

21/01940/OUT**Recommended By** Miss Kirsty Catlow**Date** 23 September 2021**Applicant** David and Robert Wilson**Location** Land North West Of 130, Melton Road, Stanton On The Wolds**Proposal** Outline planning application for erection of one detached dwelling (all matters reserved)**Parish** Stanton On The Wolds**Ward** Keyworth And Wolds**DATE OF SITE VISIT** 8 July 2021**OFFICERS REPORT****SITE DESCRIPTION & PROPOSAL****The Site**

The application site comprises of a rectangular area of land measuring 995msq in area, positioned on the south western side of Melton Road, Stanton on the Wolds. The site is grassed with a small number of fruit trees and is bounded by an approx. 1m high close boarded fence to the north eastern boundary with Melton Road.

The site was once part of a larger piece of land associated with 130 Melton Road. The land was separated off from 130 Melton Road approximately 5 years ago, but remains in the applicants ownership.

In addition to this, a rectangular area of land located to the south west of the site, together with a narrow strip of land to the north, which has a vehicular access off Melton Road is not within the application site, but remains in the applicants ownership.

There is a history of agricultural uses on the site together with the neighbouring land. The land rises gently in a south westerly direction away from Melton Road. To the south west runs a railway line Stanton Tunnel.

The surrounding area comprises of a mix of residential and commercial uses located on either side of Melton Road forming an area of ribbon development approximately 1km in length. This area is outside the main built up part of the settlement of Stanton on the Wolds, which is located approximately 1km to the west of Melton Road.

The Proposal

The application seeks outline planning permission, with all matters reserved, for the erection of one detached dwelling. The application form indicates that the proposed dwelling would have four bedrooms.

In support of the application a proposed site plan has been provided, showing the footprint of a dwelling located to the north eastern part of the site, to the north west of 130 Melton Road, and served by a new vehicular access off Melton Road.

Planning History

75/02317 - Erect three bedroom house and garage (outline). Granted 11.12.75

78/11741 - Erect three bedroom house and garage (renewal) Granted 18.12.78

87/00748 - Construct one dwelling. Refused 15.09.87.

88/00494 - Construct detached dwelling. Refused 4.7.88

89/00892 - Formation of vehicular access. Granted 16.8.89

93/00284/OUT - constructed detached bungalow and garage. Refused 10.05.1993.

17/02496/OUT - Demolition of 3 buildings, remove 9 trees, widen/re-position access, build up to 10 residential dwellings with garages and or parking spaces. The application was refused on the following grounds;

1. inappropriate development in the Green Belt;
2. harm the openness of the Green Belt and the rural character of the area;
3. unsustainable site for up to 10 dwellings;
4. 10 dwellings would significantly contrast with the form, layout, and density of the area;
5. failed to satisfactorily demonstrate that the site can be suitably and safely accessed from the A606 Melton Road without harming highway safety;
6. the applicant has failed to demonstrate that the proposed development would not have a detrimental impact on the biodiversity and ecology of the area;

18/01741/OUT - Outline planning application with all matters reserved for the erection of one dwelling. Planning Permission Granted 2018.

19/00166/OUT - Outline planning application with all matters reserved for the erection of two dwellings. Refused. Appeal dismissed.

21/00134/OUT - Outline planning application with all matters reserved for the erection of two dwellings. Refused.

Site Constraints

The site is located within the Green Belt.

Public Rights of Way are located to the east on the opposite side of Melton Road and to the north west beyond the boundary of 124 Melton Road.

Stanton Tunnel and the tree lines on either side, which is located beyond the land to the south west, is a local wildlife site. Due to its previous use, the railway line is also potentially contaminated land.

CONSULTATIONS

No representations have been received in connection with the current application.

NCC Highways; no objections to the creation of a new access to the site off Melton Road. Suggest a condition preventing the dwelling from being occupied prior to the new access to the site being constructed.

