

## PLANNING COMMITTEE – 5 FEBRUARY 2019

<b>Application No:</b>	<b>18/02204/FUL</b>	
<b>Proposal:</b>	<b>New three bedroom detached dwelling with associated hard and soft landscaping</b>	
<b>Location:</b>	<b>Stonewold, Gravelly Lane, Fiskerton.</b>	
<b>Applicant:</b>	<b>Mr Beard</b>	
<b>Registered:</b>	<b>30.11.2018</b>	<b>Target Date: 25.01.2019</b>

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Fiskerton Parish Council has objected to the application which differs to the professional officer recommendation.**

### The Site

The application site is located within the main built up area of Fiskerton and forms part of the residential curtilage associated with Stonewold, a modern single storey bungalow. The site itself comprises a wooden shed/stable with a grassed area adjacent.

To the west of the site is the host property which is in the same control as the applicant, whilst to the east is Horseshoe Lodge, another modern single storey bungalow. Land to the south-west of the site is open fields. The site is accessed via a private gravelled driveway off Gravelly Lane situated between the detached dwelling known as SheNeeTay and No. 1 Gravelly Lane.

The site is outside of the Fiskerton Conservation Area (which lies to the south-east) and is located within Flood Zone 2 as defined by the Environment Agency data maps.

### Relevant Planning History

17/00517/FUL - Proposed 1no. 'self-build' dwelling (resubmission of 13/00338/FUL) Approved under delegated powers 2<sup>nd</sup> May 2017.

13/00338/FUL – Erection of dwelling (resubmission of 12/01058/FUL). Refused under delegated powers on 8<sup>th</sup> May 2013 for the following reason:

“The application fails to demonstrate that there is an identified proven local need for the dwelling in this rural area. The proposal therefore represents an unsustainable pattern of development, contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy) and the National Planning Policy Framework 2012 (NPPF).”

APP/B3030/A/13/2208566 - An appeal was lodged and dismissed on 1<sup>st</sup> April 2014. The appeal focused solely on local housing need and in dismissing the appeal, the Inspector agreed with the Council that no proven local need had been advanced and that it was not enough for the appellant to rely on the district wide housing study from 2009 to demonstrate such a need.

12/01058/FUL – Erection of new house with integrated double garage. Application refused by Planning Committee (30th October 2012) as recommended with an additional reason for refusal on grounds of scale. The reasons cited were as follows:

01

*The application fails to demonstrate that there is an identified proven local need for the dwelling in this rural area. The proposal therefore represents an unsustainable pattern of development, contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy) and the National Planning Policy Framework 2012 (NPPF).*

02

*The scale and design of the proposed unit would be incongruous on approach into the village given its siting between 2 no. bungalows. The proposal would therefore be detrimental to the character and appearance of the area. The proposal would therefore be contrary to Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy).*

08/02049/FUL - Erection of detached dwelling/garage. Application refused 09.04.2009. The reasons for refusal cited in the decision notice are as follows: -

01

*PPS 25 - Development and Flood Risk aims to steer new development to the areas at the lowest risk of flooding (Zone 1) The application site lies within Zones 2 and 3 and is therefore at risk from flooding. Fiskerton is an unsustainable settlement where there is no justification for residential development that outweighs flood risk and therefore the proposal would fail the sequential test set out within PPS25 and would constitute unnecessary development in a flood plain.*

02

*Policy FS1 of the Newark & Sherwood Local Plan seeks to promote sustainable development by directing most new development towards Newark and Balderton the other main settlements, with particular emphasis on the re-use of derelict, vacant or neglected sites, Fiskerton is not a main settlement and lacks both services and facilities such as good public transport availability, a primary school, post office, food store, doctors surgery and pharmacy. Employment opportunities are limited and residents are largely dependent on the private car for transport. This application does not offer any justification to depart from Policy FS1 and therefore would be contrary and constitute an unsustainable form of development.*

03/02057/FUL – Erection of detached dwelling/ garage. Application approved subject to conditions 08.01.04

## The Proposal

Full planning permission is sought for the erection of a detached, one and half storey dwelling with integral single garage. The property would have an L-shape Layout comprising of a hall, kitchen, dining room, living room, study, and integral garage at ground floor level and 3 bedrooms with dressing area and ensuite as well as a bathroom at first floor level.

