

PLANNING COMMITTEE – 26 MARCH 2019

Application No:	19/00304/FUL	
Proposal:	Proposed Erection of Garage Building with Residential Annexe Above (To be used ancillary to Wharf Cottage) [Re-submission of 18/01688/FUL]	
Location:	Wharf Cottage, Carlton Ferry Lane, Collingham, Newark On Trent, Nottinghamshire, NG23 7LZ	
Applicant:	Mr Mark Grocock	
Registered:	18.02.2019	Target Date: 15.04.2019

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation is contrary to the view of the Parish Council. The previous application was also refused by the Planning Committee in December 2018.

The Site

The application site is located within the 'open countryside', away from the village envelope of Collingham. The site includes a residential dwelling and associated curtilage; further east on the wider site is an ancillary office as well as surrounding agricultural land. The dwelling is accessed from along Carlton Ferry Lane (E) some c2.06km from the turn off in Collingham which according to Nottinghamshire County Council is a publicly maintained road. The property is directly accessed via a shared private driveway (S) leading from Carlton Ferry Lane. Carlton Ferry Lane is a single width road with passing areas and is bound mostly either side by either open fields or the Besthorpe Quarry. Some farmsteads and dwellings are also located down this lane but the application site appears to be the last dwelling along the lane. The parcel of land to which this building is proposed is currently grassed.

The dwelling is positioned on a N-S alignment with its principal elevation facing E. The south side elevation has a single storey lean to garage attached to it which is open fronted. To the rear of the dwelling, there is a steel framed balcony area. In front of the dwelling to the east is an area which is being used as storage space with a shipping container, boat, a number of garden sheds, greenhouse and allotment planting area. From aerial photography it is not clear that this piece of land is part of the residential curtilage of the dwelling and as such is being investigated independently from this application.

To the west of the dwelling is the River Trent which is approximately 58m from the rear elevation of the hostdwelling. The rear garden to the property is c23m and the boundary with the River Bank is treated with a wall and planting. To the east of the dwelling is an agricultural field planted with orchard trees – the boundary between which is the gravel driveway and aforementioned informal storage area. To the north is an agricultural field, the boundary between which is treated with a c1.2m high post and rail fence. The land level here also reduces slightly towards the north.

To the south of the application property lies a small group of other residential properties. Further east, past the agricultural land is the former and current areas of Besthorpe Quarry.

The application property is crossed by two footpaths, one running from adjacent to north-west of the junction between the existing access and the north-west corner of the property (North Collingham FP21A); and a footpath to the west of the property along the River Trent embankment (North Collingham FP29).

The whole of the site is located within Flood Zone 3b which is functional floodplain and a highest flood risk from rivers.

Relevant Planning History

18/01688/FUL – ‘Erection of Garage Building with Residential Annex Above’ at the site. This was refused as recommended on 05.12.2018 by the Planning Committee. The reason for refusal was as follows:

The Local Planning Authority does not consider the proposal building including the 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, forward of the principal elevation of the dwelling, would result in a detrimental impact on the character and openness of the surrounding countryside, particularly when viewed from the nearby public footpaths. 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.

18/01495/FUL - Proposed new driveway to serve Wharf Cottage – Refused 01.10.2018. This application is currently at appeal with statements recently exchanged.

15/00565/FUL - Change of use of stable block to office – Permitted 30.06.2015

97/50486/FUL - EXTENSION TO FORM GRANNY ANNEXE – Permitted 15.08.1997

97/50485/FUL - EXTENSION TO FORM GRANNY ANNEXE – Refused 18.03.1997

96/50432/FUL - ERECT SINGLE STOREY STABLE BLOCK – Refused 28.01.1997

94/50419/FUL - ERECT STABLE BUILDING – Permitted 30.01.1995

2076677 - EXTENSION AND REPAIRS (NEW GARAGE WITH BEDROOM OVER) – Permitted 06.08.1976

The Proposal

This resubmitted application seeks permission for the erection of a garage building with a residential annex above. The building is proposed to be sited within the NE corner of the plot with the NW side elevation positioned approx. 5.5m from the northern side out-shoot of the existing dwelling and 3m from the main body of the dwelling. There is no physical attachment proposed

between the two buildings. The building is proposed to be c13.3m wide and 6.9m deep. It is proposed to be two stories in height at 6.3m to the ridge and 4.4m to the eaves.

