

Report of the Chief Executive

APPLICATION NUMBER:	23/00118/FUL
LOCATION:	Site of Former Stables and Land North West of 22 Westby Lane, Babbington Village
PROPOSAL:	Construct one single storey dwelling, following demolition of existing equestrian structures

The application is brought to the Committee at request of former Councillor M J Crow. The request was made prior to the 4 May 2023 Elections.

1. Purpose of the Report

- 1.1 The application seeks planning permission to construct one single storey dwelling following the demolition of existing equestrian structures. Access is proposed off Westby Lane, via an existing gated entrance to the south-east.

2. Recommendation

The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

3. Detail

- 3.1 The application site is within the Nottinghamshire Green Belt. The proposal is considered to be an exception to inappropriate development in accordance with paragraph 149 g) of the NPPF which allows the redevelopment of previously developed land so long as it does not result in additional harm of the openness of the Green Belt.
- 3.2 The scheme has been designed to help integrate into the site without adversely impacting on the character and appearance of the area and wider landscape. The scale and massing of the proposal has been carefully considered to resemble the existing equestrian structures which are to be demolished. As such, it is considered that the proposal would not be detrimental to the openness of the Green Belt.
- 3.3 It is considered that the proposal will not result in an unacceptable loss of amenity for future or any neighbouring occupiers. Given the proposal is for one dwelling only, it is considered that the proposal will not adversely impact highway safety in this location.
- 3.4 The ecological impacts of the proposal have been assessed and conditions have been proposed to preserve and enhance the ecology on the site.
- 3.5 Overall it is considered that the proposal is in accordance with the policies set out in the Council’s Local Plan and the NPPF. It is therefore considered that the proposal is acceptable and that planning permission should be granted in accordance with the recommendations set out in the appendix.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Any climate change implications are considered within the report.

8. Background Papers

None.

APPENDIX

1 Details of the application

- 1.1 The application seeks planning permission to construct one single storey dwelling following the demolition of existing equestrian structures. Access is proposed off Westby Lane, via an existing gated entrance to the south-east.

2. Site and surroundings

- 2.1 The site includes a number of equestrian structures located within a paddock screened by trees along its north and south boundaries. The site is relatively flat, sloping southwards with existing hedgerow along the western boundary reducing views of the existing equestrian structures.
- 2.2 The site is located within the Nottingham-Derby Green Belt and within local landscape area 'Babbington Rolling Farmlands' of the Greater Nottingham Landscape Character Assessment (GNLCA 2009). The surrounding area largely consists of agricultural land.
- 2.3 To the south-east of the site includes 22 Westby Lane, a detached residential property. To the north-west includes Babbington Hall which is a residential property including a number of outbuildings. Babbington Hall also includes a kennels business on site. To the north includes 27 Westby Lane a detached residential property. To the south of the site includes woodland areas.

3 Relevant Planning History

- 3.1 The site is currently used for private equestrian purposes and benefits from a Lawful Development Certificate, granted on 10th November 2022, for the use of the existing structures on the site for equestrian purposes (22/00580/CLUE).
- 3.2 Planning permission (21/00049/FUL) was refused and subsequently allowed at appeal for the construction of 5 dwellings including the demolition of kennels, access and landscaping at Babbington Hall to the north-west of the site.

4 Relevant Policies and Guidance4.1 **Broxtowe Aligned Core Strategy Part 1 Local Plan 2014:**

- 4.2 The Council adopted the Core Strategy (CS) on 17 September 2014:

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 3: The Green Belt
- Policy 10: Design and Enhancing Local Identity
- Policy 17: Biodiversity

4.3 **Part 2 Local Plan 2019:**

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 30: Landscape
- Policy 31: Biodiversity

4.4 **National Planning Policy Framework 2021:**

- Part 2: Achieving Sustainable Development
- Part 6: Building a Strong, Competitive Economy
- Part 11: Making Effective Use of Land
- Part 12: Achieving Well-designed Places
- Part 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Part 15: Conserving and Enhancing the Natural Environment

5 Consultations

5.1 **County Highways** – No objections.

5.2 **County Rights of Way** – No rights of way affected by the proposal.

5.3 **Broxtowe Environmental Health** – No objections subject to conditioning construction/demolition statement and construction hours.

5.4 **Broxtowe Waste** – Recommended bin dimensions provided.

5.5 **Broxtowe Tree officer** – No objections.

