

Report of the Chief Executive

APPLICATION NUMBER:	21/00785/FUL
LOCATION:	Land to the rear of 6 Smithfield Avenue, Trowell, Nottinghamshire
PROPOSAL:	Change of use for equestrian use, construct new stable block with associated works and track

The application is brought to the Committee at the request of Councillor D D Pringle on the grounds of neighbour amenity.

1 Executive Summary

- 1.1 The application seeks permission for the construction of a change of use for equestrian use, the construction for a new stable block with associated works and hard standing.
- 1.2 The site includes a number of outbuildings/sheds in a poor state of repair which have been in this location for a number of years. The site consists of a grassland area north of properties off Smithfield Avenue. To the west the includes Nottingham Road, to the north No. 36 Nottingham Road a detached residential property, to the east further fields and to the south residential properties off Smithfield Avenue.
- 1.3 The main issues relate to whether the proposed equestrian use is acceptable and the impact on the openness of the Green Belt; whether the design is acceptable; whether there would be an unacceptable impact on neighbour amenity; and whether the proposal would have an unacceptable impact on highway safety.
- 1.4 The proposal is consistent with local and national Green Belt policies and it is considered the development will not adversely impact the openness or character in this location. The proposal will not result in a significant impact upon the living conditions of neighbouring properties and will not be detrimental to the safety or capacity of the highway in this location. The development would be in accordance with the policies contained within the development plan. This is given significant weight.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application seeks full planning consent for the erection of a stable block, hardstanding fencing/gates and a new track.

2 Site and surroundings

- 2.1 The site includes a number of outbuildings/sheds in a poor state of repair which have been in this location for a number of years. The site consists of a grassland area north of properties off Smithfield Avenue. To the west the includes Nottingham Road, to the north No. 36 Nottingham Road a detached residential property, to the east further fields and to the south residential properties off Smithfield Avenue.

3 Relevant Planning History

- 3.1 None.

4 Relevant Policies and Guidance4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 3: Green Belt
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment

4.2 **Part 2 Local Plan 2019:**

- 4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, design and amenity
- Policy 23: Proposals affecting designated and non-designated heritage assets

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 13 – Protecting Green Belt land
- Section 12 – Achieving well-designed places.
- Section 15 - Conserving and Enhancing the Natural Environment
- Section 16 - Conserving and Enhancing the Historic Environment

5 Consultations

- 5.1 A number of properties either adjoining or opposite the site were consulted and a site notice was displayed.

5.2 First consultation: The application originally proposed to create a new access that would use an existing track forward of No. 30, 32 and 34.

5.2.1 **Resident comments**: 3 comments were received. 2 letters raising no objections and 1 letter raising the following concerns:

- Loss of privacy at the front existing properties facing the access proposed to be used.
- The proposal will create traffic resulting in damage to the condition of the existing track.
- There will be increased noise and odour pollution with horses/transport passing the front of adjacent properties.
- There is significant tree growth near the proposed access, loss of trees will result in the loss of privacy.

5.2.2 **NCC Highways**: concerns raised.

- The access will need widening at the entrance by 6.0m in width x 10m in length.

5.2.3 **NCC Public Rights of Way**: further information required.

- Trowell Footpath 6 runs to the north of the application site. The application plan and drawings shows a post and rail fence at the western edge of the footpath. However, it doesn't show the footpath and how it is to be accommodated within the wider site. Please could the applicant provide more information regarding the footpath in order that this may be considered further.

5.2.4 **Council's Environmental Health Officer**: no objection subject to restricting potential lighting and burning of waste.

5.2.5 **Trowell Parish Council**: objection on the grounds of the proposed access in the interests of highway safety.

5.2.6 **Council's Conservation Officer**: no objections.

5.3 Second consultation: The application was amended and the application proposes use of the existing access between No. 2 and 3 Smithfield Avenue.

5.3.1 **Resident comments**: 2 comments were received. 1 letter raising no objections and 1 letter raising the following concerns:

- Potential noise and odour resulting from the stable block.
- Parking and access to the field.

5.3.1 **NCC Highways**: no objections, subject to restricting the use of the stables to private only by condition.

5.3.3 **NCC Public Rights of Way**: no objections.

5.3.4 Trowell Parish Council: uphold objections.

6 Assessment

6.1 The main issues for consideration are the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring properties and highway safety.

6.2 Principle

6.2.1 The site is located within the Nottingham Derby Green Belt under Policy 8 of the Part 2 Local Plan, in accordance with Policy 8, applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by Broxtowe specific points 1-4.

