

19/01565/FUL

Applicant Mr Tom Daws

Location Land Off Old Grantham Road Whatton Nottinghamshire

Proposal Erection of a single, self-build dwelling with associated parking and access.

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The application site comprises agricultural grazing land with a relatively flat topography. The land lies adjacent to the Old Grantham Road (north West) and contains a pond and mature vegetation to the north east. The land is bounded by a hedge to the north west and the River Smite to the south east, which lies beyond a small earth bund. Post and rail fences separate land to the north east and on visiting site there was no physical separation with land to the south west, which retains extant permission for a timber supply business on site.
2. The site in general occupies a location outside the reasonable settlement boundaries of Whatton to the east, with built form to the west of the site formed by the tightly defined development of HM Prison Whatton and the associated Cramner Avenue housing, which associates with the HM Prison use, forming part of the HM Prison estate. A number of industrial developments are present in the area, including extant permissions on adjoining sites to the north east and south west of the application site.

DETAILS OF THE PROPOSAL

3. This application seeks planning permission for the erection of a single self-build dwelling on the site. The dwelling would be of traditional design and mixed 1.5 and 2 storey form, utilising a material palette of brick and render with clay tiles to the roof.
4. The existing hedge to the site frontage would be retained with access taken from the same approved access for the timber yard business on land to the south west. A parking and turning area would sit to the front of the dwelling whilst private gardens would extend to all sides of the dwelling.

SITE HISTORY

5. 17/01408/FUL - Erection of steel framed unit for agricultural timber supply business and associated single, self-build dwelling unit – REFUSED – Subsequent Appeal issued with a SPLIT decision, permitting the business unit, and refusing the residential.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr M Stockwood) has confirmed, following discussions, that she raises no objection to the development. She notes the inspectors previous decision but also the local feeling of support for the development.

Town/Parish Council

7. Whatton in the Vale Parish Council raise no objection to the proposed development.

Statutory and Other Consultees

8. The Borough Council's Environmental Health Officer does not object. They note the submitted noise report and find no fault with the methodology nor conclusions, accordingly recommending a condition to ensure that all of the noise amelioration measures as stated within Section 10 of the submitted Noise Assessment are implemented and are retained for the lifetime of the development. The Borough EHO also recommends a contaminated land report is secured by condition due to the site lying in close proximity to identified areas of potential contamination. The officer also recommends a construction method statement be secured by condition due to known residential receptors in the locality.
9. Nottinghamshire County Council as Highway Authority have not provided any comment on the current application. It is, however of note that the previously refused scheme reference 17/01408/FUL did not bring about any highways objection, with the access approved as part of the inspectors split decision allowing the timber supply unit. The scheme currently under consideration utilises the same access layout as previously considered.
10. The Trent Valley Internal Drainage Board noted that the board maintained watercourse, 'The Old Smite' exists in close proximity to the site to which Byelaws and the Land Drainage Act 1991 apply. They confirmed that the boards consent would be required to erect any building or plant any tree within 9m of the top edge of the culvert. They also confirmed the Boards consent was required for any works that would increase the flow of a board maintained watercourse.

Local Residents and the General Public

11. 10 representations were received in support of the application. The reasons for support are summarised below:
 - a. The dwelling would enhance the character and appearance of the area.
 - b. The dwelling would be for a 'true' local need.
 - c. The property would enhance the landscape.
 - d. The dwelling would soften the appearance of the surrounding industrial units.

- e. The dwelling would be in close proximity to other residential uses such as that opposite.
- f. The design is individual to the site, and therefore appropriate to the area.
- g. The need for the occupants to live adjacent their business for security is appropriate.
- h. The house will support the local school, public house and post office.

PLANNING POLICY

12. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).
13. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (NPPG).
14. The Borough Council's Residential Design Guide (RRDG) is also relevant.