There has been no change in height from the previously refused application; the length of the building has decreased by 5.3m and the width by 0.5m. The annex is now proposed to be separate from the main dwelling with no canopy link between the two.

At ground floor the SE section of the ground floor is proposed to have a car lift pit with the NW open plan garage space. On the SW front elevation the building is proposed to have a continuous series of overhead sectional doors through two openings. The entrance door up to the first floor is also present on this elevation on the NW side. On the SE elevation at first floor, two windows are proposed with a 4 paned eaves flat roof dormer window spanning 3m. On the NE rear elevation no apertures are proposed at ground floor on the NW side. At first floor one large window is proposed along with one 4 paned eaves flat roof dormer window spanning 3m on the SE side. Two rooflights are also shown in the NE facing roof slope. The NW side is proposed to have one window at first floor and the SE side is proposed to be blank. The elevations plans do not show these two rooflights, an error which has been queried with the agent.

At first floor the building is proposed to have a residential annex – this is proposed to have a lounge, dining room, one bedroom, a bathroom and a store room. The entrance to the annex is proposed to be taken from the NW side through a pedestrian door and up a flight of stairs.

Materials proposed are off white render to the façade of the building to match the hostdwelling, brown uPVC windows, a concrete tiled roof, overhead sectional roller shutter doors and flat roof dormer windows with lead cheeks.

The annex/garage building is proposed to be 91.77 m² at ground floor (with a total area of 183.54 m²). ***This is a reduction of 45.87m² in footprint and 115.26 m² in overall area from the refused application.***

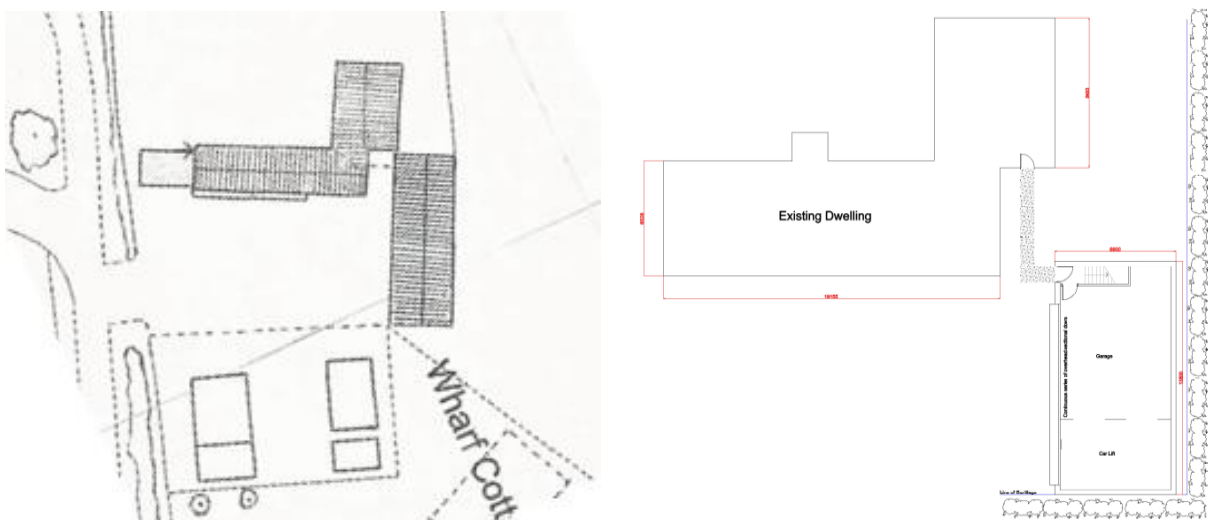


Fig. 1 Refused Application Block Plan (L)

Proposed Block Plan (R)

Floor/elevation plans of the hostdwelling have now been submitted which show that the dwelling is approx. 19.2m in width and 6.5m deep with an approx. 8.4m x 6.4m outshoot on the northern side projecting towards the NW. The footprint is c179.21m² at ground floor (excluding the lean to garage which is 35.05m²). The block plan (Fig. 1 above) shows the proposed relationship between

the Garage/Annex and the hostdwelling (right) versus the previously refused building.