6.2.2 In accordance with paragraph 149 of the NPPF, it is considered that the proposed development falls under exception (b) 'the provision of appropriate facilities for outdoor sport as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'. The proposal is for equestrian use and therefore the principle of development is considered acceptable.

6.2.3 Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. The site includes a number of outbuildings in poor condition that would appear to have been on the land for a number of years. The proposed stable block is approximately 18m in length and 3.7m in width featuring a dual pitched roof and 2.7 in height. The proposal also includes a new hard standing area for the horses, associated wooden fencing/gate and a track leading from the existing access off Smithfield Avenue.

6.2.4 The proposed stable block is to be sited along the northern boundary of the site which forms a hedgerow. The proposal includes the removal of one of the existing sheds to be replaced with the proposed stable block. It is considered that the hardstanding area will maintain the openness of the Green Belt, whilst the stable block is to be sited within the corner of the field therefore this reduces the overall impact of the proposed development on the openness in this location.

6.3 Visual Amenity

6.3.1 The proposed stable block is to be positioned up against existing hedging along the north-west boundary. The site includes fields to the east of Nottingham Road. The location of the proposal is set at significantly lower land levels than Nottingham Road. Views of the proposed stable block will be limited due to the change in land levels and its rear siting behind the properties of Smithfield Avenue. The proposed stable block will be constructed from timber and includes a dual pitched roof. The proposed gate and post and rail fencing will be approximately 1.2m in height sited around the perimeter of the hardstanding area. It is considered that the design and proposed materials are consistent with the equestrian and agricultural character of the locality.

- 6.3.2 To the north-east of the proposed stable includes 36 Nottingham Road which is a locally listed building (non-designated heritage asset). Due to the siting, size, scale and design of the proposal it is considered that the development will not be detrimental to the this building and therefore it is considered the proposal will help preserve the agricultural setting in this location.

6.4 Residential Amenity

- 6.4.1 The application has been considered against the requirements of paragraph 130 of the NPPF, which seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.4.2 The proposed stable block will be sited to the north of properties off Smithfield Avenue approximately 26m from neighbouring property 34 Nottingham Road. The stable block will be approximately 25m from neighbouring property 36 Nottingham Road.
- 6.4.3 The site is accessed by an existing vehicular access between 2 and 3 Smithfield Avenue. Windows are located in the side elevation at first floor level of both No. 2 and 3 Smithfield Avenue. No windows are located in the side elevation at ground floor level of No. 2 and an existing garage/driveway separates the existing access and neighbouring property No. 3. Given the fact that this is an existing access and the proposed equestrian use is private for personal use only it is considered that any potential increase in comings and comings would not be detrimental to the amenity of neighbouring properties.
- 6.4.4 No external lighting is proposed as part of the development. Environmental Health have provided no objections to the application. Given the location of the proposed stables sited away from residential properties there are limited concerns with regards to potential odour.
- 6.4.5 The application as a result of its siting, size and design is considered not significantly detrimental to the amenity of any neighbouring properties.

6.5 Highway Safety

- 6.5.1 The access has been amended to use the existing access between No. 2 and 3 Smithfield Avenue. The access width is approximately 3.4m facilitating a single lane for a vehicle. A single lane track is proposed from the existing access to the proposed stables. NCC Highways have provided no objections to the proposed development.
- 6.5.2 In the interests of restricting the volume of potential traffic entering and leaving the site, a condition has been added requiring the proposed stables to be used only in connection with the applicant's own use and no livery/riding school nor other business nor commercial use should be permitted.
- 6.5.3 Trowell Footpath 6 runs to the north of the application site and will remain unaffected by the proposed development. As a result, the NCC Public Rights of Way team have provided no objections.

7 Conclusion

- 7.1 The proposed development complies with Green Belt policies contained within the Part 2 Local Plan 2019 and national policies contained within the National Planning Policy Framework 2021.
- 7.2 The proposed stable block has been designed to be sympathetic to the agricultural character in this location. The location of the stables would be away from any neighbouring properties which will reduce any potential impact on the living conditions of neighbouring properties.
- 7.3 On balance, it is considered that any potential concerns have been addressed, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.
- 7.4 It is recommended that planning permission is granted, subject to the conditions set out below.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.

