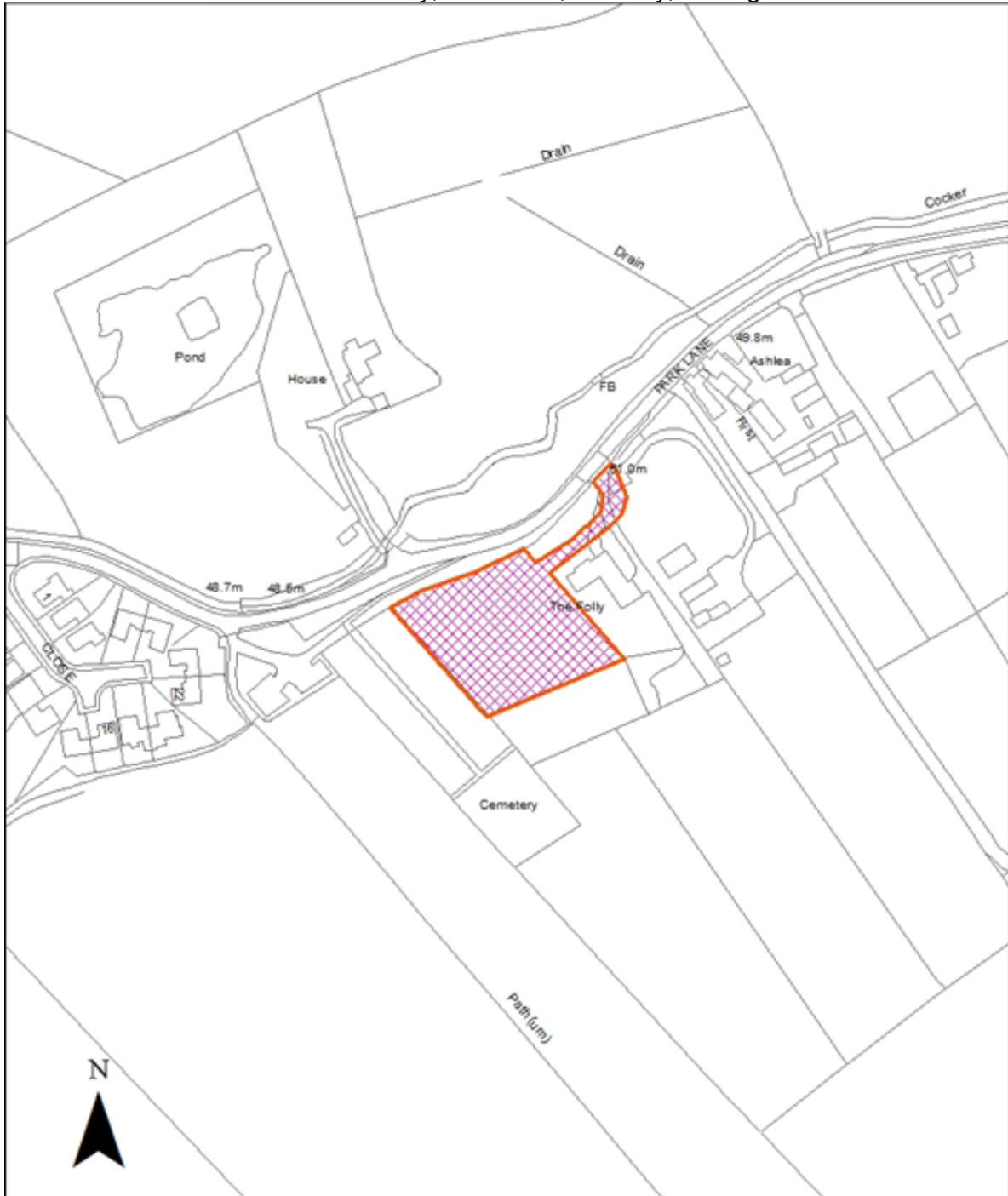




Application Number: 2015/0154

Location: The Folly, Park Lane, Lambley, Nottinghamshire.



NOTE:

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Report to Planning Committee

Application Number: 2015/0154

Location: The Folly, Park Lane, Lambley, Nottinghamshire.

Proposal: Outline planning application for the residential redevelopment of land next to The Folly, Park Lane, Lambley to provide 5 no. new affordable dwellings comprising of 2 no. 2 bedroom bungalows and 3 no. 2 bedroom starter houses.

Applicant: Mr Rob Meek

Agent: Mr George Machin

Case Officer: Alison Jackson

Site Description

The application site relates to land adjacent to The Folly, a residential property situated off Park Lane, Lambley. The site forms part of the garden area to The Folly, the land is mainly grassland with a number of trees within the site. The site is situated within the Green Belt for Nottingham. The site is not situated within the infill boundary for Lambley but does adjoin the conservation area boundary for Lambley. The site is set at a higher level than Park Lane which runs along the frontage of the site. Access to the site is via Park Lane which currently leads to The Folly and is proposed to serve the application site.