The footprint of the proposed garage and annexe (91.77 m²) is approximately 51% of the footprint of the existing dwelling (179.21m² - excluding the lean to garage).

The flooding statement and CIL form advise that the lean to open fronted garage is proposed to be demolished although this does not form part of the description of development. Whilst this is stated within the planning statement I note that it does not form part of the description of development, nor is it detailed on any submitted plan.

Documents submitted with the application:

- Planning Statement – February 2019
- Flood Risk Statement – February 2019
- Health Needs Statement – February 2019
- Site Location Plan (Revised) – deposited 18.02.2019
- Proposed Plans and Elevations – PL-100 Rev A
- Proposed Block Plan
- CIL Form

Departure/Public Advertisement Procedure

Notification letters have been sent to 3 neighbouring properties.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policies relevant to this application -

Policy DM5: Design

Policy DM6: Householder Development

Policy DM 8: Development in the Open Countryside

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014
- Landscape Character Assessment Supplementary Planning Document (SPD)

Consultations

Collingham Parish Council – Support the proposal.

The Environment Agency – “The proposal is being classed as minor development and as such the Environment Agency wishes to review its position on this application and remove its previous objection. As the proposal is minor development the applicant should follow our standing advice with regards to flood risk. With floor levels being set no lower than the existing building and flood resilience measures included wherever possible. Further information can be found regarding our standing advice at the following link: <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>”

NSDC Emergency Planner – Current Application: “I have been invited to reconsider my comments regarding this proposed development. I have reviewed the amended proposals and recognise that the plan is for reduced development to the existing dwelling. I also note that a flood evacuations/emergency response plan is available. I recognise that the planning regulations and necessary considerations are likely to support this application. I also recognise that the existing dwelling is already occupied and that those occupants are aware of the risk they face of flooding and isolation once connecting roads are affected. If this were a proposal for a new dwelling I would continue with my objections, however whilst noting that the risk to tenants and particularly any vulnerable persons who may reside at that location throughout the life time of the property continues, I no longer make objections to this proposal.”

Second comments on previous application – “Whilst I empathise with the applicants and their wish to support their relative I have significant concerns. I recognise that there is an existing dwelling. However the intended use of the extension will increase the overall occupancy of this vulnerable location and potentially increase the number of people forced to take refuge at first floor level, potentially for many days. The current intended occupant has health needs that may or may not be suitable to occupying a refuge facility. Should the occupants evacuate the premises ahead of flooding it is not clear where they would seek refuge without recourse to the support of the Local Authority support that may already stretched. Therefore I do not support this planning application.”

Preliminary comments on previous application – “I would expect a specific evacuation plan for a residence, they need to sign up to the flood warning alerts and consider how and to where they would evacuate without reliance upon the emergency services, should it be necessary.”

NSDC Access and Equalities Officer – “As part of the developer’s considerations of access to, into and around the proposal and accessible facilities, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards. It is recommended that the developer make separate enquiry regarding Building Regulations matters.”

Comments of the Business Manager

Principle of Development and Impact on the Character of the Area

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The site lies within the open countryside. SP3 (Rural Areas) provides that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses that require a rural setting such as agriculture and signposts readers to The Allocations & Development Management DPD which sets out policies to deal with such applications. Given the location of this site away from the main built up area of Collingham the proposal represents development in the open countryside which is subject to strict control and limited to certain types of development as outlined in Policy DM8.

