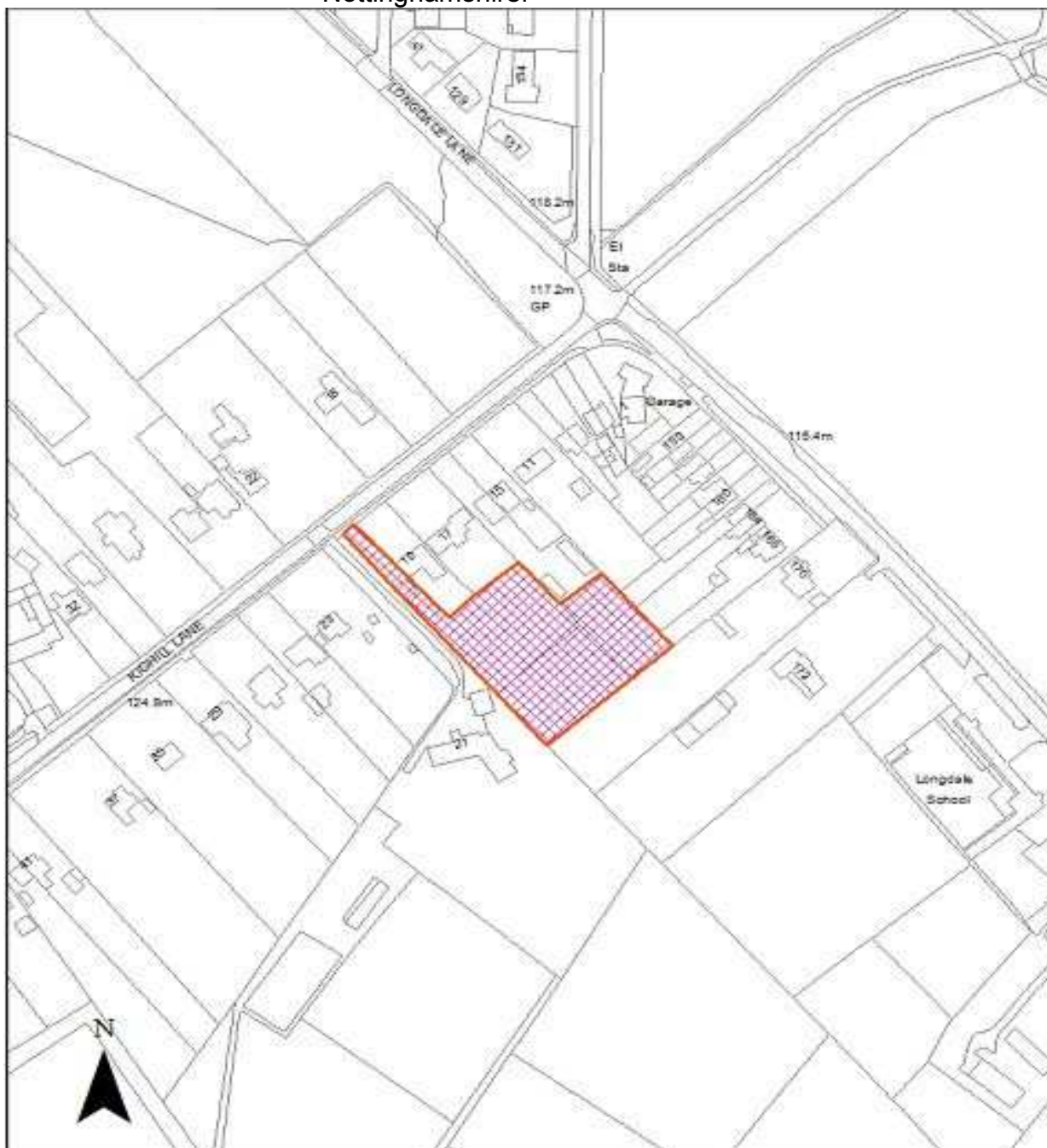




Application Number: 2013/1000

Location: Land to the Rear of 15-19 Kighill Lane, Ravenshead, Nottinghamshire.



NOTE:

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Report to Planning Committee

Application Number: 2013/1000

Location: Land To The Rear Of 15-19 Kighill Lane, Ravenshead,
Nottinghamshire

Proposal: Outline application to provide 15 No 2 bedroom retirement bungalows

Applicant: J Incles And P Corner

Agent: GraceMachin Planning And Property

Site Description

This application relates to an area of residential garden currently serving no. 21 Kighill Lane and paddock area immediately to the rear of the garden which extends to the rear of no. s 17, 15 and 15a Kighill Lane. The L shaped site is located within a ribbon of residential properties on the south eastern side of Kighill Lane, outside the perimeter of Ravenshead Village envelope and within the Nottinghamshire Green Belt.