5.6 **Coal Authority** – No objections subject to conditioning a scheme of intrusive investigations to be carried out on site.

5.7 **Nottinghamshire Wildlife Trust** – No objections subject to condition an LEMP that contained the recommendations proposed with the submitted Preliminary Ecological Appraisal and precautionary construction measures.

5.8 **Resident comments** – 1 letter of support and 3 objections received. The following concerns have been raised:

- Impact on the rural character of the area
- Bungalow out of keeping with properties in locality
- Increased traffic on Westby Lane
- Impact on local road infrastructure
- Set a precedent for future development in the area
- No site notice put up

- The proposed development would not be a permitted change in accordance with the relevant permitted development legislation

6 Assessment

6.1 The main issues for consideration are whether or not the proposal is inappropriate development in the Green Belt, the design and appearance of the proposed development, impact on neighbour and future occupier amenity of the proposed development, impact on the local highway network and the ecological impact of the development.

6.2 **Green Belt**

6.2.1 Policy 8 – Development in the Green Belt of the Broxtowe Part 2 Local Plan states that application 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 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraphs 149 and 150 of the NPPF set out a list of exceptions to inappropriate development. Paragraph 149 g) of the NPPF states that an exception to inappropriate development is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

6.2.3 The application site includes a number of equestrian structures which adjoin each other along the northern boundary of the site. The remaining areas of the site are free from built development comprising of a paddock and trees. The equestrian structures comprise of a larger open ended dual pitched roof building and two smaller structures with associated hard standing. The maximum ridge height of the existing structures is approximately 5.87m with a footprint of 257m² and a total volume of 928.74m³. The proposed development includes the demolition of the existing equestrian structures and the construction of a new bungalow. The proposed bungalow features a dual pitched roof including a ridge height of 4.06m. The siting of the proposed bungalow overlaps with the footprint of the existing equestrian structures including a footprint of approximately 256m² and a volume of 907.5m³. As such, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt and as it represents the redevelopment of previously developed land, it is considered that the proposal is in accordance with paragraph 149 g) of the NPPF.

6.2.4 It is important to note that as an existing structure, Policy 8 of the Part 2 Local Plan allows for extensions of up to 30% in volume. As such, it should be noted that there is policy support to potentially extend the proposal from

approximately 928 cubic metres to over 1200 cubic metres. As such, there should be general acceptance that additional floor area could be achieved on the site.

- 6.2.5 It is therefore considered that the principle of development is acceptable subject to an assessment of the design and appearance of the scheme, impact on residential amenity, highway safety and ecology.

6.3 Design and Appearance

- 6.3.1 The site comprises of a number of equestrian structures set back from Westby Lane. The site is relatively flat and slopes southwards. The site is characterised as a spacious paddock with a number of established mature trees in the northern and southern part of the site. The site includes a number of trees along its north and southern boundaries and a hedge.

- 6.3.2 The proposal comprises of a single storey dwelling set back from Westby Lane. The proposed design includes a dual pitched roof and resembles the design and massing of the existing equestrian structures. The design includes a number of windows, roof lights and bi-fold doors. The ridge height is approximately 4.06m, 31.8m in length and 8m in width. The design also includes a black steel flue.

- 6.3.3 The proposed dwelling has been designed to reflect its rural setting and, to some extent, the buildings it replaces; this includes the use of metal and timber cladding on the elevations. The dwelling would be sited partially over the footprint of the existing buildings on site but moved slightly further south-east to create a buffer with the existing trees that form the north-eastern boundary of the site. To ensure sympathetic materials are used a condition has been added accordingly. All existing trees on and surrounding the site will be retained and protected where possible. All existing buildings on the site would be demolished. Further to this, landscaping has been conditioned to ensure appropriate hard and soft landscaping is achieved.

- 6.3.4 It is considered that the proposed development reflects the scale and massing of the existing equestrian structures and therefore is unlikely to have any significant impact on the local landscape character area 'Babbington Rolling Farmlands' of the GNLCA (2009). Overall it is considered that an acceptable standard of design has been achieved and would be sympathetic to the rural setting in this location.

6.4 Amenity

- 6.4.1 The proposed dwelling in terms of internal floor space and outside amenity space to the rear of the property appear satisfactory. There are no concerns regarding the proposal being an overdevelopment of the plot and the proposed dwelling will provide adequate living conditions for any future occupiers of the dwellings. The site can also accommodate adequate bin storage.