Point 2 of Policy DM8 discusses extensions to existing dwellinghouses and the creation of new dwellings within the Open Countryside, stating '...the scale of new and replacement dwellings and extensions to those existing should be commensurate with the needs, and the ability of the operation they serve to fund them. Where a new or replacement dwelling is justified, its siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into account. Other than for the most minor of proposals, applications to extend dwellings subject to occupancy conditions will be assessed in the same way.'

The application seeks consent for the erection of a garage building with a residential annexe above. The building is proposed to be sited within the NE corner of the plot and no physical link is proposed between the two buildings – the flood risk statement refers to a '*defined pathway between the doorway of the garage/annexe and the existing entrance doorway to the main dwelling*' being proposed, however this element of hard landscaping would not represent a physical link between the two units. The building is proposed to be approx. 13.3m wide and 6.9m deep. It is proposed to be two stories in height at 6.3m to the ridge and 4.4m to the eaves. At ground floor the building is proposed to have a secure garage for the applicants personal and competition vehicles – the planning statement advises that there is no provision within the existing site for secure storage of vehicles as the existing lean-to structure is open fronted and temporary. The statement advises that the applicants own numerous vehicles including competition vehicles need to be secure to prevent theft. "In addition there is a need to be able to repair and maintain these personal competition vehicles."

At first floor the building is proposed to have an annex with one bedroom, a lounge room, a dining room, bathroom and a store. The Planning Statement (and additional Health Statement) indicates that the annex is required for the mother of the applicant that has deteriorating health concerns whom requires increasing care and supervision. The applicant states that there is not sufficient space within the existing dwelling to accommodate the annex accommodation.

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.'

I accept that the annex is not proposed to have a kitchen (although acknowledge that this could be added without the requirement for planning permission) and thus does not contain all of the primary aspects of accommodation. Notwithstanding this I consider that by virtue of the size of the building (irrespective of the amendments made from the previously refused application) it could be lived in separately with a limited relationship with the host dwelling, noting that there is now no physical integral link proposed between the two. The building could also be accessed

separately from Wharf Cottage and could have a separate curtilage created without giving rise to amenity concerns. The proposed annex is clearly capable of independent living in this case and as such the application is not classed as Householder Development and the application has been validated on this basis. It should be noted that had the proposal been considered ancillary to the main dwelling it would have been appropriate to consider the proposal as householder development and the consideration of Policy DM6 of the DPD would have been relevant (which is not the case in this instance).

A residential annexe is accommodation ancillary to the main dwelling within the residential curtilage and must be used for this purpose. The annexe should form part of the same "planning unit" by sharing the same access, parking area and garden. As such, I consider there to be two main factors in considering whether or not a proposal is ancillary and therefore an annexe as opposed to a dwelling and this is whether the proposed annexe demonstrates a clear physical and functional link to the host dwelling.

Notwithstanding the SPD guidance, the application as made is partly for residential annexe accommodation and the occupation and use of the proposed annexe is intended for family members which require support in their day to day lives. The supporting information indicates that the intention is for an elderly family member to live in the annex in order for the family to provide a degree of care that is increasingly required whilst allowing them to retain some degree of independent living. The statement outlines how the unit (Wharf Cottage) will function and how existing occupants of the main house and future occupants of the annexe will interact whilst maintaining a single planning unit in planning terms, stating that it is not the applicant's intention for this building to be used as a new dwelling. I do not dispute that the applicant has demonstrated that there is a requirement for their relative to live close to them due to their deteriorating health conditions. Whilst the functional requirement can be demonstrated I remain concerned that the degree to which this is currently being proposed in this application exceeds what could reasonably be considered as ancillary to the main dwelling.