Relevant National Planning Policies and Guidance

15. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development.
16. There are three overarching objectives to sustainable development: economic, social and environmental.
 - Economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - Social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - Environmental objective – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
17. Section 5 - 'Delivering a sufficient supply of homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against

their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

18. With particular regard to rural housing, paragraph 77 of the NPPF identifies that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 78 goes on to further identify that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
19. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
20. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
21. Chapter 12 'Achieving well designed places' states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
22. Section 15 - 'Conserving and enhancing the natural environment' states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
23. The National Planning Practice Guidance on Rural Housing states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.
24. Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process.

However, all settlements can play a role in delivering sustainable development in rural areas - and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Relevant Local Planning Policies and Guidance

25. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
 - Policy 1: Presumption in Favour of Sustainable Development
 - Policy 3: Spatial Strategy
 - Policy 10: Design and Enhancing Local Identity
26. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements. In other settlements, development will meet local needs only which will be delivered through small scale infill development or on exception sites. Beyond this, where small scale allocations are appropriate to provide further for local needs, these will be included in the Local Plan Part 2.
27. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics; reflect the need to reduce the dominance of motor vehicles.
28. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policies in the Rushcliffe Local Plan Part 2 are relevant:
 - Policy 1: development Requirements
 - Policy 13: Self Build and Custom Housing Provision
 - Policy 22: development Within the Countryside
 - Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network
29. Policy 1 sets out that planning permission for new development will be supported provided that where relevant, a list of criteria are met. This list includes aspects such as suitable access being provided, sufficient amenity spaces for end users, the relationship with nearby uses in terms of the amenity of future occupants and aspects such as ensuring no significant impact on wildlife, landscape character.
30. Paragraph 3.10 of the document seeks to clarify that beyond the housing allocations, development to meet 'local needs' at 'other villages' will be limited to small scale infill development, exception site development (see Core Strategy Policy 8) and the allocation of land by Neighbourhood Plans to meet needs that may be identified by local communities preparing Neighbourhood

Plans. Small scale infilling is considered to be the development of small gaps 'within the existing built fabric of the village' or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.

31. Policy 13 states that proposals for self-build and custom housing will be supported where the development is in an appropriate location, subject to compliance with all other relevant policy requirements in the Local Plan and national policy, including Green Belt, landscape, historic and environmental designations.
32. Policy 22 identifies that the countryside should be considered as all areas outside the greenbelt and beyond the physical edge of settlements. The policy thereafter seeks to identify appropriate forms of development within the countryside. This includes rural workers dwellings where there is an evidenced need and residential development in the form of extensions and replacement dwellings. This policy does not identify new dwellings as appropriate within the countryside.
33. Policy 38, where appropriate, seeks to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
34. The Rushcliffe Residential Design Guide (RRDG) states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged. Guidance on garden sizes and separation distances are included.

APPRAISAL

35. The main considerations in the determination of this application relate to the principle of establishing a residential use in this location, design and amenity matters and technical matters such as highways, trees and drainage. In determining this application, the recent appeal decision, refusing permission for a dwelling on this site, is a material consideration, which should be given significant weight.

Principle of development

36. With regard to the principle matter of proposed residential development on the site, Policy 3 of the Core Strategy outlines the distribution of housing development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. The text at 3.3.17 states elsewhere in the Borough development will meet local needs only through small scale infill development or on exception sites.