The proposal is a re-submission of a previously approved scheme for a single dwelling albeit with significant changes to the design and layout of the dwelling.

The proposed dwelling, which has an L-shape layout, would measure 17.6m in maximum depth and 15m at width at the widest point, which is the frontage of the dwelling.

The property is designed to have double gable frontage and a dual pitch roof design, with a ridge height of 6.7 metres, incorporating long sloping pitches and an eaves level of 3.3m. The property would be accessed from the existing gravel private driveway which currently serves three properties off Gravelly Lane.

## Submission Documents

For the avoidance of doubt, the following assessment is based on the plans and details listed below;

(02) 01 Rev A - Amended Site Location Plan  
(02)01 AS EXISTING SITE PLAN AND SITE SECTIONS  
20 (01) PROPOSED SITE PLAN AND SITE SECTIONS  
08 (02) REV A PLANS SECTIONS AND ELEVATIONS AS PROPOSED  
(02) 01 SLP - SITE PLAN AS EXISTING  
Flood Risk Assessment and Drainage Strategy plus appendices part1, part 2 and part 3.

## Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

## 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 & Development Management DPD**

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 2018
- Planning Practice Guidance 2014
- Newark and Sherwood Amended Core Strategy DPD 2017
- Spatial Policy 3 Guidance Note SPD

## **Consultations**

**Fiskerton Parish Council** – Objects to the proposal and comments concerns are raised over the impact on neighbouring properties. Not in keeping in appearance due to sky lights causing light pollution.

**Archaeology Officer** – No archaeological input required.

**Trent Valley Internal Drainage Board** – No objection raised to the proposal.

**NSDC Equalities and Access Officer** – ‘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 manoeuvrability 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 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 manoeuvre throughout and on all floors 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.'

**NSDC Conservation Officer** – 'We have been consulted on the above proposal.

#### Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Paragraph 193 of the NPPF, for example, states that: 3. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

#### Significance of Heritage Asset:

The application site is located on Gravelly Lane, on the outside fringes of the Fiskerton Conservation Area. Fiskerton's growth came about originally through agriculture and the village increased in size and prosperity with the development of industry and trafficking of goods along the River Trent. Gravelly Lane is a cul-de-sac that is host to a range of mid / late C20 bungalows that make a marginally harmful impact to the character of the conservation area. This area of the village, to the west of the historic core, has been built upon by a series of detached C20 bungalows and plays no significance to the story of the Fiskerton and its historic settlement pattern.

#### Summary of Proposal

Conservation does not object to the proposal. The new building will be 1.5 storeys in height, and it is noted that the scheme has been revised to reduce the overall ridge height in accordance with NSDC's wishes following on from a pre-submission application.

The palette of materials employed is a combination of render and stone banding, which will be an improved overall aesthetic from the C20 bungalow. Conservation recommends that a general material is placed on any subsequent approval which requires the submission of materials prior to

construction, to ensure the materials suggested at the application stage are followed through to construction. At this stage insufficient details have been submitted.

The proposal therefore is in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and complies with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

Suggested conditions:

External materials to be agreed

Before any bricks are laid or roof is installed, samples or detailed specifications of all external materials to be used on the works hereby granted consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: To preserve the special architectural and historic interest of the listed building.'

**Representations have been received from 2 local residents which can be summarised as follows:**

- The dwelling would better suited as a bungalow;
- Access to the building is by a private small private drive not capable of sustaining the type of vehicle that will be required to build this property;
- Could a limit be placed on the length of vehicle gaining access;
- The proposed dwelling would result in overbearing and overshadowing impact as well as resulting in a loss of privacy;
- The property would be out of keeping with the surrounding area.

#### Comments of the Business Manager

Firstly, it is considered prudent to highlight the strong fallback position in this situation whereby a single one and half storey detached dwelling can still be lawfully erected at the site by implementing the development in accordance with the previously approved scheme under application 17/00517/FUL. This approval is still extant due to the date of the decision being within 3 years. No development has commenced in respect of the existing approval and this new application is sought to amend the design and scale of the previously approved.

