

PLANNING COMMITTEE REPORT – 28 APRIL 2020

Application No:	20/00041/FUL	
Proposal:	Change of use of land from paddock land to residential use and erection of three bay garage with store above (for use by Old Norse House)	
Location:	Land Adjacent Old Norse House, Station Road, Bleasby, NG14 7GD	
Applicant:	Mr And Mrs Bellamy	
Registered:	15 January 2020	Target Date: 11 March 2020
	Extension of Time Agreed to 01 May 2020	

Clr Roger Blaney has called in this Planning Application to the Planning Committee for the following reasons:

- **Unjustified extension of the residential curtilage to Old Norse House**
- **Cluttered built form when viewed alongside adjacent developments**

The Site

The application site is located on the south side of the village of Bleasby, to the north east of the detached property known as Old Norse House, and to the south and rear of the property known as Horstead. The application describes the site as paddock land although it currently appears to form part of the driveway to the front and side of the property known as Old Norse House. Access to the site from Old Norse House is over a culvert to Holme Dyke, an open watercourse that runs south from Station Road.

The application site is located within Flood Zone 2 and 3 where there is a medium to high probability of flooding.

Relevant Planning History

Horstead

19/01288/FUL - Replacement of existing house with new dwelling. Approved 10.10.2019 (currently under construction)

Old Norse House (formerly known as The Meadows)

18/00252/FUL - Proposed menage in existing paddock & installation of a culvert (part retrospective). Approved 21.05.2018

18/00065/FUL - Householder application for proposed rear single storey extension, proposed front first floor extension, render finish to existing house, proposed porches. Approved 26.03.2018

12/01288/FUL- Erection of a Dormer Bungalow. Refused 10.12.2012

33900634- Side extension including double garage. Approved 07.08.1990

33860473- ERECT FOUR BEDROOMED HOUSE AND DOUBLE GARAGE. Approved 27.06.1986

The Proposal

The application proposes the erection of a timber clad three bay garage and car port measuring approximately 6.0 metres in length by 9.0 metres wide, which would include a natural clay pantile pitched roof with 3 roof lights measuring approximately 2.3 metres to eaves and 6.0 metres to the ridge. The proposed building would include storage space in the roof which would be accessed via an external staircase to the south facing side elevation.

The application site forms part of the driveway to the front and side of the property known as Old Norse House but was previously paddock land. The application therefore also seeks retrospective planning permission for change of use of the land to residential.

Departure/Public Advertisement Procedure

Occupiers of 6 properties have been individually notified by letter.

Earliest decision date: 07 February 2020

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)

- Spatial Policy 3 – Rural Areas
- Core Policy 9 – Sustainable Design

Allocations and Development Management DPD (adopted 2013)

- Policy DM5 – Design
- Policy DM8 – Development in the Open Countryside
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

The appraisal of the scheme takes into consideration the above planning policy framework and other material considerations.

Other Material Planning Considerations

- National Planning Policy Framework 2019

- Planning Practice Guidance

Consultations

Bleasby Parish Council – No comments have been received at the time of writing this report

Bleasby Flood Action Group –

This objection is from Bleasby Flood Action Group on the following grounds.

