

Report of the Chief Executive

APPLICATION NUMBER:	25/00352/FUL
LOCATION:	Garden At 55 Mansfield Road, Brinsley, Nottinghamshire, NG16 5AF
PROPOSAL:	Construct detached single storey dwelling

The application is brought to the Committee at request of Councillor E Williamson.

1. Purpose of the Report

1.1 The application seeks full planning permission for the construction of a two- bedroom dwelling with an attached garage, solar panels on the south western elevation roof plane, with off road parking and widening of the existing access to the site and to 55 Mansfield Road Brinsley.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be refused as it is considered that the proposal would have a detrimental impact on the openness of the Green Belt.

3. Detail

3.1 The application seeks full planning permission to construct a detached single storey two-bedroom dwelling with an attached garage on a parcel of land that has recently been granted a lawful development certificate for to the area of land to be classed as garden land within the curtilage of 55 Mansfield Road, 23/00376/CLUE refers.

3.2 The detached bungalow will be positioned north east of the plot (L shape arrangement) with vehicular access being to the south east of the site leading to an area of off- road parking to the principal elevation, and to the west of the site will be an area of land designated as garden area.

3.3 The site lies within the Nottinghamshire Green Belt where Policy 8 of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 154 of the NPPF states that the construction of new buildings as inappropriate in Green Belt unless exceptions apply, specifically limited infilling in villages. Infilling is defined as being where there is built development on each side of the site and not open countryside.

3.3 The design, massing, scale and proportion along with the style would not be out of character with the area, subject to the materials being conditioned and the boundary treatment along the highway and the boundary between the site and 55 Mansfield Road to secure privacy.

- 3.4 It is considered the site is not an infill parcel of land within the village of Brinsley and so the proposal to create a single storey detached dwelling with off road parking does not meet the criteria to be considered and exception and would not comply with paragraph 154 e) of the NPPF and Policy 8 of the Part 2 Local Plan.

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. Background Papers

Nil.

1. Details of the application

- 1.1 This application seeks permission to construct a single storey detached two- bedroom dwelling with an attached garage on a parcel of land recently granted a lawful development certificate as garden land for 55 Mansfield Road. To the southwestern roof slope would be solar panels and to the south east would be the vehicular access to the site. The access is to be shared with 55 Mansfield Road.
- 1.2 The dwelling is sited to the north east of the plot and measures approximately 19.7m in width, 13m in length to create an L shaped dwelling, with the overall height being 4.97m to the ridge. The shape of the dwelling has been designed to maximize the views over the open countryside.
- 1.3 The dwelling would have two bedrooms both with their own ensuite and dressing room, a large open plan kitchen, lounge and dining area, utility, plant room separate bathroom and an attached garage.
- 1.4 The application form states the roofing material will be slate, external walls to be Hampton Rural Blend Facing bricks, windows and doors to be UPVC. During determination of the application negotiations have taken place to overcome the objections raised by Nottinghamshire County Council Highways.

2. Site and surroundings

- 2.1 The application site is washed over by Green Belt and is a small area of land authorised as garden use associated with 55 Mansfield Road and is separated from the open fields to the south and west by a small post and rail fence, allowing views across the fields. To the north lies 55 Mansfield Road, a detached two storey dwelling with a small garden area circling around the dwelling. To the south east of the site is the access to 55 Mansfield Road and fields are located to the south and west.
- 2.2 When approaching the site from the south along Mansfield Road, that is, from Eastwood, it is noted that there is no development on the western side of the highway and as such this provides a rural open character when approaching Brinsley. The existing dwelling 55 Mansfield Road and 57 to 59 Mansfield Road are the only development on this side of the road until arriving at the main village.
- 2.3 To the east of the highway is a car park providing parking for access to the open space (Brinsley Headstock), and north from this car park is Brinsley Lodge, a public house/ restaurant, which is the first built form on the eastern side of the highway leading into the main part of the village.

It is acknowledged that a planning application has been granted for outline permission for two dwellings to the north west of the site (to the rear of 55 Mansfield Road), 23/00509/OUT refers. This is an outline application with some matters reserved. The Local Planning Authority granted consent for outline on the basis of limited infill, due to the location of the proposed development being between 55 Mansfield Road to the south east of the

site and 57 and 59 Mansfield Road to the north west of the site. It should also be acknowledged that within that site there is an existing double garage with an attached block building and three timber outbuildings where the outline planning permission has been granted. The Local Planning Authority considered that there was no impact on the openness of the Green Belt, being located between dwellings, and classed that development as limited infill which complied with the NPPF and Green Belt policies.

