

Planning Report for 2017/0661



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Report to Planning Committee

Application Number:	2017/0661
Location:	Bank Hill House Bank Hill Woodborough Nottinghamshire
Proposal:	Demolish existing house and outbuildings. Construct new dwelling and garage with amended access
Applicant:	Mr Taj Ubhi
Agent:	Swish Architecture & Planning
Case Officer:	Graham Wraight

This application is referred to Planning Committee at the request of the Planning Delegation Panel.

1.0 Site Description

- 1.1 Situated to the south-west of the rural village of Woodborough, the application site is a large plot with a detached two storey dwelling, outbuilding and detached double garage. On site, levels fall away to the north allowing views towards Foxwood Lane. The existing dwelling on site is positioned to the southern corner of the site in close proximity to the highway, Bank Hill. Access to the site is gained via a gated access directly from Bank Hill.
- 1.2 There is an existing enclosed tennis court towards the rear of the site.
- 1.2 The site is set within the Nottinghamshire Green Belt.
- 1.3 There are no direct neighbouring properties to the application site, with the nearest residential property being approximately 80m to the west of the site.

2.0 Relevant Planning History

- 2.1 Application reference 2014/0415 'Proposed replacement dwelling and new field access within the site' was granted Conditional Permission on 26th June 2014. Expired.

3.0 Proposed Development

- 3.1 The application seeks full planning permission for the demolition of the existing dwelling and garage and the erection of a replacement dwelling. The existing dwelling has an external floor area of 261m² and key measurements have been verified on site. In addition there is an outbuilding with a floorspace

of 52.8m² and a garage with a floorspace of 38.3m², both of which would be demolished as part of the proposals.

- 3.2 The application was originally submitted in May 2017. Following a change of Agent, a revised more contemporary scheme was submitted for consideration in November 2017. Amended plans were also submitted in May 2018 which show a small reduction in the floorspace of the proposed dwelling.
- 3.3 The proposed development is a large contemporary two storey, 6 bedroom dwelling. The development includes the creation of a new access from Bank Hill and associated landscaping works.
- 3.4 The proposed replacement dwelling would be situated to the north of the existing dwelling's position, in the centre of the plot. The dwelling would have a maximum height of approximately 8 metres.

4.0 Consultations

- 4.1 Residents of the nearest neighbouring properties of the site were sent letters notifying them of the application. A site notice was posted near to the site and an advert was also placed in a local paper, which was published on 7th June 2017. Further letters were sent, a new site notice was posted and an advert placed in the local paper after the revised plans were submitted for consideration. No representations were received.
- 4.2 Woodborough Parish Council objected to the development originally proposed in May 2017 due to its impact on the openness of the Green Belt, the size and design of the proposal (the floor area being greater than 50% of the existing dwelling) and the impact on the character and appearance of the area due to its prominent position.
- 4.3 Woodborough Parish were also notified of the revised proposed scheme which was submitted in November 2017. The Parish Council maintain their objection noting that the previous permission (*planning ref.2014/0415*) was for a replacement dwelling a little over 50% increase in size but this proposal is 73% increase in size of the original dwelling which exceeds what is normally acceptable. Should GBC be minded to approve, the Parish Council request that permitted development rights are explicitly removed, noting that unusually this substantial property has no garage, and there may be an application to build a garage made at a later stage.
- 4.4 The Highways Authority would have objections subject to the conditions attached to a decision relating to; construction of a dropped vehicular footway, existing site access being made redundant and hard bound surfacing of drives and parking/turning areas.
- 4.5 Nottinghamshire Wildlife Trust has advised that as the proposal involves the demolition of a detached property in a rural location, it should be recommended that a Preliminary Roost Assessment/Bat Survey is carried out.
- 4.6 Nottinghamshire County Council's Forestry Officer advised that the site mostly comprises of young ornamental tree species growing within the rear garden of

the existing property. Such trees are of low visual amenity and with the lack of significant or mature trees on site/within neighbouring properties, it is not expected that a tree survey should be submitted for consideration.