1. The proposed building represents another new floodplain/washlands development in the parish contrary to the advice of the Pitt Report, thereby potentially creating unnecessary additional risk to other properties in the village.
2. The implications of the above flood risk extends beyond that of impact on only adjacent properties. As may be seen from OS and Environment Agency maps, an important historic parish drain runs along the historic boundary of the land in question and any inhibition to its flow will significantly increase the risk of flooding elsewhere in the parish.
3. This drain has already been culverted in questionable circumstances when the Parish Council was given no indication of the intention to culvert the drain for the convenience of the landowner and the task of culverting was undertaken without any notification and not realised by the PC until work had already commenced.
4. By culverting the drain the risk of immediate impact of flooding the adjacent properties is hidden and any blockage of the drain is now also hidden, thereby preventing the FAG monitoring group from undertaking preventative measures before a flooding risk.
5. The recently created Station Road surface water drainage system is entirely dependent on its effective functioning by free water access to this culverted drain – if it fails Station Road properties below the road level will be flooded as has happened in the recent past.
6. The Flood Action Group has already forewarned of the risks when responding to the application to demolish Horstead and replace it with a larger property with greater roof area and hard standing, adding significantly to the water run-off. Contrary to the Internal Drainage Board expectations, the management of this excess water has not been properly dealt with. (see attached reference)
7. The proposed garage itself has a footprint almost equivalent to the new dwelling being built on the site of the now demolished Horstead.
8. The drainage of the extra water from the garage is supposedly going to be catered for by a soakaway. A soakaway cannot work if the ground is already sodden as it currently is and neither will it work if the water table is high as it also currently is.
9. To change the status of the land from agricultural to residential is totally unacceptable as this site has already been dismissed as suitable for housing development by the District Council itself on the grounds of flooding risk.
10. One has to query why such a large garage is required so far away from the property which it is presumably intended to serve.

In conclusion Bleasby FAG is obliged to represent all parishioners in the case of any serious threat to raising the risk of flooding to the community – recent events clearly demonstrate the increasing natural risks through extreme weather occurrences and global warming.

It would, in the opinion of the Group, be irresponsible to allow further building development in this flood wash area.

We include our still relevant comments on the demolition and replacement of Horstead as further

evidence of our very real concerns.

Peter Cast- Bleasby Flood Warden

Please see the copy of a letter sent to the Trent Valley Internal Drainage Board in connection with a Bleasby parishioner's concern regarding the potential increase in flooding risk associated with the development of land on Station Road, Bleasby, which I received as a copy on Monday morning, 24th February, in my position as Flood Warden.

As the previous Chair of Bleasby Parish Council and continuing lead of the Bleasby Flood Action Group, I feel that I must agree with the concerns being voiced in this communication. Despite the Council querying the wisdom of building such a large replacement house on the site of the demolished Horstead, the risks highlighted were not apparently considered seriously and, despite reassurances that there would be no change in ground levels as a result of the new development, it would appear that the site is now built up to a level to match that of the pavement outside, contrary to the details in this application. The PC and BFAG have repeatedly expressed severe reservations about the wisdom of culverting this critical drainage part in our parish system of flood mitigation.

There is, in my opinion, a real danger of exacerbating the flooding risk to other parts of the parish as a consequence of the continuing building development proposals in this flood plain.

Environment Agency –

I've had a look at the site and it looks as though the garage is largely within Flood Zone 2, bordering on the very edge of Flood Zone 3, according to our flood map. In terms of the development itself, it looks to fall below the threshold for 'minor' development, i.e. a footprint of less than 250sqm. From a fluvial flood risk point of view the application can therefore be determined in line with flood risk standing advice.

I've also had a look through some of the comments received. I note that one letter appears to suggest that the environment agency define the 1 in 100 year flood event (plus an allowance for climate change) as 'the functional floodplain'. That's not the case and I can confirm that our internal mapping shows the site is not within the functional floodplain. That's a term that's generally reserved for sites that fall within the 1 in 20 year flood extent, which have a much higher probability of flooding than the 1 in 100 year event.

Any issues with surface water are ultimately for the Lead Local Flood Authority (LLFA) to lead on, but I'm conscious they may not ask to be consulted on non-major developments. It might be worth contacting Ross Marshall for further advice on that though.

Trent Valley Internal Drainage Board –

We refer to the above application and make the following observations:

The Board maintained Holme Dyke, a culverted watercourse, runs through the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission granted under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Boards' machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

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 future information please do not hesitate to contact the Board's Operations Manager, Mat Everett.

NCC Highways –

This proposal is for the construction of a three bay garage for use by Old Norse House. There are no alterations to the existing access to the site.

