

## Report of the Chief Executive

**18/00624/FUL****AMENDED ACCESS TO GARDEN CENTRE, DEMOLITION AND REPLACEMENT OF NUMBER 123 WITH A DORMER BUNGALOW AND THE ERECTION OF ONE ADDITIONAL DORMER BUNGALOW  
123 MOORGREEN, NEWTHORPE, NOTTINGHAMSHIRE, NG16 2FF**

Councillor M Brown has requested this application be determined by Planning Committee.

1 Details of the Application

1.1 This is a full planning application for the amendment of the existing vehicular access into the site to include the widening of the access and the provision of pedestrian footpaths. The application also includes the demolition of a single storey detached dwelling to the north west of the existing garden centre access, to be replaced with a dormer bungalow and the erection of one additional dormer bungalow to the north west of the replacement dwelling.

1.2 In addition to the proposed plans, the following information has been submitted in support of the planning application:

- Planning Statement
- Design and Access Statement
- Preliminary Ecological Appraisal
- Protected Species Report.

2 Site and Surroundings

2.1 The application site is located to the north west of the garden centre, car park and associated buildings. The site lies within the Nottinghamshire Green Belt which covers the immediate surrounding areas, including the properties immediately to the north, south and west and the existing garden centre and associated land/buildings.

2.2 The existing vehicular access into the garden centre is currently used by a high volume of traffic, with restricted visibility on exiting the site and with vehicles often having to wait within the highway to enter the site.

2.3 The existing bungalow, number 123 Moorgreen, is currently in a poor state of repair, with signs of structural instability. Access is via an existing vehicular access sited off Moorgreen leading to a driveway. To the north west of the driveway there is a garden area serving the dwelling.

2.4 Directly to the rear of the site is the Colliers Wood Nature Reserve.



Existing access driveway to garden centre.



Existing dwelling.



View of existing access and dwelling from the south.



View of the site from the north.



Front of existing dwelling.



Garden land with the site.

### 3 Relevant Planning History

- 3.1 00/00072/FUL – in 2000 planning permission was granted for the erection of security gates to the entrance of the car park and security fencing along the perimeter of the garden centre fronting onto the main road Moorgreen.

## 4 Policy Context

### 4.1 **National policy**

4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.

4.1.2 Section 12, Achieving well-designed places, paragraph 127 states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture and create a high standard of amenity for existing and future users.

4.1.3 Section 13, Protecting green belt land, paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces and limited infilling in villages.

### 4.2 **Broxtowe Aligned Core Strategy**

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

4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 8 – Housing Size, Mix and Choice: Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.

4.2.4 Policy 10 – Design and Enhancing Local Identity: Development will be assessed in terms of its treatment of plot sizes, materials, architectural style, detailing and impact on the amenity of nearby residents.

### 4.3 **Saved Policies of the Broxtowe Local Plan**

4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Saved Policy E8 – Development in the Green Belt: Planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development.

4.3.3 Saved Policy H7 – Land Not Allocated for Housing Purposes: Residential development on sites within existing built up areas will be permitted providing

occupiers of new dwellings would have satisfactory amenity, there is no unacceptable effect upon amenity of occupiers of nearby properties, the development would not be piecemeal in character and satisfactory arrangements can be made for access and parking.

#### 4.4 Part 2 Local Plan (Draft)

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. The representations on the plan included 10 no. representations in relation to Policy 8 and 11 no. representations in relation to policy 17. Given that there remain outstanding objections to Policies 8 and 17 that will need to be considered through the Local Plan examination process, these policies can be afforded only limited weight.

4.4.2 Policy 8: Development in the Green Belt states that applications for development in the Green Belt will be determined in accordance with the NPPF.

4.4.3 Policy 17: Place-making, Design and Amenity sets out design criteria that all new development must adhere to where relevant.

#### 5 Consultations

5.1.1 Five neighbouring properties were consulted on the application along with the posting of a site notice, with one letter having been received objecting on the grounds of loss of privacy.

5.1.2 Nottinghamshire County Council Rights of Way Officer raises no objections to the application.

5.1.3 Nottinghamshire County Council Highways raise no objections subject to conditions relating to the dwellings not being brought into use until the access driveways/parking areas have been provided and the verge crossings have been widened.

5.1.4 Nottinghamshire Wildlife Trust raise no objections and advise that they are satisfied with the survey methodology employed and support the general recommendations for measures to avoid ecological impacts.

#### 6 Appraisal

6.1. The main issues relating to this application are the principle of development, visual amenity, residential amenity and highway safety.

##### 6.2 Principle of Development

6.2.1 The site is part of land designated as the wider Green Belt and therefore there is a strong presumption against inappropriate development unless, in accordance with the National Planning Policy Framework 2018 (NPPF), 'very special circumstances' can be demonstrated where harm is clearly outweighed by other

considerations (paragraphs 143/144). As residential development is not classed as appropriate development either in the Local Plan 2004, the Part 2 Draft Local Plan or in the NPPF then it is considered by definition as harmful to the Green Belt. A recent review of the Green Belt has highlighted that there is currently no intention to remove the site from the Green Belt. Therefore, unless very special circumstances can be clearly evidenced to outweigh Green Belt considerations, planning permission should be refused.