5.0 Assessment of Planning Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless other material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and the additional information provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework

- Part 6 – Delivering a wide choice of quality homes
- Part 7 – Requiring good design
- Part 9 – Protecting Green Belt land

6.3 Gedling Borough Council Aligned Core Strategy 2014

- Policy A – Presumption in Favour of Sustainable Development
- Policy 2 – The Spatial Strategy
- Policy 3 – The Green Belt
- Policy 8 – Housing Size, Mix and Choice
- Policy 10 – Design and Enhancing Local Identity

6.4 Gedling Borough Council Replacement Local Plan (Saved Policies 2008)

- ENV1 – Development Criteria
- ENV29 – Replacement Dwellings in the Green Belt
- T10 – Highway Design and Parking Guidelines

6.5 Most recently, the Local Planning Document Publication Draft (LPD) has been in preparation, published and subject to examination. Paragraph 216 of the NPPF sets out that from the day of publication, weight may be given to relevant policies in emerging plans depending on how advanced the Plan is and whether there are extant objections. At the present time, it is considered that the following LPD policies are relevant and may be given appropriate weight if there are no unresolved objections:

- LPD14: Replacement of Buildings within the Green Belt (moderate weight)
- LPD 19: Landscaping Character and Visual Impact (limited weight)
- LPD 32: Amenity (moderate weight)
- LPD 35: Safe, Accessible and Inclusive Development (limited weight)

- LPD 37: Housing Type, Size and Tenure (limited weight)
- LPD 57 Parking Standards (limited weight)
- LPD 61: Highway Safety (moderate weight)

6.6 The main planning considerations in the determination of this application are the impact of the development to the openness and character of the Green Belt, the impact upon Highway Safety, impact upon the character and appearance of the locality and impact to neighbouring residential amenity.

7.0 Principle of Development

- 7.1 The site is located within the Nottingham Green Belt and is not within the Woodborough village infill boundary. Paragraphs 79 and 80 of the NPPF outline the importance that the Government attaches to the Green Belt and the aim of Green Belt Policy to prevent urban sprawl and to retain the essential openness and permanence of the Green Belt. Paragraph 87 advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.2 Paragraph 89 of the NPPF states that the construction of a new building should be regarded as inappropriate development and then lists a series of development exceptions which are considered to be not inappropriate in the context of the Green Belt. The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces' is listed as an exception. The national planning policy position is reinforced by local planning policies, in particular Saved Policy ENV29 of the Gedling Replacement Local Plan and emerging Policy LPD14 of the Local Planning Document, with these policies stating that a replacement dwelling over 50% of the original floor space is considered to be materially larger and thus inappropriate.
- 7.3 The proposal includes the demolition of the existing outbuilding and a garage at the site. Whilst Saved Policy ENV29 does not specifically state that outbuildings can be included within the floorspace of the original dwelling, the emerging Policy LPD 14 is more specific and confirms that any existing buildings that fall within five metres of the original dwelling can be included within the 'existing' floorspace calculation. The existing outbuilding falls within five metres of the dwelling. This being the case, the existing floorspace on the site is considered to be 261m² (dwelling) and 52.8m² (outbuilding), giving a total of 313.8m².
- 7.4 A 50% increase in floorspace in line with emerging local planning policy LPD14 would allow for a total floorspace of 470.7m². Whilst LPD 14 has not yet been formally adopted by the Council, it is to be given moderate weight. Amended plans have been received which show that the proposed replacement dwelling would have a floorspace of 470m² and as a result the development would comply with the objectives of emerging Policy LPD 14 and would not be inappropriate development within the Green Belt.
- 7.5 In terms of the impact upon the openness of the Green Belt, the replacement dwelling would be set back further into the site, away from Bank Hill. The new dwelling would be two storey but due to its design it would not be of

substantial height. Due to the sloping nature of the site the height of the proposed dwelling varies depending upon the ground level, however both the existing and proposed dwelling have an approximate highest point of 9 metres. In addition to the dwelling, there would be a patio area that would step down to the rear garden area. Whilst it is noted that there are ground level differences across the site, it is considered that a dwelling could be accommodated in a manner that would minimise its height and visual impact. Precise details of ground and finished floor level can be secured by way of a planning condition.

