the proposal would meet local and national planning policies in respect of flood risk.

Conclusion and Planning balance

The proposal is for the erection of a residential annexe adjacent to Marlock Chase. The annexe would be located within an area that formally formed part of a paddock associated with Marlock Chase. I do not consider the annex could reasonably be considered to be ancillary to the main dwelling given the size of the building relative to the host dwelling and the level of accommodation it could accommodate. The size of the building proposed conflicts with the provisions of policy DM8 which seeks to control development within the Open Countryside and as such is contrary to Core Policy 9 of the core strategy, policies DM 5 & 8 of the ADMDPD and the NPPF which is a material consideration.

The proposed change of use of the land also needs to be considered. The site lies within the Open Countryside where development is strictly controlled through Policy DM8 of the DPD and the NPPF. The change of use of the land has not been justified.

The proposal is considered unlikely to have an adverse impact upon neighbour amenity, highway safety or flood risk, but these neutral aspects of the scheme do not overcome the issues with the principle of development in this instance.

In conclusion, it is recommended to Members that the application is refused as the proposal is not considered to represent sustainable development and is therefore contrary to Core Policies 9 and 13 of the Core Strategy (2011) and Policies DM5, DM8 and DM12 of the Allocations and Development Management DPD and the NPPF, a material planning consideration. There are no other material planning considerations which would outweigh this harm.

Recommendation

That full planning permission is refused for the following reason;

01

The Local Planning Authority does not consider the proposed annex could reasonably be considered to be ancillary to the main dwelling given the level of accommodation proposed and the size of the building relative to the host dwelling. In addition, the scale of the building is not proportionate to the existing built form on the site and by virtue of its positioning would result in a detrimental impact on the character and openness of the surrounding countryside. The proposal would constitute a significant increase in the overall scale of the property in the open countryside. In the opinion of the local planning authority, the proposal is not considered to represent sustainable development and is therefore contrary to Core Policies 9 and 13 of the Core Strategy (2011) and Policies DM5, DM8 and DM12 of the Allocations and Development Management DPD and the NPPF, a material planning consideration. There are no other material planning considerations which would outweigh this harm.

02

The site's lawful use is a paddock and therefore the development would comprise a change of use of the land to residential curtilage. In the opinion of the District Council, the proposal would result in encroachment of the countryside through the change of use of the land which is contrary to the aims of Policy DM8 of the Allocations and Development Management DPD. There is no justification which would outweigh this harm.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving

a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on Ext 5833.

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 - 18/01925/FUL