37. There is no suggestion that the development sought represents a rural exception. It must, therefore be assessed as to whether the development represents 'small scale infilling'. Paragraph 3.10 of the recently adopted LPP2 helps define small scale infilling as the development of small gaps 'within the existing built fabric of the village' or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.
38. The planning Inspector in dismissing the previous appeal for a dwelling on this site noted that the site would not represent an infill plot as it would not represent a plot in an otherwise built frontage. The agent has argued that the split appeal decision allowing development of the timber business to the south west, and the subsequent approval for mixed business uses on land to the north east materially changes the conclusions of this assessment.
39. Whilst neither of the permissions on land either side of the proposed site have yet to be implemented, their existence is a material consideration. As with the Inspectors decision the proposed development of a single residential unit clearly meets the intention of the policy as a 'small scale' development. The consideration therefore falls as to whether the development site would represent 'infill'. Since the previous appeal decision the Borough Council has adopted the LPP2 which identifies infill as the development of small gaps within the existing built fabric of the village or previously developed sites.
40. This site is not previously developed land and is therefore 'greenfield'. The industrial unit approvals to either side of the site are not considered to constitute the 'built form of the village' as intended for infill plots, as now identified in paragraph 3.10 of the LPP2. The village of Whatton lies further to the east of the site and whilst industrial premises have been permitted to extend out of the village along the Old Grantham Road, they are not considered to have extended the built form of the settlement or village environment. It is perhaps of note that the latest 2017 approval for business units on land north east of this site was assessed against countryside policies, and allowed on the basis that well designed new employment uses can be appropriate in such locations. These industrial units, should they be constructed, would not convey any feeling of natural surveillance or community expected of a village, and the Old Grantham Road frontage represents an unlit road with a more rural and now partially industrial character.
41. The agents' comments over lighting must be addressed. Their selective photographs show lighting to the junction of the A52 and Old Grantham Road, a junction to a major trunk road where lighting is naturally expected, and lighting at the junction with Cramner Avenue. Lighting does not however extend the length of Old Grantham Road, past the site or up to the village of Whatton. This further adds to the rural context of the site.
42. The Cramner Avenue estate opposite the site is also noted, however the built form of this development in association with HM Prison Whatton is strongly defined and the application site lies clearly beyond the boundaries of this other contained form of residential development.
43. Given the considerations as set out above, the development is not considered to fall within a village or settlement and therefore the development as proposed would not be considered to meet the definition of small scale infilling as

advocated in the LPP2. The development would not constitute infill development as envisaged in 3.3.17 and would, therefore, be contrary to policy 3. New build open market residential schemes are also not a form of development identified in policy 22 of the LPP2 as appropriate in the Open Countryside and the scheme would also be contrary to this policy. Policy 13 supports self-build homes where they generally accord with the other policies of the development plan. In this case the development would not achieve the goals of policy 13 of the LPP2.

44. The commentary on local need is noted, however the requirement of policy is that local need is met through small scale infilling. The local need is acknowledged, however the proposed site is not considered to be one appropriate for housing development given it would not meet the definitions of small scale infilling 'within' settlements or exception housing.
45. It is noted that the agent has also made reference to a number of other decisions issued by the Borough Council in recent years, suggesting they have similar context to this application and gained approval. These applications were determined prior to the adoption of the local plan part 2, the policies of which have better defined the scope of infill development, and the adoption of which has improved the Borough Council's land supply position so that the so called tilted balance need no longer be applied. These matters as identified above represent material changes to the planning policy position of the Borough Council as Local Planning Authority since determination of the previous applications the agent refers to, and these matters can therefore only be acknowledged but given limited or no planning weight. Member's attention is drawn to the requirement to determine every application on its own merits and in accordance with the provisions of the development plan, unless material considerations indicate otherwise.

Living Conditions

46. The Borough Environmental Health Officer has raised no objection to the proposed residential use in this location. They have requested a planning condition that the amelioration measures identified in the noise report are implemented prior to occupation. This includes acoustic fences to the side and rear boundaries towards the adjacent approved industrial sites and towards the A52. Given the conclusions of the report and the comments of the Borough EHO, there is no reason to consider that adequate amenity could not be provided for future occupants.
47. The Borough EHO has also referenced the potential for land contamination on site. Given the sensitive end users, a land contamination report is therefore considered appropriate and necessary to ensure any contamination is identified and appropriately addressed for the safety and security of the construction workers and end users.

Amenity

48. The general physical form of the building would not impact any nearby residential amenities. The recommendation from the Borough EHO for a construction method statement is noted, however given the location of the site, and the scale of development as proposed, the requirement for such a statement would not seem reasonable or commensurate to the development

proposed. General working hour's recommendations from the Borough EHO team are considered reasonable by way of informative.