3. Relevant Planning History

- 3.1 In 1989 an application was refused for the parcel of land to domestic garden (89/00210/FUL refers), in 2013 planning permission was granted for change of use of land to residential to form a new driveway and access for 55 Mansfield Road (13/00342/FUL refers). In 2023 a Certificate of Lawfulness for the existing 'garden land' to be included within curtilage of dwelling at 55 Mansfield Road was issued and as such the authorised use of the site is as garden land.
- 3.2 In June 2024 an application was refused by the Planning Committee, in line with the Officers recommendation, for a three bedroom detached bungalow on the parcel of land. 23/00895/FUL refers. The application was refused for two reasons, inappropriate development in Green Belt and the position of the dwelling within the plot being out of character with the area and viewed as an incongruous addition to the street scene. Following the refusal the application the applicant did not choose to appeal the refusal.

4. Relevant Policies and Guidance

4.1 Broxtowe Aligned Core Strategy 2014:

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

- Policy A: presumption in Favour of Sustainable Development
- Policy 3: The Green Belt
- Policy 8: Housing, size, mix and choice
- Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 8: Development in the Green Belt
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-Making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground conditions
- Policy 21: Unstable Land
- Policy 31: Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2024

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a sufficient supply of homes
- Section 4 - Decision-making
- Section 11 - Making effective Use of Land
- Section 12 - Achieving well-designed places
- Section 13 - Protecting the Green Belt
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

5. Consultations

- 5.1 **Broxtowe Borough Council - Environmental Health** - The Environmental Health Officer has assessed the application and has raised no objections to the application, subject to conditions and informatives in respect of hours of construction, burning of materials on site and construction/demolition method statement.
- 5.2 **Broxtowe Borough Council - Refuse and Waste** - The Environmental Coordinator has assessed the information and has not raised any objection to the application subject to an informative to ensure the correct bin provision is provided and presented adjacent to the highway on bin collection days.
- 5.3 **Nottinghamshire County Council Highways Authority** - The Highways Authority has assessed the submitted information and requested additional information regarding the visibility from the access and the swept path for the site. The submitted plans shows the visibility splay through the existing hedge and will be trimmed to provide visibility, the hedge will grow and will have sub standard visibility when existing and entering from the right. The Highway Authority had requested a speed survey due to A608 due to the volume and speed of traffic. Concerns have been raised regarding the existing access material. Given the lack of speed survey and visibility not being achieved the Highway Authority recommends refusal of the application.
- 5.4 **Nottinghamshire County Council -The Lead Local Flood Authority (LLFA)** The LLFA has assessed the information submitted and considers the application to be minor in nature and did not provide bespoke comments but did ask for information to be passed onto the applicant regarding any development should not increase flood risk to existing properties, surface water from the site should look at infiltration/watercourse/sewer as priority order for discharge, any alteration to culverting/pipe crossing must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

5.5 **Environment Agency (EA)** - The EA has assessed the information submitted and has stated no comments will be provided as the site falls within flood zone 1 and therefore no fluvial flood risk concerns associated with this site.

5.6 **Coal Authority (CA)** - The CA has assessed the information submitted and states this current application represents a resubmission of 23/00895/FUL, albeit the proposed dwelling is shown in a slightly different position and of a different design. Consequently, and whilst the same supporting information has not been submitted as previous, the CA does not wish to raise any specific observations, but would reiterate previous comments. The previous comments are as follows:

Previous CA comments were that that the site falls within an area defined as High Risk Area. The Coal Authority previously objected to this planning application, as the required Coal Mining Risk Assessment Report (CMRA) had not been submitted as part of the application.

The agent provided a CMRA (December 2023, prepared by Erda Associates Ltd), which accompanied the planning application, the content of which is able to discount any undue stability risks posed by the recorded mine entry due to its distance away. The report does acknowledge potential stability issues associated with the former open cast extraction and confirms that the proposed development may need to incorporate bespoke foundations, which will be a matter for the Building Regulations process.