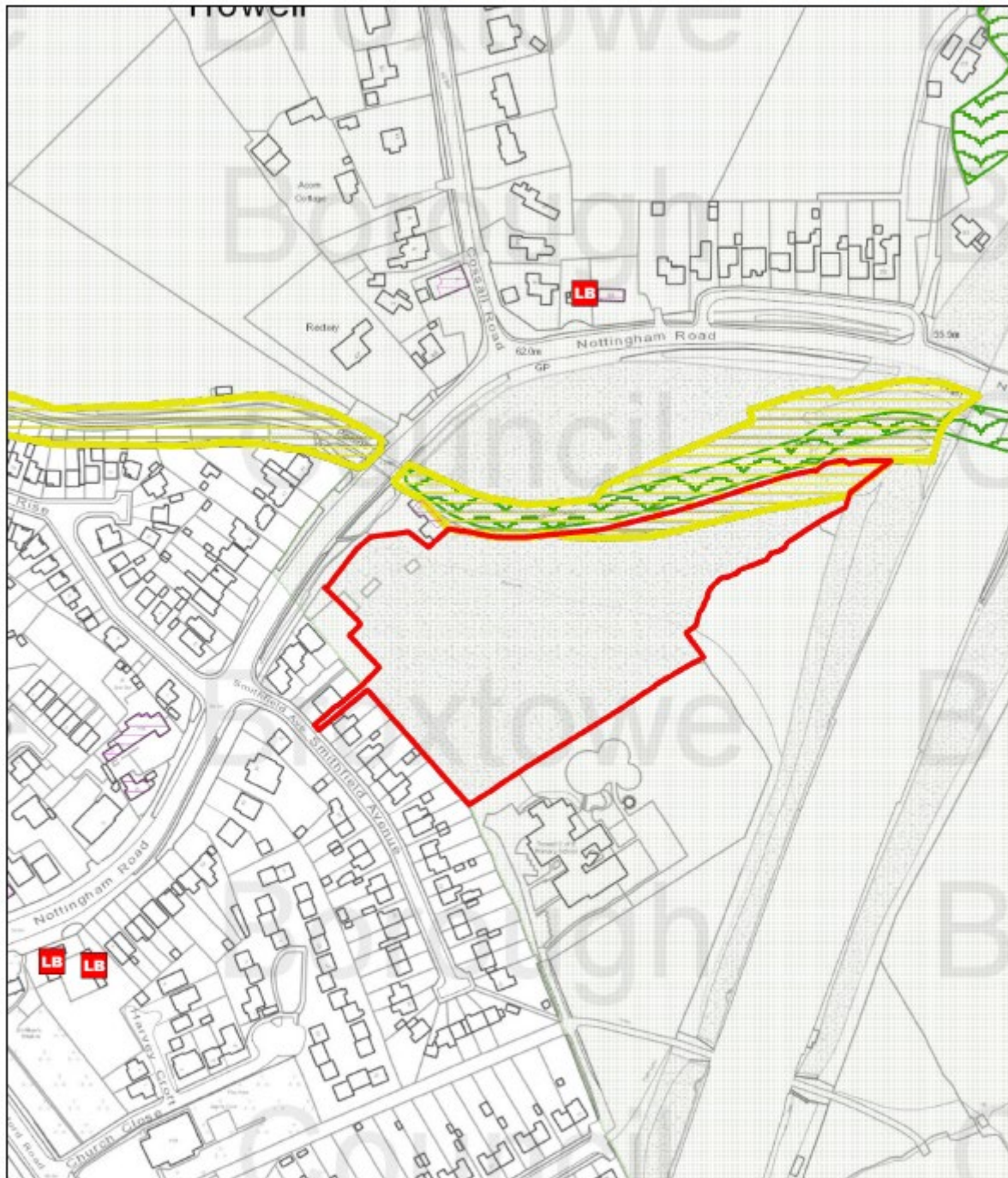
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>This permission shall be read in accordance with the following plans: site location plan 1:1250 (received by the Local Planning Authority 21.09.21), amended proposed layout, elevations and site plan No. GD/LG/21/020/01 Rev. B (received by the Local Planning Authority 27.01.22).</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The hereby permitted development shall be used for private/domestic purposes only and no business shall be carried out therefrom.</p> <p><i>Reason: The application has been determined on the basis that the development does not relate to the provision of a business.</i></p>
	NOTES TO APPLICANT

1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
3.	Due to the proximity of the site to residential properties it is recommended that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.
4.	Any manure heaps should be positioned such that neighbouring properties are not affected by nuisances e.g. odour or flies. Any complaints will be investigated to determine whether a statutory nuisance is being caused in accordance with the Environmental Protection Act 1990.
5.	<ul style="list-style-type: none">• The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.• There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.• If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.• If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.• Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed• The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.• Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. <p>http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoarding-and-advertising-boards.</p>