6.4.2 The nearest residential property to the proposal includes 22 Westby Lane which is approximately 22m to the south-east of the proposed dwelling, separated by the existing access track. The proposed dwelling would be separated from 27 Westby Lane by approximately 37m and 76m from Babbington Hall, separated by Westby Lane. It is also considered that the proposed dwelling would be sufficiently separated from the approved development for 5 new dwellings (21/00049/FUL) on the site of Babbington Hall to the north-west of the proposal. As such, given the siting, size, scale and design of the proposed dwelling it is considered that there would be no significant overbearing, overlooking or overshadowing impact on any neighbouring properties.

6.4.3 Environmental Health have provided no objections and have recommended conditioning a construction/demolition statement and construction hours to ensure the proposal does not result in any adverse impact on neighbouring properties during the construction period. As such, conditions have been added accordingly.

6.5 Highway Safety

6.5.1 Concerns have been raised that the proposed development would increase traffic in this location. The proposed development will be served by an existing access off Westby Lane. The current permitted use of the site is for equestrian purposes, with a realistic expectation that the site would be visited regularly by larger vehicles, such as horse boxes. The use of the site for a single dwelling is likely to result in a comparable number of daily vehicle movements; however, these would be from smaller vehicles. As such, it is considered that the proposed development would have a negligible impact on the local highway network.

6.5.2 County Highways have reviewed the proposal and have provided no objections. It is considered that the existing access on to Westby Lane is of a sufficient width with acceptable vehicular and pedestrian visibility. Whilst it is noted Westby Lane is a single lane with varying width it is unlikely the addition of one dwelling would result in a significant increase in vehicular traffic in this location. A public right of way runs along Westby Lane; County Public Rights of Way team have provided no objections to the proposed development as the proposal will not affect the right of way in this location. It is noted that the condition of Westby Lane is a source of frustration from local residents, however it should be noted that Westby Lane is partly an un-adopted road and therefore the section which the proposal is accessed off is not adopted by the County Council Highway Authority. As such, maintenance of this part of Westby Road is a private matter and would fall beyond the scope of this planning application.

6.5.3 Overall it is considered that the proposal will not result in an unacceptable impact on highway safety.

6.6 Ecology

- 6.6.1 The Council's tree officer has reviewed the application and has provided no objections. The application has been supported by an Arboricultural Implications Assessment which identifies that no tree removal is required. Some pruning works will be required; however, the proposed footprint has been moved away from the existing formation of trees along the north boundary of the site. As such, to ensure adequate tree protection is adhered to an Arboricultural Method Statement and tree protection measures have been conditioned.
- 6.6.2 The application was supported by a Preliminary Ecological Appraisal (PEA). No evidence of roosting bats was found, and the buildings are concluded to have negligible roost value. The PEA recommends that the demolition of the buildings and tree pruning should be undertaken outside the period 1st March to 31st August. As such there are limited concerns in respect of the proposed demolition. Nottinghamshire Wildlife Trust have provided no objections subject to conditioning a Landscape and Ecological Management Plan and precautionary working measures. All ecological recommendations contained within the submitted PEA have been conditioned to be reflected in a Landscape Ecological Management Plan. Precautionary working measures have also been conditioned to ensure existing wildlife habitats are protected during the construction period. Ecological enhancements will be achieved through the implementation of the Landscape and Ecological Management Plan which will include bat/bird boxes and grassland enhancement. It is considered that the proposal will not result in an unacceptable impact on the ecology, and that subject to the recommended conditions, the proposal can bring about benefits for the wildlife in the surrounding area.

6.7 Other Matters

- 6.7.1 Concerns were raised in relation to the consultation period. All neighbouring properties adjoining the site were consulted via letter and a site notice was put up on Westby Lane.
- 6.7.2 The site lies within a high risk coal mining area and therefore the application has been supported by a Coal Mining Risk Assessment. The Coal Authority have reviewed the coal assessment and have provided no objections subject to conditioning a scheme of intrusive investigations to be carried out on site. As such, it is considered the proposed development would not be detrimental to ground stability or coal mining risk legacy subject to the relevant conditions.
- 6.7.3 Whilst concerns have been raised as the proposal, if granted, may set a precedent for future development in the locality. Every application should be determined on its individual merits and the assessment of this application relates to one dwelling only. Another matter raised was in relation to the application failing to meet the requirements of permitted development in accordance with the relevant legislation that permits the conversion of buildings into dwellings. This is a full application, not a prior approval application, and therefore should be assessed in accordance with the local policies contained within the Aligned Core Strategy (2012) and Part 2 Local Plan (2019).