Based the mitigation strategy proposed within the CMRA considering the coal mining legacy issues which are associated with the site, the CA raises no objections subject to the proposed measures being undertaken. The CA commented that the local authority should seek their own technical advice on mine gasses within the area.

The CA considers that the information now submitted in support of this planning application is broadly sufficient for the purposes of the planning system and meets the requirements of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The CA would expect the proposed development to be carried out in accordance with the mitigation strategy included in the CMRA. The CA therefore withdraws its objection to this planning application on the basis of the information submitted.

5.7 Ward Councillors and Parish Council were consulted and no comments have been received aside from the request to committee.

5.8 Four neighbouring addresses were consulted on the application and a site notice was displayed. No comments have been received.

6. Assessment

6.1 The main issues for consideration are whether or not the principle of the development is acceptable in the Green Belt, whether access to and from the highway is acceptable, whether there would be an increase in flooding to existing properties, whether the development would contribute to unacceptable levels of water pollution, whether the site meets the requirements to be safe and stable, impact on the upon residential amenity, and the design of the proposal.

6.2 Green Belt and Principle of Development

6.2.1 The application site is situated within the Green Belt and therefore the principle of the development is subject to whether or not it complies with local and national Green Belt policy. Broxtowe's Part 2 Local Plan (2019) Policy 8 states that development in the Green Belt will be determined in accordance with the NPPF. Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence and inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.2.2 Paragraph 153 of the NPPF continues that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

6.2.3 Paragraph 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, although one exception to this is the limited infilling in villages.

6.2.4 The site is not considered to be classed as infilling within the village of Brinsley, as there is only development on one side of the site, this being the dwelling and garden area for 55 Mansfield Road, north of the site. To the south and west lies open countryside with views towards Eastwood. As such the development cannot be considered as 'infill' given the lack of built development to the south and west.

6.2.5 No 'very special circumstances' have been demonstrated within the submitted information.

6.2.6 It is considered that no 'very special circumstances' have been demonstrated that would outweigh the harm caused to the openness of the Green Belt and the site is not considered to be an infill site and therefore the application should be refused on this basis.

6.3 Amenity

- 6.3.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.3.2 To the north of the site lies 55 Mansfield Road, in ownership of, and occupied by, the applicant, and both the site and 55 Mansfield Road will share a vehicular access that runs to the south east of the site. No details have been provided regarding the boundary treatments specifically to the northern boundary. Given the position of the proposed dwelling and the dwelling to the north it is considered that the proposal would not have any significant impact on the living conditions of this dwelling in terms of loss of light, outlook or privacy, subject to a condition securing appropriate boundary treatments.
- 6.3.3 To the south and west is open countryside and to the east is the access track for 55 Mansfield Road and the public highway, and as such there would be no impact on residential amenity.

6.4 Design and visual amenity

- 6.4.1 Policy 10 of the ACS section 2 states that developments will be assessed in terms of d) massing, scale and proportion and e) materials and style. Policy 17 of the Part 2 Local Plan part 4 a) states that development should be of a size and design that makes a positive contribution to the appearance of the area.
- 6.4.2 The proposed single storey dwelling is to be sited to the south east of the site with the main rooms facing southwest of the site to maximise the views and sun. The dwelling will create two bedrooms each with an ensuite and walk in wardrobe area. The submitted elevations show traditional arched windows and a central garage door with the impression of a traditionally constructed dwelling with materials fitting with the area. To ensure the materials match this could be conditioned.
- 6.4.3 The design, massing, scale and proportion along with the style would not be out of character with the area, subject to the materials being conditioned, but the position of the dwelling being side on to the highway and set within the south east of the site would be out of character with the pattern of development along Mansfield Road. The dwelling is set away from the highway and with the principal elevation facing towards the open countryside and not the highway would be out of character with the area. It is acknowledged that 55, 57 and 59 Mansfield Road are side on to the highway but they are located closer to the boundary and keeps the development close to the highway maintaining a pattern and character of the area.
- 6.4.4 The position of the proposed dwelling, being located south of 55 Mansfield Road, would be viewed as an incongruous addition within the streetscape, and would be considered out of character with the pattern of development within the area and as such fails to comply to Policy 17 of the Part 2 Local Plan and the NPPF.