The principle of the erection of a single dwelling at the site is therefore considered to have been established has already been established through the approval of 17/00517/FUL.

I am mindful that a revised NPPF has been published in 2018 since the permission was granted in 2017. However this would not alter the considerations undertaken at that time. The Amended Core Strategy has also further advanced with the Inspector considering the responses to the main modifications (including those to policy SP3 which are slightly more permissive) prior to the issue of his report which is which is anticipated in February 2019 (followed by Full Council in March 2019).

It is therefore considered that the principle of development remains acceptable in terms of location, scale and need. The report therefore discusses the other material considerations which are relevant to this application in light of the revised design.

### *Impact on Character/Visual Amenities*

Policy DM5 confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

Additionally, as the site lies in close proximity to, although outside of, the Fiskerton Conservation Area, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy, along with Section 16 of the NPPF are also relevant and seek to, at a minimum, preserve the character and appearance of the historic environment.

The application site is located within an area that contains dwellings which range in size, scale and design. The two closest neighbouring properties (Stonewold and Horseshoe Lodge) are single storey bungalows of modern construction and immediately in front (north) of the application site are two storey semi-detached properties along Gravelly Lane. It is considered that the roof design, which has long sloping roof pitches and low eaves height, would be respectful of the overall scale and height of the neighbouring bungalows. The one and half storey height within the central section of the proposed dwelling is not objected to, although unusual in appearance, given the proximity of two storey dwellings within the immediate vicinity.

Furthermore, in light of the neighbouring dwellings being of a modern construction, as well as the range in external finishes to dwellings present within the wider locality, the proposed mix of render and stone banding is not objected to either, especially when being mindful of the position of the site, which is set back from the main highway, to the rear of the two storey properties along Gravelly Lane and therefore not unduly prominent.

I also note the comments from the conservation officer, who raises no objection to the proposed development, although does recommend conditions relating to materials. In light of this, it is considered that with the attachment of the recommended condition requiring the further details of external materials, the proposal would not result in any harm to the character or appearance of the site or wider conservation area.

### *Impact on Residential Amenity*

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Furthermore, the NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings

I am mindful of the relationship with Horseshoe Lodge to the east of the site, which has windows serving main habitable rooms facing into the application site. However, I note that while there are windows on the east facing elevation of the proposed dwelling, they are shown to be obscure glazed with the exception of the single window serving the integral garage. I also note that the roof lights serving first floor accommodation on the east facing roof pitch would be set at a high

level (above 1.8m from floor level). As such, I am satisfied that the proposed development would not result in any material direct overlooking impact on this neighbouring property.

Having considered the position and footprint of the proposed dwelling, which does not project further back into the site than Horseshoe Lodge nor would it be set significantly forward than this neighbouring property, as well as being mindful of the roof design which has a low eaves height and slopes away from the neighbouring property together with a separation distance of circa 6m, it is considered that the proposal would not result in any material overbearing or loss of light impact on the neighbouring amenity of Horseshoe Lodge.

I am also of the opinion that the proposal would not result in any material overbearing or loss of light impact on Stonewold to the west by virtue of the separation distance of circa 4m and the relationship between the two dwellings together with the L-shape layout of the proposed dwelling which results in the main bulk being positioned away from the shared boundary with this property. Furthermore, as there are no side facing windows at Stonewold which face into the application site and bearing in mind the position of the proposed roof lights I am satisfied that there are no material overlooking issues which would arise from the proposal.

Moreover, bearing in mind the level of separation between the neighbouring properties along Gravelly Lane (approximately 40m), I am also satisfied that the proposal would not result in any material impact on amenity of these neighbouring properties.

#### *Impact on Highway Safety*

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. The proposed dwelling would be served by the existing private driveway which serves 3 properties already including Stonewold and Horseshoe Lodge. This is the same arrangement as the previous approval of 17/00517/FUL and although the proposal would result in the addition of 1 dwelling along this driveway, it would not result in any material harm on highway safety. This arrangement was considered acceptable on the previous scheme and did not result in any objection from Nottinghamshire County Council Highways.