The site is bounded by a mixture of fencing, mature hedging and trees and contains a number of garden structures and a large pond.

Adjoining properties to the north west on Kighill Lane are single storey dwellings which are generally well screened from the site by existing boundary treatments. To the east the site is bounded by the rear gardens of two storey dwellings fronting Longdale Lane.

Proposed Development

Outline planning permission is sought for the erection of 15 no. 2 bedroom bungalows with all matters reserved with the exception of access. Indicative details and elevation and floor plans with regards to the height and footprint of the bungalows have been deposited with the application. An email has been received on the 31st October 2013 confirming the maximum dimensions as being 5.8m height, 7m width and 10m depth. An indicative layout plan of the site showing parking areas and landscaping has also been deposited.

An Arboricultural report and a Design and Access Statement has been deposited with the application which outlines the site context, economic and planning policy context of the proposal, an assessment summary and design considerations.

An additional supporting statement has been deposited on the 31st of October 2013.

Revised plans showing the access and visibility splays have been deposited on the 4th November 2013.

Consultations

Ravenshead Parish Council – Objections are raised with regards to the proposal being Green Belt/infill development and the access road is unacceptable because of the need for emergency access.

Planning Policy – Relevant National and Local planning policies are outlined. It is noted that the 5 Year Housing Land Supply Assessment (March 2012) identifies that there is only a 3.23 year supply of deliverable housing sites within the Borough. The NPPF sets out that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites relevant policies for the supply of housing should be considered out-of-date. Recent appeals (notably the Binfield decision ref 2179560) have indicated that this would include policies which restrict or direct residential development.

Where policies are out of date, applications for residential development should be considered in the context of the presumption in favour of sustainable development contained in paragraph 14 of the NPPF. The presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or

Specific policies in the NPPF indicate development should be restricted.

It is noted that the proposals are for inappropriate development within the Green Belt and the applicant will therefore need to demonstrate that there are very special circumstances which outweigh the harm to the Green Belt in accordance with ENV26 of the Replacement Local Plan and paragraphs 87-89 of the NPPF. The Thundersley decision (ref 2177157) and the recent Ministerial Statement (1st July 2013) highlight that the demand for housing would on its own not be sufficient to outweigh harm to the Green Belt. The Government's clear position is that Green Belt release should be through Local Plans unless there are additional very special circumstances.

Overall, the harm to the Green Belt in terms of the five purposes of Green Belt should be identified and whether the identified 'very special circumstances' outweigh this harm and any other harm should be considered. It is noted, however, that in the Thundersley case a 0.7 year supply of houses was not considered sufficient to outweigh the harm to the Green Belt that was considered to be a "*relatively small, isolated pocket of undeveloped land, surrounded by urban structures and uses*"

Paragraph 32 of the NPPF requires that safe and suitable access to the site can be achieved and that any improvements to the transport network effectively limit the significant impacts of the development. It is advised that Highway Authority should be consulted on the proposals.

Policy in relation to residential density is outlined. It is understood that the site is 0.5ha in size and that the density would be about 30dph.

It is advised that the Council's Urban Design officer should be consulted to ensure that the design requirements of National and Local policies are met. The requirements for sustainable design in ACS Policy 1 should also be considered. The amount of car parking provided should accord with the Parking Provision SPD (2012).

The Affordable Housing SPD sets differential requirements for affordable housing depending on the sub-market the site is within. This site is within the Gedling Rural North sub-market and as such 30% of the dwellings should be affordable. This will result in 4 affordable dwellings being provided in accordance with the SPD. The approach to Affordable Housing is in accordance with the affordable housing elements of ACS Policy 8. The Borough Council's Housing Needs Team should be consulted regarding this proposal.

A need for 'retirement accommodation' has been identified in the 'Ravenshead Housing Need Survey' (2009). Provision of retirement accommodation would help meet the requirements of Policy 8 of the Aligned Core Strategy. It is noted that the proposal is for 'retirement bungalows' although it is not clear what mechanism is being used to ensure that the dwellings will be used for this purpose and not sold to the general market.

Policy R3 requires that residential development should provide at least 10% local open space to serve the development. It is advised that Parks & Street Care should be consulted regarding the provision of open space. There does not appear to be any open space identified on the proposed layouts submitted as part of the planning application.

Other types of infrastructure may also be needed. Policies 18 and 19 of the ACS require that developments make provision or contribute to the provision of necessary infrastructure. As part of the process of identifying Ravenshead as a 'key settlement for growth' in the ACS, an Infrastructure Delivery Plan has been prepared. This identifies the range of infrastructure required. For Ravenshead it identifies that, inter alia, improvements to utility provision and contributions to education provision.