APPRAISAL

Policy Background

The decision on the planning application should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The development plan for Rushcliffe consists of the five saved policies of the 1996 Local Plan, and Local Plan Part 1: Rushcliffe Core Strategy (Core Strategy). Other material considerations include the National Planning Policy Framework 2021 (NPPF) and the Non-Statutory Replacement Local Plan (NSRLP) where policies are consistent with the NPPF and the Core Strategy.

National Planning Policy Framework (NPPF):
Paragraphs 11, 47, 147, 148, 149.

Paragraph 149 states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include; limited infilling in villages.

There is no definition of 'limited infilling' or 'villages' in the NPPF.

In planning terms the generally accepted definition of 'limited infilling' is; 'the development of a small gap in an otherwise continuous built up frontage'.

The Oxford English Dictionary describes a village as; 'a group of houses and associated buildings, larger than a hamlet and smaller than a town, situated in a rural area.'

Local Plan Part 1: Rushcliffe Core Strategy

Policy 1 Presumption in Favour of Sustainable Development

Policy 2 Climate Change

Policy 3 Spatial Strategy

Policy 4 Nottingham-Derby Green Belt

Policy 8 Housing Size, Mix and Choice

Policy 10 Design and Enhancing Local Identity

Policy 17 Biodiversity

Local Plan Part 2: Land and Planning Policies

Policy 1 Development Requirements

Policy 11 Housing Development on Unallocated Sites within Settlements

Policy 21 Green Belt

Policy 40 Pollution and Land Contamination

Assessment

The main issues in the consideration of this planning application are; whether the proposal is inappropriate development in the Green Belt, and if so, whether any very special circumstances exist which outweigh the harm by reason of inappropriateness; the effects of the proposal on the openness and visual amenities of the Green Belt; the suitability of the site for new housing having regards to the principles of sustainable development; the impacts upon the safety of the highway network; and the impacts on ecology, noise, contamination and the living conditions of neighbouring properties.

Green Belt

With regards to whether the proposal of one dwelling on this site is inappropriate development

in the green belt, the two key considerations are; whether the proposed development would constitute 'limited infilling'; and whether the application site is located within a 'village' having regard to paragraph 149e of the NPPF.

As outlined above, the generally accepted definition of 'limited infilling' is; 'the development of a small gap in an otherwise continuous built up frontage'. The application site is located within a continuous form of linear residential development approx. 1km in length along Melton Road, comprising of detached and semi-detached properties within elongated plots to the south western side of the road. To the south east, close to the application site boundary is 130 Melton Road, a semi-detached cottage located within 1.5m of the side boundary and 9m from Melton Road. To the north west is 126 Melton Road, an extended L shaped cottage located 12m from the application site boundary and 5m from Melton Road. The illustrative site plan indicates a detached dwelling located 1m from the south eastern boundary, 3.5m from the north western boundary and 10m from Melton Road. In my view the siting of a dwelling in the location shown on the illustrative site plan would infill an existing gap within the middle of an otherwise continuous built-up frontage.

With regards to the location of the site, Stanton on the Wolds is made up of three distinct sections; residential development on either side of Stanton Lane approx. 1km to the west, a section to the west of Browns Lane made up of a Church, farm, commercial uses and some residential; and a section of ribbon development to the eastern end of Browns Lane and along Melton Road, which the application site forms part of. It is, and always has been, considered that the site lies outside the main built-up part of the settlement of Stanton-on-the-Wolds within an area of ribbon development along Melton Road. However, there has been a recent Court of Appeal case (*Wood V Secretary of State for Communities and Local Government [2014]*), relating to the interpretation of 'village' within paragraph 145 of the NPPF. It found that; the policy required the decision-maker to consider whether, as a matter of fact on the ground, the site appeared to be in the village. The fact that the site lay outside the village boundary as designated in the development plan was not determinative of the point. In limiting himself to considering whether the proposal was within the designated village boundary, the Inspector had misdirected himself as to the proper meaning of paragraph 89 (now 145) of the NPPF. As this case is directly comparable with the proposals currently under consideration, it is a material planning consideration when determining this application.