6.8 Planning Balance

6.8.1 The benefits of the proposal are that it will result in the creation of a new dwelling that has been sympathetically designed to resemble the existing equestrian structures without resulting in any significant impact on the rural character of the site and wider landscape.

6.8.2 Whilst the application site is within a Green Belt location, it is considered to be an exception to inappropriate development in accordance with paragraph 145 g) of the NPPF, by virtue of the fact that it involves the redevelopment of a previously developed site and will not have a more harmful impact on the openness of the Green Belt.

6.8.3 The proposal is not considered to result in an unacceptable loss of amenity for the residents of any neighbouring properties and is not considered to result in an unacceptable impact on highway safety or ecology. On balance it is therefore considered that the proposal is acceptable.

6.9 Conclusion

6.9.1 The proposed development is considered to be in accordance with the aims of the policies within the Broxtowe Aligned Core Strategy (2014) and the Broxtowe Part 2 Local Plan (2019), as well as the NPPF. It is therefore considered that the proposal is acceptable subject to the recommended conditions set out below.

<p><u>Recommendation</u></p> <p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
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: 221162_001_Existing Site and Location Plan A, 221162_002_Existing Floor Plan and Elevations A, 221162_003_Proposed Site and Location Plan A, 221162_005_Proposed Elevations A (Received by the Local Planning Authority 07/03/23), 221162_004_Proposed Ground Floor Plan (Received by the Local Planning Authority 10/02/23).</p> <p><i>Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.</i></p>
3.	<p>No development above slab level shall commence until samples/details of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</i></p>
4.	<p>No development shall commence (excluding the demolition of existing structures and site clearance) until;</p> <p>a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and</p> <p>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to</p>

	<p>ensure that the site is made safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p> <p><i>Reason: In the interest of public health and safety in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</i></p>
<p>5.</p>	<p>No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in construction / demolition the development; e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and f) details of dust and noise suppression to be used during the construction phase. h) details for the identification and safe removal of any Asbestos containing materials. <p>The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: To protect the amenity of neighbouring residents and in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Local Plan Part 2.</i></p>
<p>6.</p>	<p>Prior to the commencement of the development, a detailed Landscape and Ecological Management Plan shall be submitted to and approved and by the Local Planning Authority. The Landscape and Ecological Management Plan shall include ecological enhancement measures to support wildlife as detailed within the submitted Preliminary Ecological Appraisal (dated 14/04/23). The development shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of securing an environmental net gain in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</i></p>

<p>7.</p>	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) numbers, types, sizes and positions of proposed trees and shrubs (b) proposed boundary treatments (c) proposed hard surfacing treatment (d) proposed lighting details (e) planting, seeding/turfing of other soft landscape areas <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</p> <p><i>Reason: In the interest of public health and safety in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</i></p>
<p>9.</p>	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014</i></p>

	<i>and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</i>
10.	<p>Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out only in accordance with the approved details.</p> <p><i>Reason: To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, in order to comply with Policy 17 – Biodiversity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</i></p>
11.	<p>All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs, and other wildlife. All pipework greater than 150 mm should be capped off at the end of the day and chemicals should be stored securely.</p> <p><i>Reason: In the interests of protecting any wildlife during the construction period in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</i></p>
12.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Local Plan Part 2.</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.	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.