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

NCC Flood Team –

Thank you for inviting Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) to comment on the above application, we have reviewed the application which you consulted us with on the 10 Mar 2020.

As a statutory consultee the LLFA should only be consulted on major developments with regards to surface water drainage.

Having considered the scale of this application the LLFA believes it is not required to respond to this application, as such, we will not be making any bespoke comments.

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

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

If you believe that this response has been sent in error and the application should be considered as a major application, please contact us.

Appraisal

Principle of development

Spatial Policy 1 of the Amended Core Strategy DPD sets out the settlement hierarchy for the District. Bleasby is defined within that policy as an 'other village'. Proposed developments within these villages are assessed against Spatial Policy 3 'Rural Areas'. The locational criteria outlined in Spatial Policy 3 supports the development of sites in sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farm yards and community facilities. It would not normally include undeveloped land, fields or paddocks or open space which form the edge of built form. Bleasby, along with many other villages in the district, does not have a village envelope. Notwithstanding the above, it is considered that the application site falls within the built extent of the village of Bleasby, consistent with previous decisions on and adjacent to the application site (see 'Relevant Planning History'. The application must therefore be assessed with reference to the five criteria outlined in Spatial Policy 3; location, scale, need, impact and character.

The suitability of the location of the proposed garage/car port largely depends on whether it is acceptable to change the use of the land from paddock land to residential use. The following aerial images show the site in 2007 and 2016 (latest available). In both images, the application site is shown to be vegetated / grassed paddock land (indicated by green boxes), and separated from Old Norse House by Holme Dyke. Holme Dyke is maintained by Trent Valley Internal Drainage Board who have, over the years, granted consents for development/works on and near Holme Dyke. Their most recent consent was granted in February 2018, for the installation of a culvert to improve access to the paddocks and the manège associated with Old Norse House (planning application reference 18/00252/FUL). None of the drawings submitted under planning application reference 18/00252/FUL indicate the change of use of the application site to residential use, however, it is clear the change of use occurred in implementing that approved development (therefore since the 2016 aerial below).



Aerial photograph 2007



Aerial photograph 2016

The remaining paddock land is clearly demarcated by post and rail fencing. The loss of the application site as paddock land is not considered to have a detrimental impact on the character of area. The site is very much within the built extent of the village, with the remaining undeveloped land, fields and paddocks still forming the edge of built form. The separation distance between Old Norse House and the proposed garage/car port is also not unusual for the area, nearby properties including Sailsbury House include curtilage buildings sited some distance from the host property. The change of use of land to residential use is therefore considered acceptable. Subsequently, the proposed garage/car port is considered acceptable in principle, subject to the considerations outlined in the assessment below.

Impact on visual amenity

Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD requires new development proposals to, amongst other things, "*achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments*". In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

The proposed three bay garage and car port would be sited adjacent to the rear of the property known as Horstead and orientated to face the property known as Old Norse House, which it is proposed to serve. There would be limited, if any, public views of the building which has been designed to reflect traditional cart shed scale and form. The scale of the proposed garage/car port is considered proportionate to the dwelling it is proposed to serve and the proposed pallet of materials would ensure a subservient appearance, in keeping with rural character of the area. The

proposed development is therefore considered to accord with the relevant provisions of Core Policy 9 of the Amended Core Strategy DPD and Policy DM5 of the Allocations & Development Management DPD.

Impact on residential amenity

Policy DM5 'Design' of the Allocations & Development Management DPD requires the layout of development within sites and separation distances from neighbouring development to be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

To the north of the application site is the neighbouring detached property known as Horstead, which is currently under construction. The north facing side elevation of the proposed garage/car port would be sited approximately 1.3 to 1.9 metres off the boundary shared with Horstead, which is demarcated by a c.1.8 metre high brick wall with brick piers. At its highest point (the ridge) the proposed garage/car port would project approximately 4.0 metres above the height of the boundary wall, which extends the full width of the neighbour's garden (c. 11.5 metres). However, the proposed 45 degree pitched roof and eaves height of 2.3 metres would significantly reduce the bulk of the side elevation of the proposed garage/car port and any potential overbearing impact on this property with an approximate distance of 12m between the gable end of the proposed garage and the rear elevation of the neighbouring property.