Whilst the application site is considered to be located outside the main built up part of the settlement of Stanton on the Wolds, it does form part of a large area of residential development along Melton Road. As outlined earlier, the Oxford dictionary definition of village is 'a group houses and associated buildings, larger than a hamlet and smaller than a town, situated in a rural area.' Based upon this, and in the absence of any other definition, I am of the opinion that when viewed in context 'on the ground', the site would appear to be within a 'village'.

The proposal would therefore comprise of 'limited infilling' within an otherwise built up frontage within a 'village'. As a result, the proposal would not be inappropriate development in the Green Belt, having regard to paragraph 145 of the NPPF.

Openness of Green Belt and Character of Area

A dwelling on the site would reduce the existing gap between 126 and 130 Melton Road, however as the illustrative plan demonstrates, a dwelling could be located within the site so as to respect the existing pattern of development along Melton Road without resulting in further encroachment into the open countryside. A note could be attached to any approval stating that the siting of any proposed dwelling on the site would be expected to reflect that shown on the indicative site plan.

Furthermore, subject to the final design, it is considered that a dwelling could be erected in this

location without resulting in harm to the living conditions of neighbouring residents.

Location

Policy 3 Spatial Strategy within Local Plan Part 1 of the Rushcliffe Core Strategy states that 'The sustainable development of Rushcliffe will be achieved through a strategy that supports a policy of urban concentration with regeneration for the whole of Greater Nottingham to 2028. The settlement hierarchy for Rushcliffe to accommodate this sustainable development is defined on the Key Diagram and consists of:

- a) the main built up area of Nottingham; and
- b) Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington.

In other settlements (not shown on the Key Diagram), with the exception of Newton and the redevelopment of the former RAF Newton, development will be for local needs only.'

Stanton on the Wolds was not considered to be suitable for future development of housing as it does not have the basic facilities (e.g. schools or shops). Local Plan Part 2 opens further, smaller settlements up for residential development, including Cropwell Bishop, East Bridgford, Gotham, Sutton Bonington and Tollerton. Again, Stanton on the Wolds was not selected to be one of these 'other village' allocations, due to the limited basic facilities and services deeming it unsuitable for housing development.

Given that future occupiers of the dwelling would have to rely upon the private car or an infrequent bus service along Melton Road to access basic facilities such as health care, education and food supplies, it is not considered that the site is within a highly sustainable location. However, it is located within 2km of the much larger village of Keyworth, which has a wide range of shops and services including; primary and secondary schools, supermarkets, post office, pubs, shops, restaurants and a modern health centre, to serve any future residents.

Highway Safety

The proposed development would require a new vehicular access to be created off Melton Road. Following consultation with NCC Highways, they raise no objection to a new access being created to serve one dwelling, subject to detailed design which would be controlled at the reserved matters stage.

Ecology

The Borough Council's Ecologist previously requested an Ecological Survey on a much larger application site which sought planning permission for the erection of 10 dwellings (17/02496/OUT). This was due to the presence of a local wildlife site along the former railway line beyond the south west of the site.

The application site boundary for the current application has been substantially reduced since this previous application was refused. As a result, the application site is now over 100m from the local wildlife site. The application site comprises of rough grassland. It is not therefore considered reasonable or proportionate to ask for this information on the application for one dwelling.

Noise/Contamination

The Borough Councils Environmental Health Officer previously raised issues relating to noise (from Melton Road) and contamination (from the adjacent railway line). Given the reduced site area and the sites previous agricultural use, it is not considered that contamination is an issue. In terms of noise from Melton Road, this could be dealt with by way of a condition which would require any future developer to demonstrate, through a noise report, that future occupiers of the

property would not be unduly harmed as a result of noise.