Proposed Development

Outline planning permission is sought for the erection of five affordable dwellings comprising 2 no. 2 bedroom bungalows and 3 no. 2 bedroom starter houses.

All matters relating to the application are reserved apart from the access arrangements.

It is proposed that the access will be provided via the existing access which currently serves The Folly. The applicant has demonstrated with the submission of additional plans that the required width of the access can be achieved together with the appropriate visibility spays to serve the access.

A footway is proposed to be provided from the application site along Park Lane in order to adjoin the existing footway at the edge of the village.

Indicative plans have been submitted with the application showing how it is envisaged that the site could be developed.

A Design and Access statement has been submitted with the application together with an Affordable Housing Needs survey.

An Arboricultural Survey and a Protected Species Survey have also been submitted with the application.

The applicant's agent has submitted information in support of the application, this supporting information is summarised as set out below:

- The public benefit of the proposal in terms of supporting economic growth in rural areas creating jobs and prosperity.
- The proposal constitutes a sustainable form of development.
- The proposal addresses identified local needs.
- The proposal would provide affordable housing in the area.
- The proposal would contribute to rural economy and future vitality of rural economy.
- The proposal does not result in an adverse impact on the Green Belt given that the site is screened and there would be minimal intrusion within the existing landscape.
- The impact of the proposal on the openness of the Green Belt would be limited
- The proposal would result in a limited degree of encroachment onto the Green Belt.
- There would be no undue impact as a result of the proposal on highway safety.

In addition to the above, reference has been made by the applicant's agent to similar schemes that have been granted planning permission in different authorities, to appeal decision for similar schemes and to a newspaper articles relating to the need for more rural starter homes.

Consultations

Lambley Parish Council - object on the grounds that the site is situated within the Green belt, there is poor access to the site and no footpath adjoining the site.

Nottinghamshire County Council Highway Authority – The swept path is acceptable as shown on drawing number CIV-100 dated 17.8.15, together with the layout and parking arrangement.

It should be noted that there are more than 5no dwellings served off the private drive, which will require a maintenance agreement to cover The Folly and all the new dwellings.

The gradient does not meet the requirements within the 6 Cs Design Guide for Highways, however this requirement will need to be achieved when submitting at full application stage.

In view of the above, the Highways Authority would accept the scheme in principle,

but the formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, visibility splays and drainage. (Hereinafter referred to as reserved matters.)

All details submitted to the Local Planning Authority for approval shall comply with the County Council's current 6 C's Design Guide for Highways and Parking policy for Gedling Borough Council and shall be implemented as approved.

Severn Trent Water – no comments received.

Nottinghamshire Wildlife Trust – satisfied with the wildlife report and the recommendations. Development should be undertaken in accordance with recommendations.

Natural England – no comments received.

Forestry Officer – The tree survey is adequate for the site and shows that the trees of a higher value are to be retained. It is suggested in this instance that a condition should be placed on any grant of planning permission to ensure that trees identified to be retained are adequately protected during development with barriers and ground protection to the standard of BS5837:2012.

Housing Strategy - On the basis of the results of the Affordable Housing Needs Survey for Lambley and also more recent interrogation of the Housing Register, there is support from a strategic housing perspective. It is noted that NCHA have expressed interest in provision on site and therefore it would be required that the properties are affordable on the basis that this would be a rural exception site.

Local residents have been notified by letter and the application has been advertised on site and in the local press – I have received one letter of representation as a result, the contents of this letter are summarised below:

- Lack of consultation on the application.
- Green Belt issues.
- Inappropriate development.

Planning Considerations

The main planning considerations in the determination of this planning application are:

1. The impact on the Green Belt;
2. The suitability of the location for the proposal;
3. The principle of the layout, design and appearance;
4. The impact on neighbouring properties;
5. The impact of the proposal on highway safety;
6. The impact on wildlife; and
7. The impact on existing trees at the site.

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 79-92)

At a local level the following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 (RLP) are also relevant to the determination of the application:-

- ENV1 (Development Criteria);
- ENV26 (Control Over Development in the Green Belt);
- H16 (Design of Residential Development);
- T10 (Highway Design and Parking Guides);

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 adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014.

- 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 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, these being for the purposes of agriculture or forestry or 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 highlights 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 supporting information in an attempt to demonstrate very special circumstances in order to justify the development, these are set out under the 'Proposed Development' section above.

I note these arguments put forward by the applicant's agent in an attempt to justify the proposed development of the site and demonstrate special circumstances.

I accept that there is a need for affordable dwellings within the village of Lambley and the fact that the delivery of these dwellings would contribute to the Borough Council's five 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 together with the briefing paper dated the 30th June 2015 in respect to the Green Belt policies contained within the NPPF, which state 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 mindful that the proposed dwellings could be conditioned to be retained at all times for affordable housing in order to meet local need however, I do not consider that this together with the demonstrated need for housing on the site would amount to special circumstances to justify the development of this site within the Green Belt.