It is concluded that the harm to the Green Belt in terms of the five purposes of Green Belt should be identified and whether the identified 'very special circumstances' outweigh this harm and any other harm should be considered. The applicant has identified the lack of a five year land supply and the need for 'retirement' properties as very special circumstances.

Relevant policies regarding the detail of development should be complied with and appropriate contributions towards the necessary infrastructure provided.

Nottinghamshire County Council (Highway Authority) – Noted that the application is for outline permission with all matters reserved part from access. However there are no details of the access proposals and it is therefore recommended that the

application be refused unless further details are submitted. The design should show a 4.8m wide access with 6.0m radius kerbs forming a priority junction onto Kighill Lane. Visibility splays will also need to be shown and safeguarded at 2.4m x 43m in both directions.

Following reconsultation it is considered that the revised access plans and visibility splays are acceptable.

Nottinghamshire Wildlife Trust – It is recommended that the Council refer to Natural England's Standing Advice Note regarding the effects on the breeding population of nightjar and woodlark in the Sherwood Forest region dated 11th July 2011. It is also noted that given that trees are present on site should permission be granted the applicant is advised that no vegetation works should take place during the birds breeding season unless supervised by an experienced ecologist.

Environment Agency – Advise that reference is made to Standing Advice.

Urban Design Officer – Advises that the proposed layout around a court yard is acceptable but raises concern with regards to the oversupply of hardsurfacing on the shared surface parking and access road. A single access in the centre with a turning facility and parking would be less highway dominating and therefore preferable and the bungalows could also be brought more into the centre of the site. Plot 1 could also be of a corner design.

Housing Strategy – Although the applicant has correctly interpreted the 2009 Housing Needs Study carried out with Ravenshead Parish Council and it is accepted that there is a need for smaller retirement bungalows in the village. Concern is raised with regards to the location of the proposed development which is quite separated from the rest of the village. It is approximately 1km walk to the surgery on Oakwood Drive and 1.6km to the shops at Milton Crescent. No bus service operates along Kighill Lane and concerns are raised that residents could be isolated on this site and, if unable to drive, dependent on friends or community transport services. It is, however, acknowledged that it is difficult to find suitable sites for a new development within the existing built up area of the village.

Notwithstanding the above it is noted that a development of 15 dwellings would require an affordable housing contribution either by making 30% of units on the site affordable housing within the meaning set out in Annex 2 of the NPPF or by means of a commuted sum if this was not achievable. It would be expected to agree a S106 agreement to reflect this at an appropriate point in the future.

Adjoining neighbours have been notified of the proposal and site and press notices posted – 3 no. letters and 2no. emails have been received expressing the following concerns:-

The adverse impact upon the Green Belt;

The extension of the village boundary;

The setting of precedent for future developments;

The loss of the village setting;

The increase in traffic and impact upon highway safety;

There is Insufficient parking provision within the development;

The proposal is 'back garden' development sited away from the village centre;
and

The future occupation of the dwellings should they not be sold as retirement properties.

Planning Considerations

In my opinion the main planning considerations in the determination of this application are:-

1. the impact upon the Green Belt;
2. the suitability of the location for the proposal;
3. the principle of the layout, design and appearance;
4. the impact upon neighbouring amenity;
5. highway implications; and
6. planning obligations.

At a national level the most relevant parts of the National Planning Policy Framework (NPPF) in relation to the determination of this application are:-

6. Delivering a wide choice of high quality homes (paragraphs 47-55); and
7. Requiring good design (paragraphs 56-68); and
9. Protecting Green Belt land (paragraphs 79-80 and 87-89)

At a local level the following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008 are also relevant to the determination of the application:-

- ENV1 (Development Criteria);
- ENV26 (Control Over Development in the Green Belt);
- H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes);
- H16 (Design of Residential Development);
- H18 (Affordable Housing);
- T10 (Highway Design and Parking Guides);
- C2 (Community Facilities for New Development); and
- R3 Provision of Open Spaces in Residential Developments.

In addition appropriate parking provision should be made and in considering housing development, account should be taken of the residential parking standards set out in the Borough Council's Supplementary Planning Document (SPD) 'Parking Provision for Residential Developments' (2012).

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACSSD) which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents as it is at an advanced stage of preparation with the level of weight given to each policy being dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are relevant:

Policy 3 The Green Belt;
Policy 8 Housing size, Mix and Choice;
Policy 10 Design and Enhancing Local Identity; and
Policy 19 Developer Contributions

Impact upon the Green Belt

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.

