

17/02703/OUT

Applicant Whipling Farm Partnership

Location Land East Of 6 Orston Lane, Orston Lane, Whatton, Nottinghamshire

Proposal Erection of 3no. residential dwellings and associated vehicular access.

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The site extends to approximately 0.25 ha and comprises part of a field in arable use.
2. The site is adjoined on its western side by existing dwellings and to the north and east by other arable land. The frontage of the site comprises a mature hedge beyond which is a bridleway. A farm track runs north from the bridleway adjacent to the eastern boundary of the application site.
3. The boundary of the Whatton Conservation Area adjoins the western boundary of the site.

DETAILS OF THE PROPOSAL

4. The application seeks outline planning permission, with all matters reserved for future approval, for three dwellings and the formation of a vehicular access.
5. The application was accompanied by an indicative layout, Design and Access Statement, Heritage Impact Assessment, Preliminary Ecological Appraisal and indicative house type plans.
6. Although all matters are reserved for future approval, the Design and Access Statement indicates that the dwellings would be of traditional design, possibly with contemporary additions, with a palette of facing and roofing materials in keeping with their surroundings. It also proposes the retention of the front hedge, with the exception of that required to be removed to create the access, and planting on the north and east boundaries.

SITE HISTORY

7. There is no relevant site history.

REPRESENTATIONS

Ward Councillor

8. The Ward Councillor (Cllr M Stockwood) objects on the following grounds:
 - a. The development would extend the settlement into farm land.

- b. The site is currently productive farm land.
- c. There is no evidence of need when considered in conjunction with the new development in Aslockton.
- d. The size of the dwellings would be out of keeping with neighbouring houses.
- e. The application is speculative.
- f. Whatton is not a sustainable location.

Town/Parish Council

- 9. The Parish Council has objected and commented, *“The council feel that much of rests on the size of the houses, the congestion on the Orston Lane, the impact on farmland, the impact on views from and into the conservation area, the fact that this area of land is not designated for development, and that Whatton is not considered a development site by Rushcliffe Borough Council for new housing beyond moderate in-fill, which this does not constitute.*
- 10. *The council are of the opinion the village does not need further provision of four / five bedroomed houses but rather more semi-detached houses similar to those currently habited and which have been in the parish for years.*
- 11. *We understand the site is Green Belt land and while it is outside the Conservation Area, any building will impact on both the view into and out of that important conservation area which is a material consideration. In particular 2.2 of the (Conservation Area) Appraisal and Management Plan ‘The Whatton-in-the-Vale conservation area has a very strong relationship with the countryside that surrounds it. Views can be taken from edges of the conservation area. Looking out over large gardens, paddocks, fields and the open countryside, known as the South Nottinghamshire Farmlands (Nottinghamshire Landscape Guidelines, ~Nottinghamshire County Council).*
- 12. *I trust our comments will be taken into account when the matter is being dealt with by the Borough Council.”*

Statutory and Other Consultees

- 13. The Nottinghamshire County Council as Highway Authority has raised no objection in principle on highway grounds subject to satisfactory construction of the access and turning area, the provision of visibility splays and provision of a bin collection point.
- 14. Via East Midlands (on behalf of the County Council) points out that Orston Lane becomes a bridleway to the front of the site, however, this is unlikely to conflict with the proposed development as the access would be taken from the adopted highway. Any works which physically affect the bridleway would require permission from the County Council’s Rights of Way team.

15. The Trent Valley Internal Drainage Board notes that there are no Board maintained watercourses in the vicinity of the site. They recommend that there should be no increase in surface water run off to receiving watercourses and the design and operation of site drainage should be agreed with the Local Lead Flood Authority and the Borough Council.
16. The Borough Council's Conservation and Design Officer points out that the site adjoins the Conservation Area and paragraph 129 of the NPPF requires the impact of a development on its setting to be taken into account. He also points out that the Conservation Townscape Appraisal identifies a key view along Orston Lane and identifies the hedge as being of significance, however, views across the site are not identified though they do present an opportunity to experience the agricultural landscape which forms the context of Whatton. He considers that the loss of view would represent "less than substantial harm" though at the lower end of the scale and, therefore, an assessment has to be made as to whether the public benefit of the development outweighs this harm. He considers it unlikely that any archaeological issues would arise.
17. The Borough Council's Environment Sustainability Officer has confirmed that the Ecological Survey accords with best practice and endorses its recommendation that an Ecological Management Plan be required. He also makes a number of recommendations regarding best working practices, for example avoiding bird nesting season or having an ecologist on site if this is not possible, submission of a landscaping scheme and installation of bat and bird boxes.

Local Residents and the General Public

18. 15 written representations objecting to the proposal have been received from local residents. The grounds for objection can be summarised as follows:
 - a. The site is outside the village and inappropriate in the countryside and, therefore, contrary to the Rushcliffe Borough Non Statutory Replacement Local Plan.
 - b. The site comprises best quality agricultural land, therefore, contrary to policy EN21 of the RBNSRLP.
 - c. Increased traffic, including at the junction with A52.
 - d. Loss of wildlife.
 - e. 3 and 4 bedroom houses not in keeping with existing houses on Orston Lane.
 - f. Absence of need in view of recent approvals in Aslockton.
 - g. Whatton is not a sustainable location.
 - h. Development not "plan led" therefore contrary to NPPF.
 - i. Not sustainable due to poor public transport service.

