

Agenda

Planning Committee

Date: **Wednesday 26 April 2023**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Paul Wilkinson

Councillor Michael Adams
Councillor Peter Barnes
Councillor Chris Barnfather
Councillor David Ellis
Councillor Rachael Ellis
Councillor Andrew Ellwood
Councillor Mike Hope
Councillor Rosa Keneally
Councillor Meredith Lawrence
Councillor Julie Najuk
Councillor Barbara Miller
Councillor Marje Paling
Councillor John Parr
Councillor Henry Wheeler

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AGENDA

Page

1. **Apologies for Absence and Substitutions**
2. **To approve, as a correct record, the minutes of the meeting held on 29 March 2023**
Planning Committee Protocol 5 - 15
3. **Declaration of Interests**
4. **Application no. 2021/0126 - Beacon Baptist Church, Killisick Road, Arnold, NG5 8BD** 21 - 34
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10. **Any other items which the Chair considers urgent**

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MINUTES PLANNING COMMITTEE

Wednesday 22 February 2023

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Rosa Keneally
 Councillor Michael Adams Councillor Meredith Lawrence
 Councillor Peter Barnes Councillor Julie Najuk
 Councillor Chris Barnfather Councillor Barbara Miller
 Councillor David Ellis Councillor Marje Paling
 Councillor Rachael Ellis Councillor John Parr
 Councillor Andrew Ellwood Councillor Henry Wheeler
 Councillor Mike Hope

Absent:

Officers in M Avery, K Cartwright, N Bryan, S Fayaz and
Attendance: C Goodall

64 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

None.

65 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 11 JANUARY 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

66 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest on behalf of all members of the committee in item 4 on the agenda, as Gedling Borough Council owned part of the application site.

67 APPLICATION NO. 2021/0936 - 53 FRONT STREET, ARNOLD

Proposed refurbishment and conversion of existing storage unit associated with retail premises to provide residential accommodation.

The Principal Planning Officer introduced the report.

Councillor Miller joined the meeting.

RESOLVED to:

Grant full planning permission subject to the conditions listed and for the reasons set out in the report.

Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.

2. This permission shall be read in accordance with the application form deposited on the 29th July 2021 and the following list of approved drawings:-

Deposited on the 29.07.21

Site Location Plan

Existing Site Location Plan drg. no 0326-1-02-00

Existing Upper Floor GA Plan drg. no. 0326-1-03-01

Existing Roof GA Plans drg. no. 0326-1-03-02

Existing GA Elevations A & B drg.no. 0326-04-00

Existing GA Elevations C & D drg. no. 0326-1-04-01

Site Analysis

Deposited on the 27.04.22

Existing Ground Floor GA Plan drg. 0326-1-03-00A

Deposited on the 16.09.22

Proposed GA Elevations A and B drg. no. 0326-3-21-00 Rev C

Proposed GA Elevations C and D drg. no. 0362-3-21-01 Rev C

Deposited on the 21.11.22

Proposed Site Plan drg. no. 0326-3-08-00 Rev D

Deposited on the 06.12.22

Proposed Ground and First floor Plan drg. no. 0326-3-11-00 Rev C

Proposed Second Floor and Roof Plan drg. no. 0326-3-11-01 Rev D

The development shall thereafter be undertaken in accordance with these plans/details.

3. Prior to any works to the extension hereby approved details/samples of materials to be used in the external appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved plans.

- 4 The external material used in the infilling of any openings of the building shall match those of the existing building as closely as possible.
- 5 Apartment A and Apartment B of the development hereby approved shall not be occupied until the ground floor windows on the north elevation have been installed with privacy glazing and the ground floor window on the south elevation has been installed to a minimum of Pilkington Level 4 as indicated on drg. no. 0326-3-21-00 Rev C and 0326-3-21-01 Rev C and secured as non-opening. These shall be retained as such thereafter.
- 6 Apartment C of the development hereby approved shall not be occupied until the windows to the east elevation and the first floor windows to the south elevation have been fitted with obscured glazing to a minimum of Pilkington Level 4 as indicated on drg. no. 0326-3-21 -00 Rev C and 0326-3-21-01 Rev C and are secured as non-opening. These shall be retained as such thereafter.
- 7 Apartment D of the development hereby approved shall not be occupied until the first floor windows to the east elevation and second floor windows on the south elevation have been have been fitted with obscured glazing to a minimum of Pilkington Level 4 as indicated on drg. no. 0326-3-21 -00 Rev C and 0326-3-21-01 Rev C and are secured as non-opening. These shall be retained as such thereafter.
- 8 No part of the development hereby approved shall be occupied until a sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve internal noise levels not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00.
- 9 Prior to the first occupation of the building hereby permitted precise details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be implemented and made available for use in accordance with the approved details prior to first occupation of the building and shall be retained and maintained for the lifetime of the development.
- 10 No part of the development shall be occupied until the cycle racks shown on Proposed Site Plan drg. no. 0326-3-08-00 Rev D have

been installed. These shall be retained and maintained for the lifetime of the development