Paragraphs 87 and of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances are demonstrated which outweigh such harm. Paragraph 89 notes that the construction of new buildings within the Green Belt is inappropriate development and outlines the categories which may be considered as being exceptions to this.

Policy ENV 26 of the RLP reflects this guidance, identifying that the construction of new buildings within the Green Belt is considered inappropriate unless it is for the purposes of agriculture or forestry or provides small scale essential facilities for outdoor sport and recreation.

I am mindful of recent case law and also note the ministerial Statement issued on the 1st July 2013 which highlight that the demand for housing would not on its own merit be sufficient to outweigh the harm to the Green Belt.

I am mindful that the proposed residential development does not fall within any of the categories of development considered to be appropriate within the Green Belt.

I am therefore of the view that the proposed development is inappropriate and is therefore by definition harmful to the Green Belt setting of the site.

The applicant has put forward the following arguments as very special circumstances

in order to justify the development:

The application site is on the edge of the village envelope which already has limited openness by virtue of the existing residential development along Kighill Lane;

The Ravenshead Housing Need Survey 2009 identifies that there is a need for retirement properties within the village;

The provision of retirement properties will enable local residents to downsize and allow the release of family homes which would secure the vitality of the village;

The proposed development would make an important contribution to the Councils 5 Year Housing Land Supply; and

It is unlikely that there are any sites within Ravenshead to meet the need for retirement properties in a sustainable location close to the village centre.

A copy of a letter of support from the MP for the Sherwood Constituency has been also been deposited.

I note the arguments put forward by the agent in relation to the demonstration of very special circumstances.

I accept that the Ravenshead Housing Need Survey has identified the need for retirement properties within the village and that it is difficult to identify appropriate sites within Ravenshead to meet this need. I also note the comments with regards to the contribution the proposal would make to the Borough Councils 5 Year Housing Land Supply,

However, being mindful of the of the Ministerial Statement of the 1st July 2013 in relation to the protection of the Green Belt, which highlighted that the unmet demand for housing would not on its own be sufficient to outweigh the harm to the Green Belt, I do not consider that this in itself would amount to the very special circumstances to justify the granting of planning permission.

I am also of the view that, although the application site is bounded by a ribbon of residential properties which, in my opinion, has a slight impact the open character of the Green Belt, it is situated to the south of Kighill Lane, which is considered in the ACS to be the future appropriate defensible Green Belt boundary for the south of Ravenshead and which helps to soften the transition from the dense built up area of the village into the surrounding open countryside. I therefore consider that additional redevelopment in this area would further impact on the existing open character of the area and extend the boundary of the village envelope further south eroding the soft edge to the village. This would, in my opinion, consequently impact upon the visual appearance of the Green Belt setting of the application site. The Green Belt serves to prevent unrestricted sprawl of large built up area and to assist in safeguarding the countryside from encroachment. Taking this into account I consider that the proposal would be contrary to the purposes of including land within the Green Belt as outlined

in the paragraph 80 of the NPPF.

I am note that an outline planning application is currently under consideration by the Borough Council in relation to a proposed residential development situated to the north of Kighill Lane, directly adjoining the boundary with an existing residential development, which proposes retirement living accommodation as outlined within the Planning Statement deposited with the application. Should this development come forward, I am mindful that this would provide retirement properties within the village in a more sustainable location.

Taking the above considerations into account, I am of the view that harm by reason of the inappropriateness of the development is not clearly outweighed by other considerations and that very special circumstances do not exist in this instance to justify the grant of planning permission.

I am therefore of the view that the proposal fails to accord with criterion contained within the NPPF, Policy ENV26 of the RLP and Policy 9 of the ACS

Suitability of the location

To assess whether the proposal is appropriate in this location consideration needs to be given to paragraphs 49 and 55 of the NPPF. Paragraph 49 outlines that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 encourages sustainable development within rural areas. New isolated homes should be avoided unless there are special circumstances.

Notwithstanding the impact of the proposed development upon the open character of the Green Belt, I am of the mindful that the site is separated from the rest of the village and some distance from the village medical practice and shops and that although there is a limited bus there is no bus serving Kighill Lane, the nearest public transport route is on the A60.

I therefore do not consider, given that the site is not well served by public transport and given its distance from local facilities, that a residential development of retirement properties as proposed would be located in a sustainable location and am of the view that it is likely that there would be an increased reliance on private motor vehicles or that residents of the development may become isolated.

I therefore consider that the proposal fails to accord with paragraphs 49 and 55 of the NPPF.

The principle of the layout design and appearance of the proposed development.