- 7.6 On balance, it is not considered that the proposal would have a significantly adverse impact upon the objectives of including land in the Green Belt and on the openness of the Green Belt, in comparison to the existing dwelling on the site.
- 7.7 Given the proposed increase in floor area at the site, it is considered appropriate to attach a condition to the recommendation to remove Householder Permitted Development Rights as set out in the General Permitted Development Order 2015 to ensure future development at the site is controlled by the Local Planning Authority and that the development meets with Saved Policy ENV29.

8.0 Highway Impact and Parking Provision

- 8.1 A gated access exists at the site to allow vehicular access from Bank Hill. The revised scheme proposed an 'in and out' system through the creation and widening of a vehicular access points at the south-eastern boundary line of the site.
- 8.2 The Highways Authority has raised no objections to the creation of a new access from Bank Hill. Although the Highways Authority have requested that the existing access is made redundant before the development is first brought into use, the existing access is proposed to be utilised for the 'in and out' system and therefore this condition would not be required.
- 8.3 The proposed scheme would allow adequate off-street parking provision in accordance with Gedling Borough's SPD: Parking Provision for Residential Development. It is also considered that the scheme would ensure the safe access and egress of vehicles and pedestrians in and around the site.
- 8.4 As such there are no concerns in relation to the highway impact or parking provision as a result of the development proposed at the site. The proposal therefore accords with Saved Policy T10 of the Replacement Local Plan and emerging Policy LPD 61 of the Local Planning Document.

9.0 Visual Amenity

- 9.1 The application site is in a location which allows clear views north towards Calverton; the site is therefore visible on the approach to Woodborough from Foxwood Lane. The site is not within the infill boundary of Woodborough as defined by the Replacement Local Plan; however I am mindful that the site

forms part of the character of the local area by virtue of its situation on the approach into the village on Bank Hill.

- 9.2 The proposed siting of the replacement dwelling and patio at the site would be centred within the plot, a minimum of 17m from the front boundary with the highway, approximately 5.6m from the north-eastern boundary and approximately 10.5m from the south-western boundary. The rear boundary of the site, which slopes away to the north, is located a substantial distance from the proposed dwelling.
- 9.3 The design of the replacement dwelling is contemporary and is considered to be of a high design quality. Paragraph 60 of the NPPF advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is also noted that Local Planning Authorities should seek to promote or reinforce local distinctiveness. The application site is in an isolated location, at least 80m from any other built form and more than 200m from the infill boundary of Woodborough village. Accordingly, it is considered to be adequately separated from the building to ensure that the proposed development would not have an adverse impact upon the village's character or appearance. In respect of this, I consider the proposed design of the replacement dwelling at this location to be in accordance with the aims of the NPPF.
- 9.4 I consider that the design of the proposed replacement dwelling and the associated landscaping and ground works ensure that the building would not have a bulky appearance. Given the size of the plot, the development would not constitute over-development of the site and would not adversely affect the character of the locality in general. Precise details of proposed ground and finished floor levels can be secured by way of a planning condition but is considered the replacement dwelling can be accommodated in an appropriate manner in this respect.

10.0 Impact of neighbouring residential amenity

- 10.1 The nearest residential dwellings to the application site is located a minimum distance of 80m to the south-west and north-east of the application site. Due to this separation distance and the setting of the application site, there is not considered to be any unduly detrimental impact upon the living conditions of the residents of these properties and I consider the application accords with emerging Policy LPD32 of the Local Planning Document and Saved Policy ENV1 of the Replacement Local Plan which seek to protect the amenity of adjoining residents.

11.0 Other Considerations: Bats and Trees

- 11.1 Nottinghamshire Wildlife Trust has requested that a Bat Survey is carried out at the site and it is considered that it would be appropriate to attach this requirement as a pre-commencement condition.