6.5 Environment Agency and Flooding

- 6.5.1 Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 6.5.2 The EA considered the submitted information and since the last application the remit has changed and as a result stated no comments will be provided as the site falls within flood zone 1 and therefore no fluvial flood risk concerns associated with this site.
- 6.5.3 The Lead Local Flood Authority (LLFA) has assessed the information submitted and considers the application to minor in nature and did not provide bespoke comments. As an information to be passed on to the applicant regarding any development should not increase flood risk to existing properties, surface water from the site should look at infiltration/watercourse/sewer as priority order for discharge, any alteration to culverting/pipe crossing must be discussed with the Flood Risk Management Team at NCC.

6.6 Coal Authority

- 6.6.1 Policy 21 of the ACS states that within the Coal Authority's 'Development High Risk Area' permission for no householder development will only be granted if it is demonstrated that the site is, or can be made, safe and stable.
- 6.7.1 Paragraph 190 of the NPPF states that Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner
- 6.7.2 The current application has been submitted without an CMRA and the CA commented using the previous CMRA on the previous planning application. No information can be transferred between applications and this information was submitted to the applicant/agent to address but there has not been a new CMRA for the current application.
- 6.7.3 The comments raised by the CA cannot be used in this application, due to the CMRA not formally being submitted and so due to the lack of information the proposal fails to demonstrate adequate protection for the site, associated with the form open cast extraction and mining in the area.

6.6 Highways

- 6.8.1 Paragraph 115 of the NPPF states 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.
- 6.8.2 The Highways Authority has assessed all the submitted information and requested additional information regarding visibility splays and a speed survey. The applicant only provided a plan demonstrating a visibility splay cutting through an existing hedge and no speed survey.
- 6.8.3 The proposed dwelling will be served from the existing driveway associated to 55 Mansfield Road which also provides access to an enclosed field. The visibility splays are shown running through the hedging, even though it shows on the plans that the hedging will be trimmed down to achieve the visibility splay, the hedge will grow and will have sub-standard visibility when exiting and entering from the right. Right turners entering the site may also have their view of exiting vehicles obstructed by the hedgerow that could increase the likelihood of conflicts.

- 6.8.4 The A608 is to distribute Road which carries higher volumes of traffic and so the likelihood is that vehicle speeds will be much higher. The Highway Authority therefore request a speed survey is undertaken to determine the 85th percentile speed at which traffic passes by to inform the required splay which must be achieved without crossing third party land.
- 6.8.5 Concerns have also been raised regarding the access driveway that is currently surfaced with loose aggregate, that over time will be discharged to the public highway by the additional traffic associated to the development. It should therefore be re-surfaced in a bound material for a minimum distance of 8.0m behind the highway boundary.
- 6.8.6 The Highways Authority requested this information previously but it has not been addressed. As the visibility is still of a concern and sub standard for highway safety. It is therefore recommended that the application be refused as the visibility cannot be achieved to meet current standards.

6.9 Biodiversity Net Gain

- 6.9.1 The application is exempt from BNG requirements due to it being self-build application as specified in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7. Planning Balance