3.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
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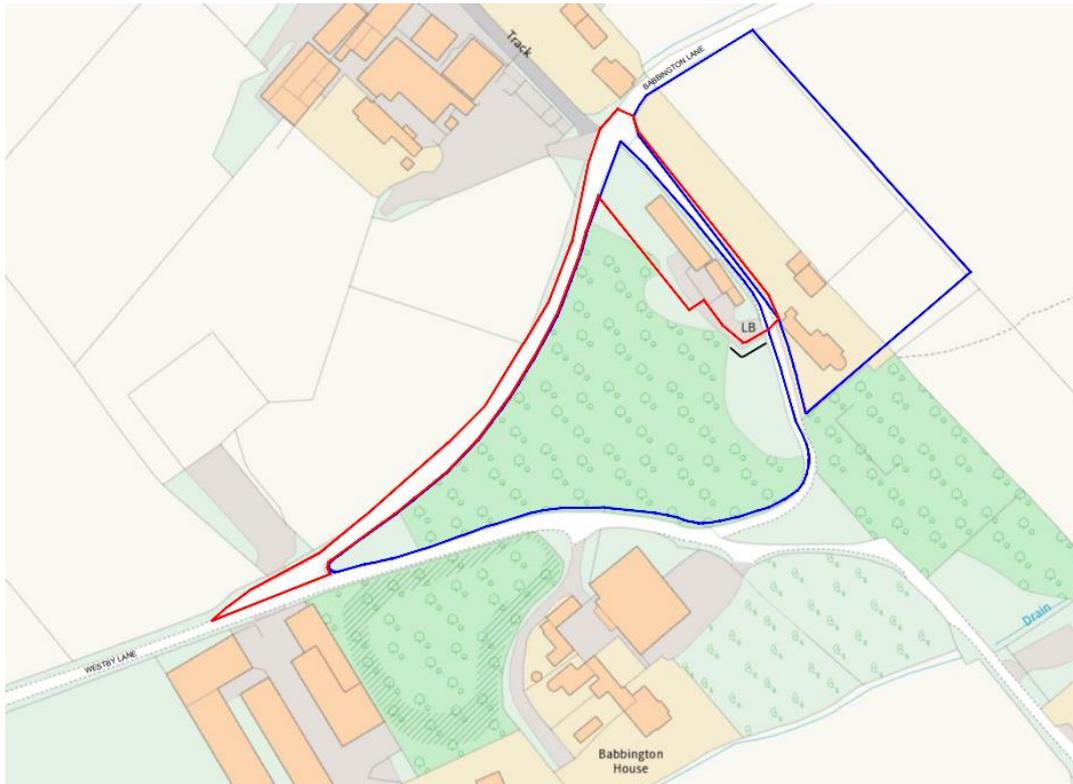
Site Location Plan