Residential Amenity

The site is flanked by two neighbouring residential properties, namely 126 and 130 Melton Road. An indicative site layout plan has been submitted in support of the application which demonstrates that one detached dwelling could be accommodated within the existing gap between these two properties, without harming the living conditions of their occupiers through overlooking, overshadowing, nor by appearing over bearing.

Planning Balance

The provision of one house on this site would not be inappropriate development in the Green Belt. It would not harm highway safety or the living conditions of existing or future occupiers. It would make a small contribution to the Borough's land supply and bring limited economic benefits to the local area during construction. Whilst the site is not considered to be in a highly sustainable location, it is located within 2km of Keyworth, which has a wide range of shops and services including; primary and secondary schools, supermarkets, post office, pubs, shops, restaurants and a modern health centre, to serve any future residents. On balance, the provision of one dwelling on the site would not undermine the aims of the NPPF having regard to its economic, social and environmental objectives.

RECOMMENDATION

Grant Planning Permission subject to Conditions

- 1. The development must be begun not later than the expiration of three years beginning with the date of this permission.**

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

- 2. This outline planning permission shall relate to the land outlined in red on the following plan;**

Location Plan 18/MRS/01a received on 29th June 2021

[For the avoidance of doubt.]

- 3. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.**

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.]

- 4. The development shall not be commenced until the following details have been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved details, and the dwelling shall be not occupied until the approved details have been completed:-**

- (a) The means of access, parking and turning areas, vehicle and pedestrian visibility, drainage and surfacing. All details shall comply with the County Council's current Highway Design and Parking Guides;**
- (b) The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;**
- (c) The finishes for the hard surfaced areas of the site;**
- (d) The means of enclosure to be erected on the site;**
- (e) The siting, design and external appearance of the proposed buildings;**
- (f) A detailed layout plan of the whole site.**

[To ensure the appearance of the development is satisfactory, and does not harm highway safety or the living conditions of neighbouring or future occupiers, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies.]

5. Any reserved matters application shall be accompanied by an Environmental Noise Assessment Report for approval in writing. This assessment shall be undertaken in accordance with current planning policy guidance for noise. It shall include representative monitoring positions and measurement parameters, as previously agreed with the Borough Council's Executive Manager for Neighbourhoods. The Environmental Noise Assessment Report shall detail any necessary mitigation measures, such as a sound insulation scheme, to effectively reduce the transmission of noise from external sources. The development shall only be carried out in accordance with the approved Environmental Noise Assessment Report.

[To ensure that the living conditions of future residents are adequately protected against noise, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies.]

6. The approved landscaping 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 local planning authority gives written consent to any variation.

[To ensure the appearance of the development is satisfactory, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies.]

7. The construction of the dwelling hereby permitted must not proceed above damp proof course level until a scheme for the provision of Electric Vehicle Charging Point(s) (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The dwelling hereby permitted must not be first occupied until the EVCP has been installed in

accordance with the approved details. Thereafter an EVCP must be permanently retained on the site in accordance with the approved scheme throughout the lifetime of the development.

To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework (February 2019).

8. The dwelling hereby permitted must not be occupied until the optional requirement for water efficiency (i.e: not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 (as amended)(or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of the dwelling

To promote a reduction in water consumption having regard to Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

Note-

The application was not the subject of pre-application discussions. The application, in effect seeks to replace planning permission 18/01741/OUT, which expired on 18.09.2021 and which has not been implemented. It is not considered that there have been any changes in site circumstances, or National or Local Planning Policies which would justify reaching a different recommendation to that of the previous outline application for the erection of one dwelling on this site.

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

NOTES TO APPLICANT

Although all matters are reserved, the siting of any dwelling on the site will be expected to reflect that shown on the submitted site plan as proposed Drawing no. 18/MRS/03a.

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be carried out the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.

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.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

Decision Approved by
Principal Area Planning Officer

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