Design

49. The general design of the building as a traditional building in terms of its materiality would not raise any undue concerns. The set back of the building into the site would ensure it would not be unduly prominent whilst other buildings in the area are generally of a more commercial and industrial nature.
50. The requirement for boundary fencing as acoustic defences is noted, as well as the definition of more general boundary features and possible gates to the edge of the site. No details of these features have been provided and in order to ensure the features would be designed in an appropriate manner for the rural location, a condition requiring submission of such details would be appropriate, in the event that planning permission was granted, in order to protect the rural amenities of the area.

Landscaping and Trees

51. The development site includes a number of mature trees, hedgerows and a pond to the north eastern end of the site. The built form proposed would not impact any of these features as identified in the submitted tree survey. An appropriate tree and hedge protection plan would be considered appropriate to be secured by condition, in the event that planning permission was granted, to ensure the features in closest proximity to the site are protected appropriately.
52. The development plans also suggest an area of new planting and landscaping to the site as biodiversity and amenity enhancements. The details of these features would need to be secured by way of appropriate landscaping condition, however subject to this the general quantum of planting could provide an appropriate enhancement.

Flood Risk and Drainage

53. The site lies within flood zone 1 and is therefore at low risk of flooding, and represents a sequentially preferable location for development. With regard to drainage, no details are currently provided. A condition requiring details of surface water and foul drainage would, therefore be considered necessary to ensure the most appropriate means are utilised on this site in accordance with the requirements of policy 18: Surface Water Management of the LPP2.
54. Policy 19 of the LPP2, 'Development Affecting Watercourses' also identifies that development should protect a 10m buffer to any open watercourse where it is already present. The scheme would achieve this with an 11m distance from the rear of any built development to the edge of the River Smite.

Highway Safety and Parking

55. The site would provide appropriate off street parking and turning facilities to serve the residential unit, whilst utilising the same access point as considered under the previous application, shared with the wood yard, which was approved by the planning Inspector. As such, it is not considered there are any

highway safety or parking issues, subject to conditions over the material finish of the access and appropriate drainage preventing any discharge to the highway.

Conclusions

56. Given the considerations as set out above, whilst there is no issue with the technical considerations associated with the development of the site subject to appropriate conditions, it is considered that the principle of establishing a residential use in this location is fundamentally at odds with the Borough Council's spatial strategy for development, as outlined in policy 3 of the core strategy. Following the Borough Council's recent adoption of the Local Plan Part 2: Land and Planning Policies document the Borough Council does not show any deficit in 5 year land supply and as such the Spatial Strategy can be given full weight, and the 'so called' tilted balance need not apply. Given these considerations, it is recommended that this application be refused.
57. This application was not the subject of pre-application discussions, but does represent a further submission of a scheme that was previously refused, with an associated appeal dismissed by the Planning Inspectorate. There are considered to be fundamental objections to the principle of development on this site and as such negotiations have not taken place.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. Policy 3 of the Rushcliffe Borough Local Plan Part 1: Core Strategy sets out the spatial strategy for housing delivery in the Borough which seeks to ensure that sustainable development will be achieved through a strategy which promotes urban concentrations by directing the majority of development towards the built up areas of Nottingham and Key Settlements. In other settlements such as Whatton the Core Strategy at para 3.3.17 envisages that development should be for local needs only through small scale infill development or on exception sites. The proposed dwelling sits outside the built up part of Whatton and would not constitute infill development as envisaged in 3.3.17 of the Core Strategy, and further clarified in 3.10 of the Local Plan Part 2: Land and Planning Policies. The development would, therefore be contrary to policy 3 of the Core Strategy.

Furthermore, the development as proposed would not meet any of the appropriate forms identified for the open countryside under Policy 22 of the Local Plan Part 2. The development of this Self Build accommodation would also be contrary to policy 13 of the Local Plan Part 2, which seeks to support this type of development where it accords with all other policies of the development plan.