The Government attaches great importance to the design of the built environment. Section 7 of NPPF states inter alia that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings

and materials and be visually attractive as a result of good architecture and appropriate landscaping.

Criterion a. and c. of Policy ENV1 of the RLP are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials.

Design and layout are also considered in criterion a. and b. of Policy H7 and criterion c. of Policy H16 of the Replacement Local Plan. These policies state inter alia that permission will be granted for residential development within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

Policy 10 of the ACSSD looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and Replacement Local Plan policies.

I note that the application is outline with just the matter of access to be determined at this time. Although matters of appearance, landscaping, layout and scale are reserved for future determination, an indicative site layout and elevation and floor plans have been deposited with the application which I consider would set the parameters of the development for a future reserved matters application. .

I am satisfied that the application site is capable of accommodating the proposed dwellings of the specified dimensions without appearing cramped or overintensive, I note the comments of the Urban Design officer and am of the view that the indicative layout deposited with the application could be improved in terms of surfacing and landscaping and front building lines. Although a revised layout would be considered at Reserved Matters stage I have suggested that the proposed indicative layout be amended. Should this be forthcoming any additional comments will be verbally reported to Planning Committee.

I am also satisfied that the scale and bulk of the proposed single storey dwellings as outlined in the elevation and floor plans would respect the character and appearance of neighbouring properties and the wider area.

I therefore consider that the indicative details deposited with the application accord with the NPPF, policies ENV1, H7 and H16 of the RLP and Policy 10 of the ACS.

Impact upon neighbouring amenity

Criterion b. of Policy ENV of the RLP is relevant in this instance and states that planning permission would be granted for development providing that it would not have a significant adverse effect on the amenity of occupiers of neighbouring properties or the locality in general.

Criterion f) of Policy 10 of the ACSSD relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.

I am satisfied that as shown on the indicative layout and given the indicative dimensions of the dwellings, the proposed development would not result in any material overbearing or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings.

I therefore consider that the indicative details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the ACS.

Highway Implications

Criterion c. of policy ENV1 of the RLP requires that development should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. Policy T10 of the RLP also requires that in considering proposals for new development reference will be made to the Highway Authority's highway design and parking guidance.

I note that the Highway Authority considers the revised proposed access and visibility splays are acceptable. I therefore consider that the proposal would accord with Policy ENV1 T10 of the RLP.

I also consider the indicative scheme would provide a satisfactory level of off street parking provision in accordance with the adopted Parking Provision for Residential Development SPD.

Planning Obligations

Given that the site area is 0.5Ha the proposed development is subject to the following developer contributions:-

Open Space

Policy R3 of the RLP requires that on residential development sites of 0.4Ha a minimum standard of 10% local open space should be provided to serve that development which will be secured through planning conditions or negotiation of a S106. Provision will be made either within the development or through a financial contribution to the Local Authority to provide facilities on or off site or to enhance nearby local facilities nearby.

Community Facilities

Policy C2 of the RLP requires that regards will be given to the need for the provision of community facilities arising from a proposed new development of 0.4Ha. This will be secured through the imposition of conditions or through planning obligations, legal agreements or financial contributions related to the scale of any kind of development proposed.

Affordable Housing

Given that 15 dwellings are proposed Policy H18 of the RLP requires the negotiation to secure an affordable housing contribution either by making 30% of the units on site affordable housing or by means of a commuted sum if this was not achievable.

Although the applicant has confirmed willingness in the planning statement to enter into such agreements, given my significant concerns in relation to the inappropriateness of the proposed development within the Green Belt and that very special circumstances have not, in my opinion, been demonstrated to justify the proposal, I do not consider that it would be reasonable to pursue these matters further.

Conclusion

Although I note that there is a need for retirement properties within Ravenshead, as identified within the Ravenshead Housing Need Survey, and that the principle of the development may be acceptable in terms of design, scale and layout, I do not consider that, in this instance very special circumstances have been evidenced to demonstrate that there are material considerations which amount to the very special circumstances which would outweigh the harm, as a result of the inappropriateness of the development, to the open character or permanence of the Green Belt.

I therefore consider that the proposal therefore fails to accord with National and Local Green Belt Policy and recommend accordingly that permission be refused on these grounds.

Recommendation:

REFUSE PERMISSION

In the opinion of the Borough Council, the proposed development would constitute inappropriate development in the Green Belt by virtue of not serving the five purposes of land within the Green Belt. Therefore, in the absence of any very special circumstances the proposed development would, by definition, be harmful to the Green Belt contrary to the guidance contained within the National Planning Policy Framework (2012) and Policy ENV26 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.