- j. Whatton is not identified in the Local Plan Core Strategy as a key settlement for growth and development is not infill.
- k. Detrimental to the rural character of the area, therefore, contrary to policy HO2 of RBNSRLP.
- l. Detrimental to amenity of neighbours, therefore, contrary to policy GP2 of the RBNSRLP.
- m. Contrary to emerging part 2 of Local Plan which states that it would not be sustainable for any further green field sites to be developed in Whatton.
- n. The site is isolated.
- o. Detrimental to the character of the Conservation Area.
- p. Conflict with walkers and horse riders on the bridleway.
- q. Smaller houses needed.

PLANNING POLICY

- 19. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.
- 20. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 21. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

- 22. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 23. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment'.

24. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development which should aim to proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.
25. Paragraph 55 advocates support for residential development on sustainable sites in rural areas where it would support local services or those in nearby villages and advises that isolated dwellings should be avoided unless there are exceptional circumstances.
26. Paragraph 118 states that when determining applications, local authorities should aim to conserve and enhance biodiversity by, for example, encouraging the incorporation of biodiversity in and around developments.
27. Paragraph 128 of the NPPF is also relevant. It requires consideration to be given to the effect of any development on the setting of a conservation area, whilst paragraph 132 points out that the significance of a heritage asset can be harmed by development in its setting. Paragraph 133 advises that where a development would lead to substantial harm or total loss of the asset, permission should be refused. Paragraph 134 advises that where the proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

Relevant Local Planning Policies and Guidance

28. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
29. Core Strategy Policy 3 defines the strategic sites which will deliver the majority of new homes. The text at 3.3.17 states that elsewhere in the Borough development will meet local needs only through small scale infill development or on exception sites.
30. Core Strategy Policy 11 states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
31. Core Strategy Policy 17 (Biodiversity) states that the biodiversity of Rushcliffe will be increased by various measures including protecting, expanding and enhancing biodiversity interest and seeking new biodiversity measures in new development.
32. In the context of the Replacement Local Plan, the relevant policies are GP2 (Amenity and Design), HOU2 (Development on Unallocated Sites) and EN2 (Conservation Areas).
33. Policy GP2 requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.

34. Policy HOU2 states that planning permission will be granted for development on unallocated sites so long as a number of criteria can be satisfied, including that the development would not extend the built-up area of the settlement, would not result in the loss of a site which makes a significant contribution to the amenity of the area by virtue of its character or open nature, etc.
35. Policy EN2 requires that any development in a conservation area or outside of but affecting its setting, including views into or from the conservation area, should preserve or enhance its character and appearance.

APPRAISAL

36. The starting point for considering the proposal is whether it would result in a sustainable development in the context of paragraph 55 of the NPPF. In this respect, paragraph 55 advises that local planning authorities should avoid new isolated homes in the countryside unless certain criteria apply. Given its proximity to existing dwellings on Orston Lane, it is not considered that the site or the proposed dwellings could be described as isolated. Furthermore, it has access to services and facilities in nearby Aslockton and also those in Bingham, which is not a significant distance from Whatton.
37. Whilst residents have referred to appeal decisions which found Aslockton to be unsustainable in terms of services and facilities, a previous appeal found the village to be a sustainable location. The two more recent appeals were dismissed due to the cumulative effect of the proposed developments. However, these were significant developments in the context of Aslockton involving schemes for up to 65 dwellings and up to 50 dwellings. Also of relevance is the recent Further Options consultation for Part 2 of the Local Plan. This acknowledged that, in terms of Whatton, further housing development beyond small scale infill development or rural exception development would be unsustainable.
38. Clearly, the development would not be infill and would extend the built-up area of the settlement, contrary to policy HOU2 of the RBNSRLP, however, more weight should be given to the more recent paragraph 55 of the NPPF referred to at paragraph 25 above. The resultant houses could not be described as isolated and whilst the proposal would extend the built-up area of the settlement, given the overall pattern of development in the area, such extension is not considered to be unacceptable or harmful to the character of the area. In this context, it is considered that the proposals would result in a sustainable development.
39. Although the site does not lie within the Conservation Area, consideration must be given to the impact of the development on its setting. Although not identified in the Townscape Appraisal as a key view, the Conservation Area is visible across the site. The nearest part of the Conservation Areas comprises the dwellings which adjoin the site to the west, however, the main views of them would be from Orston Lane rather than across the application site. Distant views towards Main Street to the north-west would be affected.
40. Whilst the proximity of the site to the nearest part of the Conservation Area would result in some harm to its setting, it is considered that this would be less than substantial and would be outweighed by the public benefits of the development. The National Planning Practice Guidance provides guidance on

public benefits and that benefits may follow from many developments and could be anything that delivers economic, social and environmental progress as described in the NPPF, paragraph 7. The NPPG goes on to advise that benefits do not always have to be visible or accessible to the public in order to be a genuine public benefit. In this instance, social benefits would arise through the provision of additional housing and economic benefits would result initially through the construction phase, including employment generation, and also through support for facilities within the settlement or nearby settlements once the dwellings were occupied. It is important to acknowledge that whilst the Conservation Officer considers that the proposal would result in 'less than substantial' harm to the setting of the conservation area, this would be at the lower end of the scale of harm. The agricultural hinterland which contributes to the character and setting of Whatton would largely remain intact.