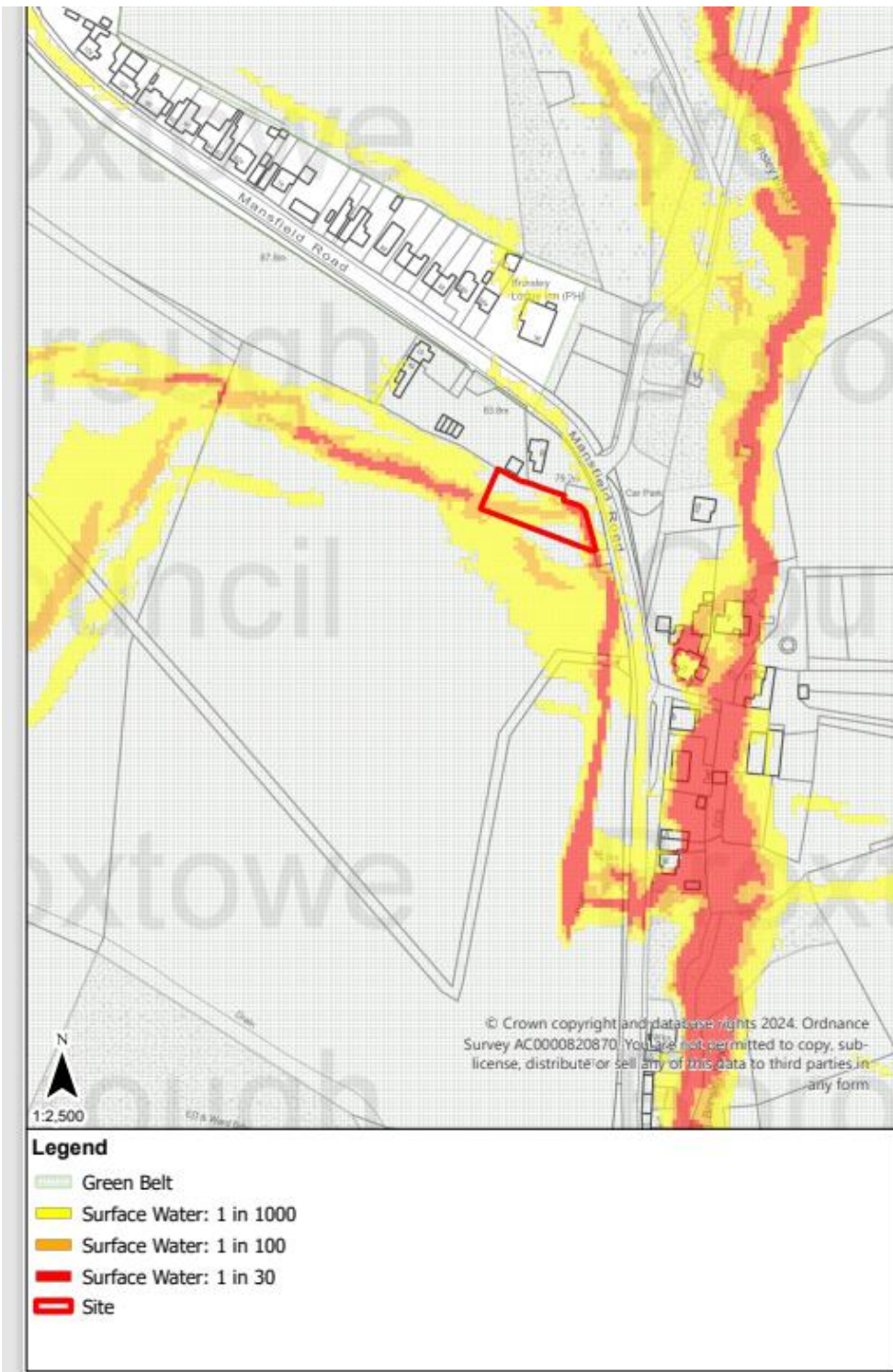
- 7.1 The benefits of the proposal would be in the provision of one new dwelling, which would not have a detrimental impact on neighbour amenity and is acceptable in design terms. Subject to conditions, the dwelling would not have an impact on highway safety, contamination and flooding.
- 7.2 The negative impact is that the development would be inappropriate within the Green Belt, have a detrimental impact on the openness of the Green Belt and is not classed as an infill plot. The position of the dwelling south of 55 Mansfield Road Brinsley is considered out of character with the area due to the siting being positioned within the centre of the site, set away from the highway and as a result is considered out of character with the pattern of development within the area
- 7.3 On balance, as no very special circumstances have been demonstrated, the negative impacts are therefore considered to carry sufficient weight to outweigh the benefits of the proposal.

8. Conclusion

- 8.1 The proposal is considered to be inappropriate development that is harmful to the openness of the Green Belt.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be refused for the following reasons:	
1.	The site lies within the Nottinghamshire Green Belt, where in accordance with paragraph 152 of the NPPF, inappropriate development is by definition harmful and should not be approved except in very special circumstances. The proposal constitutes inappropriate development as the detached dwelling would not be classed as an infill development and as a result would have a detrimental impact on the openness of the Green Belt. There have been no special circumstances demonstrated and the proposal is therefore contrary to Policy 8 of the Broxtowe Part 2 Local Plan (2019) and paragraph 152 and 154 e) of the National Planning Policy Framework (2023) and there are no other material considerations that justify treating this proposal as an exception.
2.	The position of the proposed dwelling southeast of 55 Mansfield Road Brinsley is considered out of character with the area due to the context, where it would be viewed as an incongruous addition within the streetscape, and as a result is considered out of character with the pattern of development within the area and as such fails to comply to Policy 17 of the Part 2 Local Plan and the NPPF.
3.	The site lies within an area with coal mining features and hazards and an application should be accompanied with a Coal Mining Risk Assessment. As no CMRA submitted with the current application the application fails to comply with Policy 21 of Broxtowe Aligned Core Strategy 2014 and the NPPF.
4.	The proposal to create a dwelling using the existing substandard vehicular access fails to comply with Policy 17 of Broxtowe Part 2 Local Plan and the NPPF due to visibility splay not being achieved to meet current standards.
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, allowing an Extension of Time to overcome the objections from consultees.