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the permission.
- 3 To ensure a satisfactory form of development and the interest of visual amenity.
- 4 To ensure a satisfactory form of development and the interest of visual amenity.
- 5 To ensure a satisfactory development and to safeguard neighbouring amenity.
- 6 To ensure a satisfactory development and to safeguard neighbouring amenity.
- 7 To ensure a satisfactory development and to safeguard neighbouring amenity.
- 8 To ensure a satisfactory development and to safeguard amenity.
- 9 To ensure a satisfactory form of development and the interest of visual amenity.
- 10 To ensure a satisfactory form of development.

Reasons for Decision

The principle of the development is supported. The layout, design and appearance of the proposed extension is considered acceptable. This together with the proposed use of the building as residential units would not be considered to be detrimental to the amenity of neighbouring buildings, future occupiers of the building nor to parking or highway safety. Taking the above into account it is considered that the proposal is a sustainable form of development which is appropriate for its context and in accordance with Sections 2, 4, 7, 9, 11 and 12 of the NPPF 2021, Policy A, Policy 2, Policy 8 and Policy 10 of the Aligned Core Strategy (2014), Policies, LPD 32, LPD 35, LPD 50, LPD 57 and LPD 61 of the Local Planning Document (2018) and the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022).

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

68 **APPLICATION NO. 2022/0987 - LAND OFF TEAL CLOSE, NETHERFIELD**

Residential development of 16 dwellings, public open space, landscaping, access and associated infrastructure – Re-plan of Plots 583 to 597 as approved by Reserved Matters Approval 2019/0560.

The Principal Planning Officer introduced the report.

He explained that the Highways Authority had requested some minor amendments to the footpath link and road alignments and that as these matters had now been addressed, the Highways Authority had confirmed that they no longer had any objections to the scheme, subject to the normal conditions in relation to surface, drainage and wheel washing facilities. He added that these were already covered in the suggested conditions 3, 4 and 6 and as such it was only necessary to update the approved plan at condition 2, to incorporate these additional plans.

He added that the developer had requested that the timeframe to implement the planning permission was extended to five years instead of the standard three years to allow the site to be built out at the final stage of the development and for it to be used as a compound for the wider development up until that point. He added that it was considered to be a reasonable request and that there were no concerns in relation to the longer implementation period.

He added that for completeness it was also necessary to attach a further condition in relation to landscaping for the site.

He concluded that subject to the updated conditions and the additional landscaping condition the proposal was considered acceptable and was therefore recommended for approval.

RESOLVED to:

Grant Planning Permission subject to the applicant entering into a section 106 with the Borough Council as the Local Planning Authority and the County Council to secure planning obligations in respect of affordable housing in relation to the delivery of two First Homes, an education financial contribution and financial contribution towards the maintenance of open space and subject to the following conditions:

Conditions

- 1 The development hereby permitted shall commence before the expiration of 5 years from the date of this permission.
- 2 This permission shall be read in accordance with the following plans:

Location Plan

Planning Layout RG3/PL/01 Rev D

Charter Plan RG3/CC/CP/01/F

Housetypes

Broadhaven BrH_MA_Det_R21-901 Rev No.00

Broadhaven BrH_MA_Det_R21-904 Rev No.00

Broadhaven BrH_MA_Det_R21-905 Rev No.00

Cullen Detached Cul_MA_DET_R21-901 Rev No.00

Cullen Detached Cul_MA_DET_R21-904 Rev No.00

Cullen Detached Cul_MA_DET_R21-905 Rev No.00

Heysham Detached HeY_MA_DET_R21 -901 Rev No.00

Heysham Detached HeY_MA_DET_R21 -904 Rev No.00

Heysham Detached HeY_MA_DET_R21 -905 Rev No.00

Hollicombe Detached HoC_MA_DET_R21 -901 Rev No.00

Hollicombe Detached HoC_MA_DET_R21 -904 Rev No.00

Hollicombe Detached HoC_MA_DET_R21 -905 Rev No.00

Kingsand Detached KgS_MA_DET_R21 -901 Rev No. 00

Kingsand Detached KgS_MA_DET_R21 -904 Rev No. 00

Seacombe Detached Se_MA_DET_R21 -901 Rev No. 00

Seacombe Detached Se_MA_DET_R21 -904 Rev No. 00

Seacombe Detached Se_MA_DET_R21 -905 Rev No. 00

Turnberry Detached TuN_MA_DET_R21 -901 rev No. 00
Turnberry Detached TuN_MA_DET_R21 -904 rev No. 00

Alnmouth Semi Detached AI-C_MA_End_R21-901

Single Garage Hucknall
Double and Paired Garages Hucknall

The development shall thereafter be undertaken in accordance with these plans.

- 3 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 4 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 5 From the date of first occupation every property built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 6 Prior to the commencement of development hereby approved a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of the development so as to minimise water runoff and works pollution

entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during construction.(4) details of traffic routes for Heavy Good Vehicular movements during the construction of the development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of the development ; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of the development in relation to noise and vibration and safeguarding air quality. The approved CEMP and all details therein shall be implemented in accordance with the approved details.

- 7 Prior to the commencement of the development the following must be complied with:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

Submission of Remediation Scheme

Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- 8 In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination

development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

- 10 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 11 No development shall be commenced until details of the means of surface and foul drainage have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
- 12 Prior to above ground construction works commencing precise details of soft and hard landscaping works shall be submitted to and approved in writing by the local planning Authority. This shall include landscape plans and particulars including the size, species and positions of trees/hedges to provide screening to the side garden area together with a programme for implementation. The development shall be carried out in accordance with the approved details. If within a period of five years beginning with the date of the planting of any tree or shrub approved in relation to this permission that tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reasons

- 1 To define the permission and for the avoidance of doubt.
- 2 To define the permission and for the avoidance of doubt.
- 3 To reduce the possibility of deleterious material being deposited on the public highway.
- 4 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 5 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

- 6 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 8 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 9 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 10 To ensure a satisfactory form of development.
- 11 To ensure a satisfactory means of surface and foul drainage for the site.
- 12 In the interests of visual amenity.

Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019).

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application discussions took place with the applicant to make amendments to the application to ensure a positive outcome could be achieved.

69 APPLICATION NO. 2022/0823 - LAND OFF ORCHARD CLOSE, BURTON JOYCE

Modification of S106 agreement (2018/1034) to amend the public Open space clauses to allow for either on-site or off-site provision and future maintenance of the same.

The Principal Planning Officer introduced the report.

RESOLVED:

That the section 106 agreement be varied to secure new planning obligations in relation to on-site public open space and to retain the planning obligations in respect of capital and maintenance financial contributions in-lieu of such provision.

70 ENFORCEMENT REF: 0037/2022 - LAND AT 86 CHAPEL LANE, RAVENSHEAD

This item was withdrawn from the agenda.

71 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

72 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

73 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.30 pm

Signed by Chair:

Date:

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PLANNING COMMITTEE PROTOCOL

Introduction

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

Disclosable Pecuniary and Non- Pecuniary Interests

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Pre-determination and Predisposition

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

Lobbying

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Roles at Planning Committee

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

Speaking at Planning Committee

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

Determination of planning applications

19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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Planning Report for 2021/0126

1:1,250 Planning Reference: 2021/0126
Beacon Baptist Church
Killisick Road Arnold

NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Gedling Serving People. Improving Lives Date: 13/04/2023

Report to Planning Committee

Application Number:	2021/0126
Location:	Beacon Baptist Church Killisick Road Arnold NG5 8BD
Proposal:	Residential development (outline) to include demolition of existing site buildings.
Applicant:	Direct Land Investments
Agent:	Mike Sibthorpe Planning
Case Officer:	Bev Pearson

This application has been referred to the Planning Committee as requested by the Planning Delegation Panel to fully explore the loss of the community use on the site.

1.0 Site Description

1.1 This application relates to the site of the Beacon Baptist Church, an irregular shaped single storey building with a mix of single storey flat roof and hexagonal pitched roof to the main building and central spire. The building has been vacant for some time and occupies a large prominent corner plot at the junction of Firbeck Road and Killisick Road with a grassed area and boundary trees and car park accessed from Killisick Road bounded by mesh fencing.