The proposal also includes 3 No. off street parking spaces and an integral double garage which is considered to be more than adequate to serve a 3 bedroom dwelling. It is therefore considered that the proposal would not result in harm to highway safety and it accords with Spatial Policy 7 of the Core Strategy and policy DM5 of the ADMDPD.

#### *Flooding*

The application site is located within Flood Zone 2 as defined by the Environment Agency Flood Map Strategic Flood Risk Assessment, and has a medium probability of flooding. The applicant has submitted a Flood Risk Assessment in support of the application which has been updated since the last grant of planning permission.

In terms of the sequential test approach, the previous position on this issue has been that ordinarily the Sequential Test should be undertaken across the whole district and that, if this were to be done, there are a number of other existing garden sites that are capable of accommodating development within sequentially preferable sites (i.e. within flood zone 1). However,



consideration of the site in respect of available sites within Fiskerton would suggest that there are limited sequentially preferable opportunities available. In addition it is noted that there has been localised flood risk mitigation previously.

While the Environment Agency have not commented specifically within this application and now rely on standing advice, I am mindful that the EA have previously accepted development at the site and raised no objection within the previously approved scheme under application Ref. 17/00517/FUL.

The flood classification of the site has not altered since the 2017 approval and the updated FRA states that the finished floor levels for the new dwelling will be at 15.30 AOD which is unchanged from that which was previously agreed. There is a slight increase in floor area however this is not considered to result in a greater increase in flood risk. A condition is recommended to ensure details of surface water drainage are dealt with prior to the commencement of development which would ensure satisfactory matters of water disposal are agreed and the agent has agreed to the imposition of this condition should an approval be resolved.

As such, I am of the opinion that the proposal is acceptable in this respect. A condition requiring the mitigation measures within the FRA to be implemented as well as a drainage strategy to be submitted, as attached to the previous permission, are still considered appropriate to be attached to any further grant of planning permission.

### *Conclusion*

The site already has an extant planning permission to erect a detached one and half storey dwelling which was approved in May 2017; this approval has established the principle of development in this location and could be built out as a fallback position for the applicant. The application now before the LPA seeks permission for a one half storey dwelling, albeit with significant changes to the design, appearance and layout. It is considered that the main issues with this application are the proposal's design, impact upon amenity and highway safety.

The design of the proposed dwelling is although unusual, it is considered to be acceptable and would have limited impact upon the wider character or appearance of the Conservation Area and would therefore preserve its character, appearance and setting. Furthermore, the appearance and scale of the dwelling is considered appropriate for the setting, and would be respectful to the neighbouring single storey properties, Horseshoe Lodge and Stonewold.

In addition to the above, the proposal is not considered likely to have any further impact upon residential amenity, flood risk or highway safety than that of the originally approved new dwelling.

It is therefore concluded that the principle of a new dwelling in this location has already been established by the Council and there has been no significant shift in planning policy introduced since the previous decision which would lead the LPA to a different recommendation. On the basis of the assessment above, the proposal is acceptable in terms of local and national policy and therefore, subject to conditions, it is recommended that the application should be approved.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below**

### Conditions

01

The development hereby permitted shall be begun within three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried except in complete accordance with Drawing Numbers:

(02) 01 Rev A - Amended Site Location Plan

(02)01 AS EXISTING SITE PLAN AND SITE SECTIONS

20 (01) PROPOSED SITE PLAN AND SITE SECTIONS

08 (02) REV A PLANS SECTIONS AND ELEVATIONS AS PROPOSED

(02) 01 SLP - SITE PLAN AS EXISTING

Flood Risk Assessment and Drainage Strategy plus appendices part1, part 2 and part 3.

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

Before any external render, stone work or roof is installed, samples or detailed specifications of all external materials to be used on the development hereby granted permission shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed materials.

Reason: To preserve the character and appearance of the conservation area.

04

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2018, by Ward Cole Consulting Engineers, reference number 19/700 and the following mitigation measures detailed within the FRA:

- a) Finished floor levels are set no lower than 15.30m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the satisfactory provision of drainage facilities to serve the proposed development and to reduce the risk of flooding to the proposed development and future occupants.

05

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off site.

#### Notes to Applicant

01

The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 655620.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Gareth Elliott on ext 5836.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth and Regeneration**

Committee Plan - 18/02204/FUL