Notwithstanding this functional need I consider that the proposed annexe cannot be regarded as ancillary to the main dwelling given the scale of the proposed building. Although described as an annexe, the building would be a self-contained, detached structure within its own front door and to all intents and purposes the building would be perceived as a separate unit, set at a perpendicular angle to the main dwelling, at a similar two storey height albeit of a different character to existing dwellings nearby. The footprint of the annexe is large and certainly not materially smaller than some detached dwellings in the vicinity, indeed the footprint of the proposed garage and annexe (91.77 m²) is approximately 51% of the footprint of the existing dwelling (179.21m² - excluding the lean to garage). I also note that the average floorspace of a 3 bedroom dwelling in the UK was c92m² in 2010 according to CABE. I consider the scale, layout and physical relationship with the hostdwelling would mean that the annexe could be lived in separately, with the addition of a kitchen (without the requirement for planning permission), with only occasional visits to the existing house (in the same way friends and family from other houses would visit the house). Whilst I note that the annex could be controlled with an occupancy condition requiring the annex building to operate ancillary to Wharf Cottage I do not consider it possible to conclude that this building can be regarded to be ancillary to the hostdwelling and as such is not acceptable.

Overall, whilst acknowledging that the applicant has reduced the size of the proposed building (the length of the building has decreased by 5.3 m and the width by 0.5 m) I maintain that the size of the proposed building could not reasonably be considered to be subservient or subordinate to

the host dwelling and its detached nature means that it is not designed in such a manner to easily enable the building to be used at a later date as an integral part of the host dwelling. I do not consider the proposal 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. I note the agent has stated in the planning statement that due to the nature of the garage use for the host dwelling at ground floor, the interrelationship would make the separation to a single dwelling unsuitable; however I would note that the garage could be used as residential accommodation use without the requirement for a change of use application and as such I give this relationship little weight.

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 still facilitate a new dwelling in the future which would be inappropriate in an Open Countryside location. I also note the refusal of recent application 18/01495/FUL which was to create an alternative/secondary access to Wharf Cottage which led close to the position of the proposed annex.

In conclusion, notwithstanding the applicants personal need for annex accommodation (to accommodate an elderly relative) and the measures undertaken by the applicant to reduce the size of the building, I do not consider the proposed building including 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. It is not to be said that an annex would be wholly inappropriate in this location just that it would need to be suitably scaled and located so that it is clearly ancillary to the main dwelling. 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 (including impact on the Open Countryside)

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. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in proposals for new development.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

Within the Newark and Sherwood Landscape Character Assessment, the site of the proposal falls within the Trent Washlands Policy Carlton Holme River Meadowlands (TW PZ 39). This area has a flat topography with extensive areas of intensively farmed arable fields. There are few detracting

features other than the loss of some historic field patterns to farmland. The landscape condition is described as very good with the landscape sensitivity described as moderate. The Policy Action for this area is to 'Conserve' which the LCA defines as *actions that conserve the existing field pattern by locating new small scale development within the existing field boundaries*'.

Policy DM5 of the DPD, provides that 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 NPPF further states that applications for 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

As previously stated, the proposed annexe would not be subservient or subordinate to the main dwelling and would occupy a large footprint when compared to the host dwelling and other dwellings in the vicinity. There are already a number of outbuildings/ancillary structures located within the curtilage Wharf Cottage which are not shown on the submitted plans and the addition of a further building would mean that a large proportion of the site is occupied by built form of some description.

The annexe/garage building has been reduced in size from the refused scheme by 45.87m² in footprint. However the footprint of the proposed garage and annexe (91.77 m²) is approximately 51% of the footprint of the existing dwelling (excluding the lean to garage), which although half the size, is of a comparable height to the dwelling on site (although the height of this has not been included within the submission details) and has not been reduced since the last submission of this application.

I do not consider that the scale of the building proposed, in terms of its overall footprint and height could reasonably be concluded to be subservient or subordinate to the hostdwelling to which it would relate, nor would it be proportionate to the existing built form on the site and by virtue of its positioning, forward of the principal elevation of the dwelling and would result in a detrimental impact on the character and openness of the surrounding countryside. The building would also incorporate two large dormer windows which would also be out of keeping with the design of the hostdwelling.



Figure 2: Aerial photograph 2001



Figure 3: Aerial photograph 2016

In addition, as can be seen from the aerial photographs in Figure 2 and 3, a radical change to the landscape around Wharf Cottage has already occurred and it appears that a section of hedgerow to the south of the proposed access has already been removed (and replaced with laurel).