1.2 To the eastern boundary the site is adjoined by Killisick Community Centre and its associated recreation area and Millbank Court a former care home recently converted to apartments.

1.3 The wider surrounding area comprises predominantly two storey semi-detached properties with a small parade of shops to the south west and Killisick Recreation Ground to the south east.

2.0 Proposed Development

2.1 Outline planning permission is sought for the residential development of the site. All matters except for access and layout are reserved for subsequent reserved matters approval.

2.2 The submitted layout plan proposes the erection of 2 no. detached dwellings with parking to the side accessed from Killisick Road and 3 pairs of

semi-detached dwellings accessed from Firbeck Road with parking court to the rear.

3.0 Relevant Planning History

2015/1332 – planning permission was granted for alterations to roof, windows and doors;

2011/0800 – planning permission was granted in October 2011 for the increase in the height of the perimeter fence;

2008/0990 – planning permission was granted in March 2009 for the erection of a perimeter fence;

79/1986 – planning permission was granted in December 1979 for residential development;

79/0077 – planning permission was refused in March 1979 for the erection of 3 town houses;

77/1129 – planning permission was granted in September 1977 for a hall extension to the church;

77/1130 – planning permission was granted in September 1977 for the retention of a temporary building.

4.0 Consultations

4.1 Nottinghamshire County Council Highways Authority – having assessed the revised plans highways are satisfied that previous issues raised with regard to the layout of the site have been resolved and no objections are raised subject to conditions in relation to the provision of dropped vehicular footway crossings, the existing site access being made redundant and the surfacing and drainage of driveways and parking/turning areas.

4.2 Gedling Borough Council Scientific Officer - no immediate concerns relating to land contamination but recommends conditions requiring the submission and written approval of a Construction Emissions Management Plan, the provision of EV charging points and an informative advising demolition and removal of asbestos are attached to permission.

4.3 Members of the Public

Neighbouring properties were consulted and site notices were placed on 26th February 2021.15no. representations have been received expressing the following concerns:-

- A community hub is required in the area
- Community uses for the site have not been fully explored
- loss of accessible community facility of the locality and wider area would adversely impact on the locality

- Residential development together with existing and planned residential development in the area will mean that the area will be badly served by community facilities and people will become more isolated
- The statement that there is no community service required for the area is incorrect – there is only the small community centre adjacent to the site - The Baptist church should be amalgamated with this centre
- The Church site is an appropriate and suitable location for a local community facility – it is an excellent opportunity to enhance this facility
- The statement that extensive marketing has failed to identify any interest in the continued community use of the building is misleading - there is ongoing interest and support in developing the site and a vision from local organisations and community groups for the land to become a community facility. There have been some offers from community groups as well as developers for the site. Highest offer was accepted.
- Some groups have the financial likelihood to take over the site and rebuilding it as true community use to provide a core centre for the Killisick area
- Previous users support the continued community use of the site to continue working with partners and residents on key local initiatives
- Community use would help reduce anti-social behaviour etc. in the area
- The developer has not consulted with local residents
- Residential use would not be beneficial to the area.
- On street parking issues would be exacerbated

Notification has been received in relation to a petition with 193 signatories [Save Beacon Baptist Church Killisick from Demolition for Housing. petition · save beacon baptist church, killisick from demolition for housing · change.org](#)– the comments have been included within the summary above

1 letter of support has been received commenting that the building is empty and the site is vacant – it would be good for the land to be redeveloped or incorporated into the adjacent community centre.

Further consultations on revised plans were undertaken in February 2023 – 2no. further representations were received raising the following comments:-

- Impact of residential development on highways and pedestrian safety
- Increase of on street parking issues
- 2 and half storey height building would be out of character
- There are no house designs and therefore cannot assess impact on amenity in terms of overlooking
- Devaluation of property in the area
- Further consideration needs to be given to alternative uses rather than residential development

5.0 Assessment of Planning Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

Development Plan Policies

The following policies are relevant to the application.

5.2 The National Planning Policy Framework (2021) sets out the national objectives for delivering sustainable development. Sections 2 (Achieving Sustainable Development), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places) are particularly relevant in this instance.