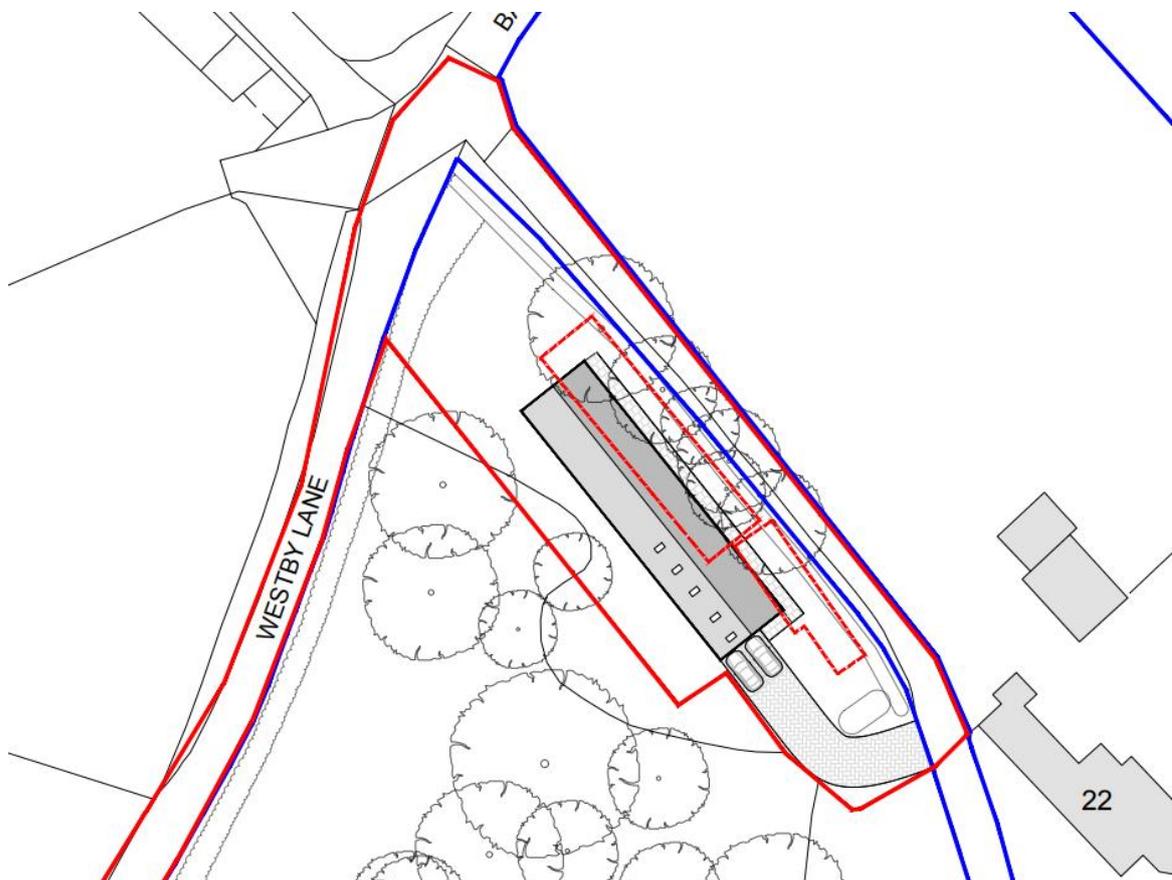
Legend

-  Site Outline
-  Mature Landscape Area
-  Green Belt

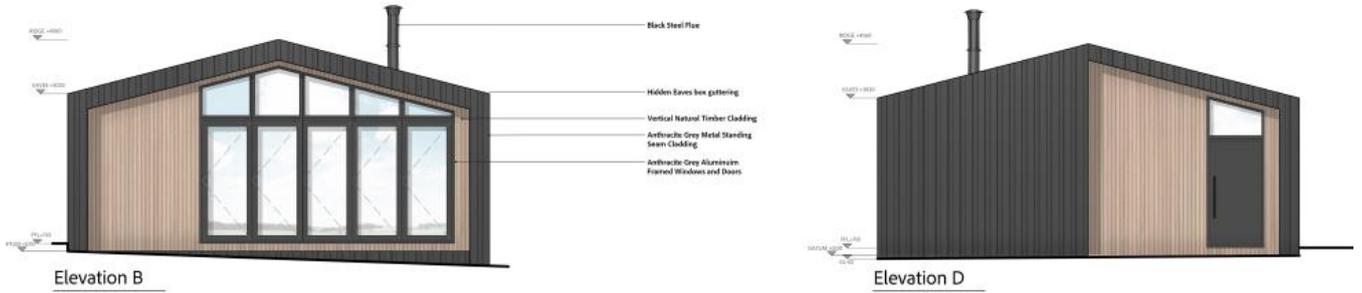
Existing Site Plan



Proposed Site Plan



Proposed Elevations



Elevation B

Elevation D

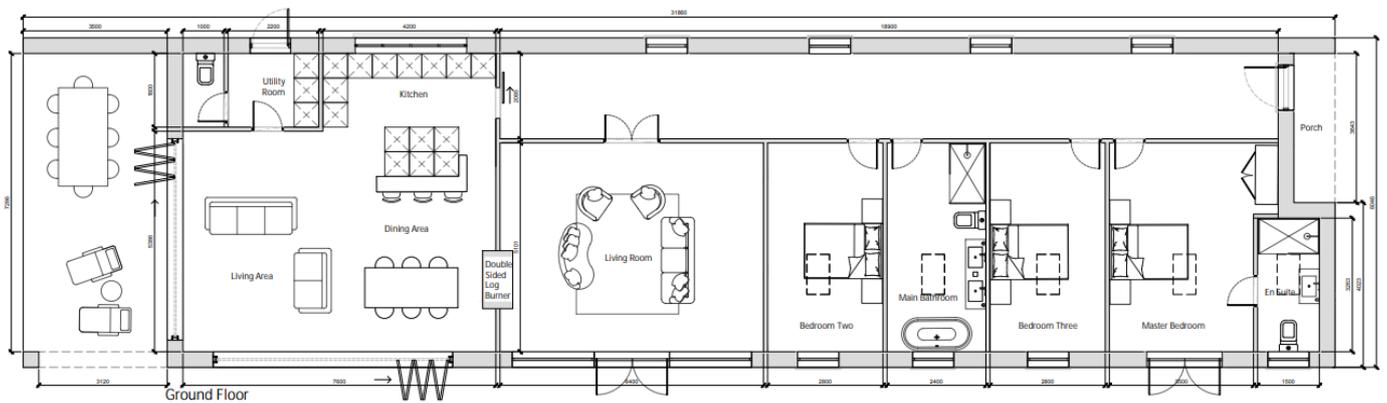


Elevation A



Elevation C

Proposed Floor Plan



Photos



Existing access to be used



Existing equestrian structures
(from west)



Part of existing structures



Part of existing structures



Existing structures /
curtilage



Existing structures /
curtilage