41. Concern has been expressed over traffic generation and conflict with users of the bridleway, however, it will be noted that the County Council has raised no objection on either count. Due to the width of the grass verge, adequate visibility splays could be provided.
42. In terms of agricultural land quality, the site is grade 2. The NPPF advises that where significant development of agricultural land is proposed, local authorities should seek to use areas of poorer quality. It is not considered that the development could be described as significant and given the small area of land involved, it is not considered that a refusal of permission based on loss of agricultural land would be justified.
43. With regard to ecological issues, the Preliminary Ecological Appraisal acknowledges the site has the potential to support a number of protected species. It makes a number of recommendations including retention of hedgerows, landscaping to incorporate biodiversity enhancement measures, avoidance of bird nesting season or supervision by an ecologist and best working practices to avoid harm to badgers, reptiles and great crested newts, though their presence is unlikely. The implementation of these recommendations could be secured through an appropriately worded condition of any planning permission.
44. The compatibility of the proposed dwellings to the existing properties in terms of scale has been raised, however, it should be noted that the application is for outline permission with matters of scale, design, etc. reserved for future approval. Orston Lane comprises a mix of detached, semi-detached and terraced properties. On the basis of the indicative layout, it is considered that the development would be sympathetic to the character of Orston Lane and the pattern of development in the wider area.
45. In terms of impact on the amenity of neighbours, the nearest dwelling which could be affected is no. 6 Orston Lane, which has windows in the gable facing the site. It should be emphasised that the current application seeks outline planning permission with all matters reserved for subsequent approval, at which stage such impacts would be considered in detail. However, the notional layout demonstrates that a scheme would be possible where the nearest proposed dwelling would not result in unacceptable overlooking or overbearing impacts to no.6. Furthermore, it is not considered

that the level of traffic likely to be generated by the development would lead to any undue loss of amenity.

46. The Parish Council in their comments made the observation that, “*We understand the site is Green Belt land...*” This is not the case and the site is around 4.5 kilometres (at the closest) from the boundary of the Green belt.
47. The proposal was subject to pre-application discussions with the agent and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation that planning permission be granted.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. Application for approval of the reserved matters must be made not later than three years beginning the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended)].

2. The development shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council.
 - a. A detailed layout plan of the whole site.
 - b. The siting, design and external appearance of the proposed buildings.
 - c. The means of access.
 - d. Plans, sections and cross sections of access roads and footpaths.
 - e. The means of enclosure to be erected on the site.
 - f. The finished ground levels and floor levels of the dwellings.

[To ensure the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. It is considered that these details should be approved prior to commencement of development as they were not submitted with the planning application].

3. No development shall take place until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council.

The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscape Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of the development in advance of the submission of a landscaping scheme could result in insufficient space being available to carry out a satisfactory scheme].

4. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details to be approved in writing by the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of development in advance of the implementation of tree protection measures could result in loss of or damage to trees and/or hedges which it is considered should be retained.]

5. None of the proposed dwellings shall be occupied until the access and parking facilities have been provided in accordance with the approved details

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. The development shall not commence until a Landscape and Ecological Management Plan, which shall include the implementation of the recommendations in the Preliminary Ecological Appraisal, has been submitted to and approved in writing by the Borough Council. Thereafter, the development shall be carried out in accordance with the approved details.

[In the interests of bio-diversity and to comply with policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. Commencement of development in advance of the submission of a survey could result in habitats or other items of wildlife interest being damaged or destroyed].

7. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with

the development and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. This planning permission relates to the site shown outlined in red on drawing number 4374/AG/17/001 Rev, A.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

9. With the exception of the section to be removed to facilitate the formation of the access to the site, the existing hedgerow on the front (southern) boundary of the site shall be retained for the life of the development and shall be protected during the construction of the development in accordance with details submitted to and agreed by the Borough Council pursuant to condition 4.

[In the interests of amenity and to comply with policy EN13 (Landscape Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

Work impacting on vegetation should preferably be carried out between October and February.

All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted. The methodology for amphibians and reptiles recommended by the consultant ecologist at para 7.5 and 7.6 Of the Preliminary Ecological Appraisal should be followed.

All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted. See also para 7.2 of the consultant ecologist report.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented. See also para 7.3 of the consultant ecologist report.

Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

If work is required on trees, this should not be carried out unless an ecologist has checked these trees are not used/being used by bats as roosts.

Where possible new trees/hedges should be planted with native species (preferably

of local provenance) and existing trees/hedges should be retained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.

It is recommended that consideration is given to installing bird and bat boxes/bricks or lofts and ponds and reptile/amphibian habitat features.

Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods.

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 0300 500 8080 for further information.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.