The flooding statement and CIL form advice that demolition of the lean to open fronted garage is proposed. Whilst this is stated within the planning statement I note that it does not form part of the description of development, nor is it detailed on any submitted plan. The lean-to structure does not impede the construction of this new building. Therefore to guarantee its removal (if Members were to give its removal significant weight) a suitably worded condition would need to be imposed requiring its removal at an appropriate point in time. However I do not consider the removal of this lean-to structure would negate the harm identified in the above sections of this report.

In addition the proposed building would be built along the boundary of the domestic curtilage; this resubmitted application shows the building would now be bound to the north-east by a hedgerow which would provide a degree of screening between the site and the open countryside beyond. It is assumed that this has been incorporated to negate officer's previous concerns regarding the visual prominence of the building when viewed from nearby footpaths. I accept that this hedgerow would go some way to afford a degree of screening however the hedgerow would likely take many years to establish and afford a significant amount of screening that would not negate the harm of this building on the open countryside. Similarly, it is not just what can be viewed in elevation form that results in harm to the openness of the countryside, plan form view must also be considered – and whilst I note that the applicant has reduced the scale of the building in footprint I do not consider this to be sufficient to negate the harm on the character and appearance of the area.

Overall I consider that the scale of the building is not proportionate to the existing built form on the site and by virtue of its positioning, forward of the principal elevation of the dwelling and would result in a detrimental impact on the character and openness of the surrounding countryside and visual amenity of the area. I therefore consider the proposal to be would be contrary to policy DM5 of the DPD and Core Policy 9 & 13 of the Core Strategy.

Impact upon Residential Amenity

Policy DM5 and the NPPF seek to ensure that development does not have an adverse impact upon the amenities of neighbouring properties. For the intended use the garage/annexe unit is unlikely to result in a material increase in noise or disturbance upon the amenity of neighbouring properties above and beyond levels created by existing residential properties in the vicinity. Therefore the use of the site is not considered to result in any appreciable impacts.

Given the separation between the hostdwelling and application site and neighbouring residential properties in excess of 60m it is not considered that there would be any significant impacts of overlooking or oppression to warrant refusal. The only property likely to be impacted by this new building is the hostdwelling.

The proposal is considered to be acceptable in respect of impact upon the neighbouring properties residential amenity. The proposal would be located in close proximity to the host dwelling at approximately 3m separation from the side elevation. If Members are minded to approve the scheme it would be recommended that a condition is attached to ensure that the proposed building is used for its intended purpose as annexe accommodation to the dwelling and not as a separate dwellinghouse.

Impact on the Highway & Footpath Network

Given the nature of the location, access route to the property and that the application does not propose to create a new access on to the highway (Members are asked to note there is a separate application currently at appeal that could achieve this) it is not considered that the proposed building would result in any impact on highway safety. The building is proposed to provide secure garage space at ground floor and as such the proposal is considered to accord with policy SP7 of the Core Strategy.

The application property is crossed by two footpaths, one running from adjacent to north-west of the junction between the existing access and the north-west corner of the property (North Collingham FP21A); and a footpath to the west of the property along the River Trent embankment (North Collingham FP29). Neither of these footpaths will be affected by the proposed garage and residential annexe, by virtue of positioning - the route of Footpath FP21A from Carlton Ferry Lane diagonally across the small agricultural field to the north of the proposed garage is not proposed to be altered.

Impact on Flooding

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 (where necessary) 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. This sequential test is also reflected in Policy DM5 of the Development Plan.