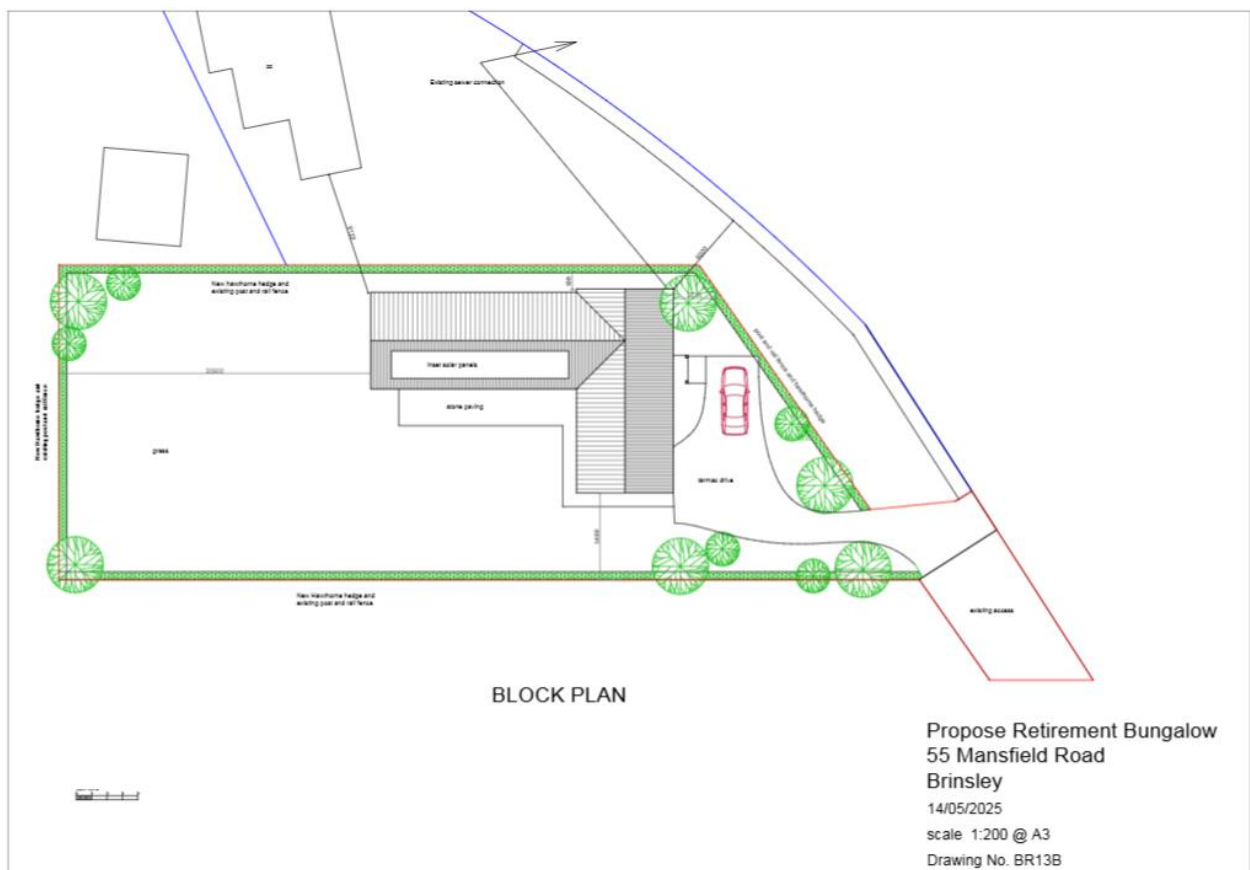
Map



Plans (not to scale)



Site location plan and block plan



Block plan