The proposed garage/car port would include 3 roof lights to the front elevation facing Old Norse House, which would provide light into the proposed roof space and not present issues of overlooking or loss of privacy. The proposed external staircase would be located on the south facing side elevation to avoid any impact on neighbouring residents.

Finally, the proposed garage/car port would not result in the loss of any amenity space associated with Old Norse House, and would be used in addition to its existing garage, to accommodate a range of vehicles owned by the applicants including cars, motorbikes and motorhomes.

The proposed development is therefore considered to accord with the relevant provisions of Policy DM5 of the Allocations & Development Management DPD.

Flood risk and water management

The application site is located within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map for Planning. The proposal is classed as 'minor development' in flood risk terms, i.e. it has a footprint of less than 250m², and can therefore be determined in line with flood risk standing advice. Notwithstanding this, the Environment Agency was consulted on this application due to the detail and nature of comments received from Bleasby Flood Action Group. The Environment Agency has confirmed that the site does not fall within the functional floodplain, as such, this matter has been given no further consideration in this assessment. Following flood risk standing advice, the flood risk assessment submitted with the application confirms that there would be no change to the existing ground level, measured at 15.72mAOD. The proposed garage/car port would include two open sided bays and utilise the existing driveway as its base. Therefore, whilst the finished floor level would be lower than estimated flood levels, this is considered acceptable as it presents no change to the status quo. It is however considered appropriate to impose a condition on an approved application requiring the finished floor levels of

the development to be no lower than the existing ground level as stated in the flood risk assessment.

Regarding surface water management, the application proposes the use of a soakaway, which would ensure that surface water run-off rates to receiving watercourses would not be increased as a result of the proposed development. Trent Valley Internal Drainage Board has considered the application and confirmed that their consent would be needed for the proposed development as it would be located within 9 metres of the top edge of Holme Dyke. The applicant is fully aware of the requirement for the IDB's consent and is in the process of making the relevant application. The details of the application have been discussed with the Board's Operations Manager, who has raised no concerns or objections to the proposal. Bleasby Flood Action Group has objected to the proposed development on the grounds that it would increase the risk of flooding to the area. However, the relevant statutory bodies have confirmed that the proposed development is not expected to raise significant flood risk issues. The proposed development is therefore considered acceptable in flood risk terms subject to the recommended condition.

Conclusion

The proposed development is acceptable and would not have a detrimental impact on the character of the area in accordance with Spatial Policy 3 of the Amended Core Strategy DPD. The proposed garage/car port has been appropriately designed and would have no adverse impact on visual amenity nor the amenities of neighbouring residents nor would it raise significant flood risk issues, in accordance with Policy DM5 of the Allocations & Development Management DPD.

RECOMMENDATION

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

Conditions

01

The development hereby permitted shall not begin later than 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 out except in complete accordance with the following approved plans, reference 222 1 REV A and 222 2 REV D.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

The finished floor levels of the development hereby approved shall be no lower than 15.72 mAOD as specified in the Flood Risk Assessment.

Reason: In the interest of flood risk.

05

The garage hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house known as Old Norse House and not for any commercial, industrial or business purpose.

Reason: In the interests of residential amenity.

Informatives

01

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/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less than 100 square metres.

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) (England) Order 2015 (as amended).

03

The Board maintained Holme Dyke, a culverted watercourse, runs through the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission granted under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Boards' machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this

planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

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 future information please do not hesitate to contact the Board's Operations Manager, Mat Everett.

04

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Amy Davies on ext 5851.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/00041/FUL