Para 159 of the NPPF 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 whole of the application site is located within Flood Zone 3b, functional floodplain. The site is on the eastern bank of the River Trent; the site is relatively flat and lies on land forming the flood plain of the River Trent. The River Trent is approx. 60m to the west of the proposed new building. The NPPF advises that if the proposal constitutes 'minor development' (householder development or non-domestic extensions of no more than 250 sqm) then the sequential test need not be applied. In this case, whilst I have previously concluded that the building and annex as proposed cannot reasonably be considered to be 'ancillary' to the main dwelling I note that the applicant has applied for a building to house a garage and an outbuilding (and not for a new dwelling) and as such the proposal constitutes 'minor development'. It therefore follows that the sequential test is not required as an annex cannot be located anywhere but on the site of the host dwelling, the exception test is also not required to be applied given the proposal is for a 'minor development'. A Site Specific Flood Risk Assessment has been provided by the agent, although the level of appropriate detail within it is limited. The EA have reviewed this application and have withdrawn their objection stating that the application should be considered under their 'standing advice'.

As already mentioned, whilst some minor development and changes of use are not be subject to the sequential or exception tests, they should still meet the requirements for site-specific flood risk assessments. Development should only be allowed in areas at risk of flooding where, in the light of a FRA it can be demonstrated that, amongst other things, the development is appropriately flood resistant and resilient; any residual risk can be safely managed; and safe access and escape routes are included where appropriate, as part of an agreed emergency plan. The EA Flood Risk Standing Advice advises that floor levels should be set either no lower than existing floor levels or 300mm above the estimated flood level. If they are not then extra flood resistance and resilience measures must be incorporated. The FRA advises that *"36. It would not be possible to site the garage at a finished floor level above the 1:200 flood level without having to substantially raise ground level. This would have an unacceptable impact on the character and appearance of the site and surrounding area."* As such point 37 of the flood statement details the flood resilience and resistance measures proposed to be incorporated which I am satisfied could be controlled via condition.

The agent has submitted an updated flood warning and evacuation plan that was submitted to the Council under application 15/00565/FUL relating to the change of use of stable block to office. This plan is currently in place for the office building and the owners of Wharf Cottage are registered with a flood warning service. The risk to people sleeping in the proposed building has now been considered within this evacuation plan regardless of the sleeping accommodation being proposed

at first floor. I am now satisfied that the applicant has demonstrated how the occupants of the building would be kept safe from flood risk in a flood event which is highly likely given the location within the functional flood plain.

The Emergency Planner has been consulted given the vulnerability of the location to which this new building is proposed, their full comments can be read in the consultation section above. They refer to their comments on the previous submission but have concluded that there is a flood evacuations/emergency response plan available for this site which could be controlled by condition. Recognising that the existing dwelling is already occupied and that those occupants are aware of the risk they face of flooding and isolation once connecting roads are affected they conclude that they would raise no objection to the proposed development. Whilst their comments refer to a differing opinion if this proposal was for a new dwelling I reiterate that this is not what has been applied for in this instance and the proposal has not been assessed as such. Whilst noting that the risk to tenants and particularly any vulnerable persons who may reside at that location throughout the life time of the property would remain present for this proposed building and use the Emergency Planner does not object to the proposal.

In conclusion it is considered that the applicant has demonstrated how people would be kept safe in the event of a flood evacuation and has considered how and to where residents would evacuate without reliance upon the emergency services, should it be necessary. Overall, in conclusion the application is considered to accord with Core Policy 9 (Sustainable Design), Core Policy 10 (Climate Change), DM5 (Part 9: Flood Risk and Water Management) and Section 14 of the NPPF and PPG.

Conclusion

In terms of the impact on neighbouring amenity, highway safety and, subject to condition, flood risk the development is acceptable. Notwithstanding the applicants personal need for the annex accommodation, given its size, scale and relationship to the host dwelling officers remain concerned that the proposed building including the annex cannot 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. This building is also considered to have a harmful impact on the character and appearance of the rural area which is open countryside where development is strictly controlled for its own sake. The proposal 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 or the core strategy, policies DM 5 & 8 of the ADMDPD and the NPPF which is a material consideration. There are no material considerations that would outweigh the harm identified.

RECOMMENDATION

That full planning permission is refused

Reasons for Refusal

01

The Local Planning Authority does not consider the proposal building including the 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, forward of the principal elevation of the dwelling, 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 (2019) 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.

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 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 - 19/00304/FUL