Whilst I am mindful that the proposed development of the site would encroach onto land situated within the Green Belt, given the existing screening to the site and the fact that this screening could be retained during and after the development of the site, I do not consider that the development of the site would have a significant adverse impact on the open character of the Green Belt.

Whilst the development would not have a significant impact on the openness of the Green Belt this does not, in my opinion amount to special circumstances to justify such a proposal in this Green Belt location. The fact that the site is screened and this screening could be retained, in my opinion amounts to mitigation measures in order to avoid any potential impact on the open character of the Green Belt.

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 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.

In my opinion whilst the site is situated on the edge of the village a footpath is proposed to be created along Park Lane in order to link the site with the main village. This would be a short walk from the village where there are some local facilities in terms of eateries, the school and a children's day nursery and there are bus services to the village.

I consider therefore that the site would be a sustainable location and accord with the aims 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.

Policy ENV1 of the RLP is also relevant this states that planning permission would 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.

Policy H16 of the Replacement Local Plan states that permission would be granted for residential development 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 the dwellings relate well to each other.

Policy 10 of the GBACS 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.

I am satisfied that the application site is capable of accommodating the proposed dwellings of the specified dimensions without appearing cramped or over intensive. I also consider that the style of the dwellings would reflect the character of the village and indeed the adjoining conservation area for Lambley.

I therefore consider that the indicative details deposited with the application accord with the NPPF, policies ENV1 and H16 of the RLP and Policy 10 of the GBACS and a refusal of planning permission would not be justified on these grounds.

Impact upon neighbouring amenity

Criterion b. of Policy ENV1 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 GBACS, relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.

Whilst I appreciate that permission is being sought in outline only with the approval of the access to the site only being sought at this time, I note that an indicative layout of the site has been submitted demonstrating how the site could be developed. I am satisfied therefore given the size of the site and the site's relationship to The Folly and its distance to other nearby properties, the site could be adequately developed without the dwellings resulting in any undue overbearing or overshadowing impact onto neighbouring or nearby properties.

I am also satisfied that the dwellings could be appropriately designed to avoid any overlooking impact onto neighbouring properties.

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 GBACS and a refusal of planning permission would not be justified on these grounds.

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 has advised that there are no objections to the proposal in terms of the access arrangements and proposed footway.

I am therefore satisfied that there are no highway safety implications arising from the proposal.

As the application is in outline only conditions would need to be attached to any grant of planning permission requiring precise details relating to all highway matters to be submitted to the Borough Council for approval.

I note that the Highway Authority has requested that a maintenance agreement is entered into. I do not agree however that the suggested condition of the Highway

Authority relating to a suitable maintenance agreement being in place is a reasonable and justifiable condition to attach to any grant of planning permission as this falls outside of the planning remit and would not be enforceable under planning legislation. I therefore suggest that the details relating to the need for a maintenance agreement, if permission is granted, are attached as an informative to any grant of planning permission which requires the applicant to enter into a maintenance agreement direct with the Highway Authority.

Whilst the permission being sought is in outline only and therefore only indicative drawings have been submitted showing the parking provision to serve the dwellings, I am satisfied that adequate off road car parking can be provided on the site and I am therefore satisfied that this would accord with the adopted Parking Provision for Residential Development SPD.

I note that the Highway Authority has raised no objections to the provision of an extension to the existing footway leading from the village. I am therefore satisfied that if permission was granted this could be achieved and indeed would be a requirement of the proposal in order to make the site more accessible by means other than a car.

I am therefore satisfied that the access arrangements together with the provision of off road car parking accords with policies ENV1 and T10 and the parking SPD and a refusal of planning permission would not be justified on these grounds.

Impact on trees

I note the comments of the Forestry Officer in respect to the potential impact of the development on existing trees at the site and agree that with the attachment of conditions to any grant of planning permission the trees proposed to be retained at the site could be adequately protected at all times during site preparation and development.

I therefore consider that a refusal of planning permission would not be justified on these grounds.

Impact on Wildlife

I note that a wildlife survey was submitted with the application and note that Nottinghamshire Wildlife Trust are satisfied with the report together with the recommendations contained within the report.

I am therefore satisfied that provided that the recommendations within the report are adhered to, should permission be granted for the development of the site the proposal will not adversely affect wildlife on the site or in the surrounding area.

Other Considerations

I note that concerns have been raised in respect to the consultation procedure on the application and I am satisfied that the appropriate procedures have been followed in term of notifying neighbouring and nearby properties.

Conclusion

Although I note that there is a need for affordable dwellings within the Lambley area 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 fails to accord with National and Local Green Belt Policy and recommend that planning permission be refused.

Recommendation:

To REFUSE PLANNING PERMISSION.

Conditions

Reasons

1. 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 the Aligned Core Strategy.

Notes to Applicant

You are advised that as of 16th October 2015, the Gedling Borough 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.