11.2 It has been advised by Nottinghamshire County Council's Forestry Officer that the trees present at the site are young ornamental trees, and as such a tree survey is not required to be carried out on this occasion.

12.0 Conclusion

12.1 In conclusion, the development is considered acceptable for the following reasons:

- The proposal is appropriate development within the Green Belt and would not have a significantly adverse impact upon the objectives of including land in the Green Belt and on the openness of the Green Belt
- The design of the proposed replacement dwelling is considered to be acceptable
- Highway Safety and Residential amenity would not be adversely affected
- Ecological considerations can be addressed by way of a planning condition

12.2 For the reasons set out above, the proposed development accords with Saved Policies ENV1, ENV29 and T10 of the Gedling Borough Replacement Plan as well as the Parts 6, 7 and 9 of the NPPF and Policies A, 2, 3, 8 and 10 of the Aligned Core Strategy. The development is also considered to accord with emerging policies LPD 14, 19, 32, 35 37, 57 and 61 of the Local Planning Document. It is therefore recommended that planning permission is granted subject to conditions

13.0 Recommendation: That the Borough Council GRANTS FULL PLANNING PERMISSION, subject to conditions

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with following plans submitted to the Local Planning Authority:- Proposed ground floor plan, site plan, block & OS plans, drawing no. 002 Revision F, received on 1st June 2018- Proposed first floor plan, site plan, block and OS plans, drawing no. 003 Revision E, received on 1st June 2018- Proposed elevations, drawing no. 004 Revision D, received on 1st June 2018- Proposed site plan layout, drawing no. 005 Revision A, received on 16th May 2018The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local

Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.

4. Notwithstanding the details submitted, before development commences details of the existing and proposed ground levels and sections of the site, including proposed finished floor levels shall be first submitted to and approved in writing by the Local Planning Authority. The development shall then be built in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
5. No part of the development hereby permitted shall be brought into use until dropped vehicular verge crossings to serve the access points are available for use.
6. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
7. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) the dwelling shall not be enlarged under Class A or Class D nor shall any works be undertaken under Class E.
8. No development shall commence until a Preliminary Roost Assessment (bat survey) has been carried out and a written report, to include any mitigation measures necessary and a timescale for their implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved report and any necessary mitigation measures shall be undertaken within the approved timescale.
9. Before development is commenced there shall be submitted to and approved by the Local Planning Authority a landscaping plan showing the position, type and planting size of all trees and shrubs to be planted. The approved landscaping details shall thereafter be implemented in full no later than the end of the first planting season following the development being brought into first occupation and any plant or tree that is removed, uprooted or is destroyed, dies or becomes seriously damaged or defective within 5 years of the implementation of the landscaping scheme shall be replaced with a plant or tree of the same species and size.

10. The existing buildings on the site shall be demolished prior to the first occupation of the dwelling hereby approved.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to define the terms of this permission.
3. To ensure a satisfactory standard of external appearance.
4. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Gedling Borough Council Aligned Core Strategy (September 2014).
5. In the interests of Highway safety.
6. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
7. To protect the openness of the Green Belt.
8. To ensure that ecological interests are safeguarded.
9. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Gedling Borough Council Aligned Core Strategy (September 2014).
10. To protect the openness of the Green Belt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would meet with the objectives of national and local Green Belt policies, would be of an acceptable design, would not have an adverse impact upon residential amenity, would not cause detriment to highway safety and would not compromise ecological interests on the site. The proposed development therefore accords with Saved Policies ENV1, ENV29 and T10 of the Gedling Borough Replacement Plan as well as the Parts 6, 7 and 9 of the NPPF and Policies A, 2, 3, 8 and 10 of the Aligned Core Strategy. The development is also considered to accord with emerging policies LPD 14, 19, 32, 35, 37, 57 and 61 of the Local Planning Document.

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. 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 or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

The proposal makes it necessary to construct a vehicular crossing over the verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were considered to be no problems for which the Local Planning Authority had discussions have been undertaken to ensure that the proposal meets with relevant national and local planning policies.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com