	<p>If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottscc.gov.uk</p> <ul style="list-style-type: none">• If a skip is required and is sited on a highway, which includes RoW then the company supplying the skip must apply for a permit. <p>http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic.</p>
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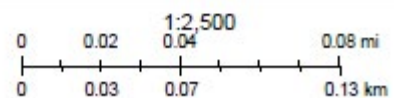
Site Location Plan (not to scale)

21/00785/FUL - Land To The Rear Of 6 Smithfield Avenue Trowell



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|---|-------------------------|---|-----------------|
|  | Local Interest Building |  | Green Belt |
|  | Local Wildlife Site |  | Listed Building |
|  | Local Nature Reserves |  | Site |



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Photographs

View of existing access between No. 2 and 3 Smithfield Avenue



View of the rear of 3 Smithfield Avenue



View of the rear of 2 Smithfield Avenue



View of the side of 34 Nottingham Road



View of the side of 36 Nottingham Road



View of the site from the north (including existing outbuildings)



Plans (not to scale)

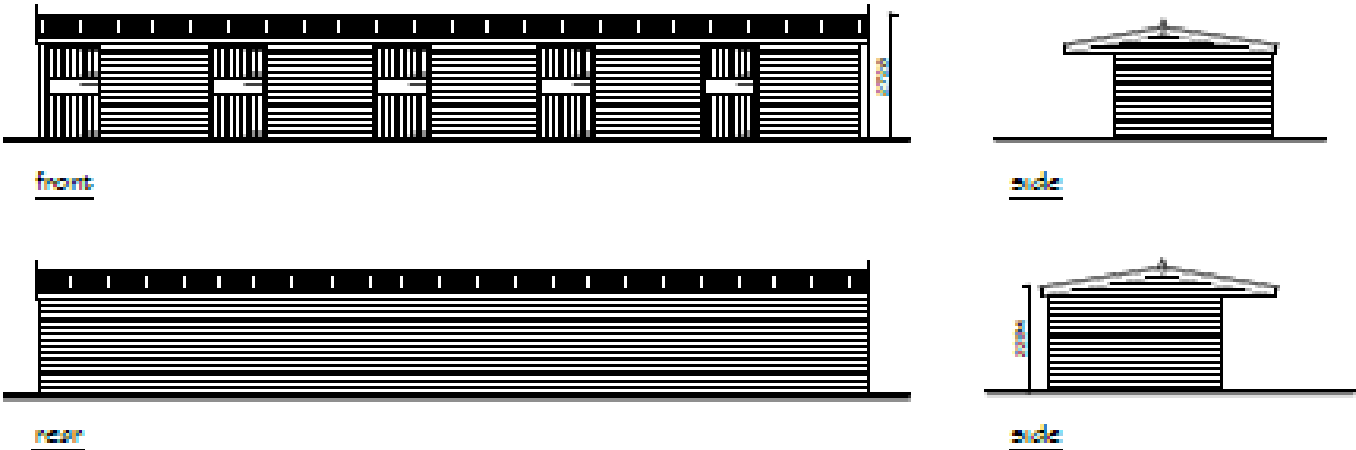
Existing Layout Plan



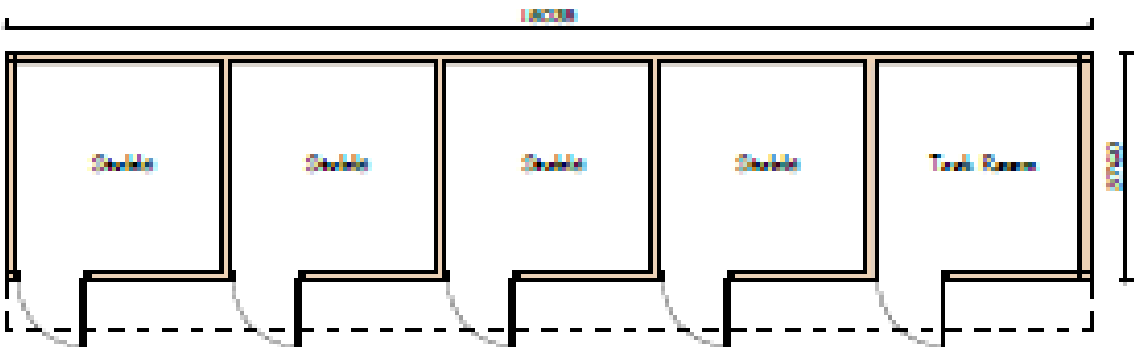
Proposed Layout Plan



Proposed Stable Block Elevations



Proposed Stable Block Floor Plans



Proposed Fencing/Gate Elevations