- 6.2.2 The submitted Planning Statement states that the NPPF (paragraph 145) considers limited infilling within villages in the Green Belt to be appropriate development. It also states that it is considered this proposal would represent infill development and would therefore be appropriate development, making the best use of the site and providing much needed housing for the area.
- 6.2.3 With regard to the Local Plan, Moorgreen is not designated as a village and the plan does not set out a policy allowing for such limited infill which would lead to planning permission being granted under the terms allowed by the NPPF. Section 13 of the NPPF – Protecting Green Belt Land attaches great importance to Green Belt, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open.
- 6.2.4 The Planning Statement does outline what are considered by the applicant to be ‘very special circumstances’ in that the redevelopment of the plot enables the widening of the access road into the garden centre, and that by allowing the proposal, this would enable the provision of a safer and more appropriate access for the garden centre thereby having a positive impact upon highway safety in the locality.
- 6.2.5 The block plan submitted indicates the widening of the existing access driveway, along with the provision of footpaths to either site. The proposed replacement dwelling will be sited further within the site, with a larger footprint and taller overall ridge height than the existing dwelling. A central access driveway is proposed, with a large expanse of driveway serving both the replacement dwelling and the additional dwelling. Whilst the dwellings are described as dormer bungalows, they are in essence two storey dwellings.
- 6.2.6 Although the street scene of the immediate vicinity to the east consists of mainly two storey detached residential dwellings set within large plots, the dwellings sited directly opposite to the north east and further along to the west are predominantly single storey. The design of the replacement dwelling in its current form is not considered appropriate due to its size. A new dwelling occupying the remainder of the site would also continue the line of plots along Moorgreen, strengthening the residential character rather than supporting the rural countryside feel. There would also be negative impact on views of open fields sited to the rear associated with the Colliers Wood Nature Reserve. The provision of the new dwelling is not considered to represent infill development in Green Belt policy terms and will result in a form of inappropriate development, which would be harmful to the openness of the Green Belt.
- 6.2.7 Whilst the demolition of the existing dwelling and the rebuild would allow for wider benefits in respect of highway safety through the widening of the existing access

into the garden centre, the site falls entirely within the Green Belt where the NPPF sets out that the construction of new buildings is inappropriate development. 'Very special circumstances' cannot be demonstrated and the construction of a materially larger replacement dwelling and additional dwelling within a domestic plot would result in a significant harm to openness where the rural character along Moorgreen would be eroded. There is no suggestion that the access improvements are dependent on two large dwellings. It appears that these improvements could be undertaken in association with a single smaller replacement dwelling which subject to the details, would be more acceptable on Green Belt policy grounds.

### 6.3 Visual Amenity

6.3.1 Whilst the development is considered to represent inappropriate development within the Green Belt, details have been submitted in respect of the proposed dwellings. The dormer style dwellings are considered to accord with the two storey scale of the building situated adjacent the access entrance into the garden centre to the south east of the site. The dwellings would appear to fit comfortably within the application site in terms of scale, and would be set back from the highway frontage with the retention of an existing hedgerow and trees within the site.

### 6.4 Residential Amenity

6.4.1 Future occupiers of the proposed dwellings would be served by adequate fenestration to all habitable rooms and adequate outdoor garden space. Given the distance between the application site and the nearest residential properties directly opposite the application site, it is not considered the proposal would give rise to any overlooking or over bearing issues. However, this does not outweigh the fact that the proposal is considered to represent inappropriate development within the Green Belt.

### 6.5 Highway Safety

6.5.1 The application proposes the widening of the existing access into the garden centre to allow an easier flow of two way traffic into and out of the site without vehicles having to wait within the highway. In addition, pedestrian footways are to be provided either side of the access driveway to allow safe access and egress for pedestrians. The access serving the existing dwelling is also proposed to be retained and widened to allow vehicles to access private driveways serving the dwellings. The driveways will also allow vehicles to turn and reverse within the site and leave the site in a forward gear. Adequate vehicular visibility is also provided to the entrance of the access to the garden centre and the dwellings. Nottinghamshire County Council as the Highway Authority raise no objections to the proposal subject to conditions relating to the dwellings not being brought into use until the access driveways/parking areas have been provided and the verge crossings have been widened. It is considered there are no highway safety issues relating to this application.

7 Conclusion

- 7.1. Overall, whilst the application site could reasonably accommodate residential development in the form of a replacement dwelling, the site falls entirely within the Green Belt where the construction of new buildings is inappropriate. The potential very special circumstances of access improvements are not considered to outweigh the inappropriate form of development, resulting in a significant harm to openness where the rural character along Moorgreen would be eroded. The proposal is therefore considered contrary to Saved Policy E8 of the Broxtowe Local Plan 2004, Policy 8 of the Draft Part 2 Local Plan and Section 13 - Protecting Green Belt Land of the National Planning Policy Framework 2018.

**Recommendation**

**The Committee is asked to RESOLVE that planning permission be refused for the following reason:**

**The construction of a materially larger replacement dwelling and a new dwelling would constitute inappropriate development in the Green Belt and there are no very special circumstances demonstrated that clearly outweigh both the inappropriateness of the proposed development and the significant harm upon openness. Accordingly, the proposal is contrary to Saved Policy E8 of the Broxtowe Local Plan 2004, Policy 8 of the Draft Part 2 Local Plan and Section 13: Protecting Green Belt Land of the National Planning Policy Framework 2018 and there are no other material considerations that justify treating this proposal as an exception.**

**Note to Applicant:**

**The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any minor alterations which could be made to the scheme to make the proposal acceptable.**

Background papers  
Application case file