5.3 The Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:

- Policy A (Presumption in Favour of Sustainable Development) sets out that a positive approach will be taken when considering development proposals.
- Policy 2 (The Spatial Strategy) identifies the settlement hierarchy to accommodate growth and the distribution of new homes.
- Policy 8 – (Housing Size, Mix and Density) sets out the objectives for delivering new housing.
- Policy 10 (Design and Enhancing Local Identity) sets out the criteria that development will need to meet with respect to design considerations.
- Policy 12 (Local Services and Healthy Lifestyles) sets out that to protect community facilities there should be a mechanism to control alternative uses to ensure that their continued use is fully explored.

5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

- LPD 11: Air quality - states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.
- LPD 32 (Amenity) states that planning permission will be granted for development proposals that do not have a significant adverse impact on

the amenity of nearby residents or occupiers, taking into account potential mitigation measures.

- LPD 33 (Residential Density) sets out criteria for residential densities.
- LPD 35 (Safe and Accessible Inclusive Development) sets out the design criteria for new development.
- LPD 40 - Housing Development on Unallocated Sites) provides that Planning permission will be granted for residential development on unallocated sites not within the Green Belt subject to the criteria listed in the Policy.
- LPD 56 (Protection of Community Facilities) seeks to prevent the loss of community facilities.
- LPD 57 (Parking Standards) sets out the requirements for parking.
- LPD 61 (Highway Safety) sets out that permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.

5.5 Supplementary Planning Documents/Guidance

- Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) sets out parking requirements.
- Air Quality and Emissions Mitigation Guidance for Developers(2019)

6.0 Planning Considerations

Principle of Development

6.1 The National Planning Policy Framework establishes the principle of development in favour of sustainable development with paragraph 11 identifying the need to approve development proposals that accord with an up-to-date development plan without delay. This national presumption in favour of sustainable development is also reflected in the Adopted Core Strategy Policy A. The proposal therefore accords with the NPPF and ACS Policy A and the Spatial Strategy of urban concentration and regeneration as set out in ACS Policy 2.

6.2 The application would bring back into a viable use an existing site which has been vacant and unused for some years and which falls within the urban area of Arnold and is therefore considered an efficient use of land in accordance with Section 11 of the NPPF. The surrounding area comprises a mix of residential properties and a community centre. Killisick Recreation Ground lies to the south with a local parade of shops to the south west. There is also a bus stop with a regular service to Arnold and Nottingham City Centre which are all within a short walking distance of the site.

Loss of a Community Asset

6.3 Notwithstanding the above it is noted that the proposal would result in the loss of the vacant main church building and associated church halls and outdoor areas.

Of particular relevance to this application Paragraph 93 of the NPPF (2021) provides that planning decisions should guard against the unnecessary loss of community valued services and facilities.

The subtext of Section 12 of the ACS (2014) sets out that a mechanism be put in place to protect community facilities to ensure that their continued use is fully explored.

Paragraph a) i) of Policy LPD 56 of the LPD is also relevant to this proposal. This provides that permission would not be granted for proposals that would result in the loss of existing community facilities unless alternative provision exists with sufficient capacity which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys.

Paragraph a) iv. of this policy also provides that it should be demonstrated that the existing community facility is no longer economically viable, or its continued use explored as to whether it would be feasible or practicable.

Part b) of this policy provides that where it is demonstrated that an existing community use is not viable etc preference will be given to the change of use or redevelopment of alternative community uses before other uses are considered.

6.4 The Design and Access Statement submitted with the application provides information that the church and associated grounds have been vacant for some time and are in a poor condition following water damage to the building and the discovery of asbestos.

6.5 Remedial works and restoration of the building would be extensive and beyond the means of the local church. Furthermore the lettings for additional activities to the church serves had dwindled and relocated and the congregations when the church was open were reducing and prior to closure were very small. This, together with the lack of income, would make restoration of the building uneconomic and unviable and the site was handed back to the national Baptist Church body as custodial trustees when it closed. The regional Baptist church has unsuccessfully tried to re-establish a new church within the building.

6.6 Congregations now attend alternative Baptist churches in Daybrook and Mapperley. There are also other community facilities adjacent to the site and within the local area. I am mindful that these alternative facilities would be reasonably accessed by private and public transport given that the site is on a regular public transport route.

6.7 Alternative uses for the site have been explored and under charity law the trustees of the Baptist Church have a duty to act in the best interests of the charity. As a result the trustees have determined that the sale of the site is in the best interests of the charity and as such the site has been offered for sale in accordance with the provisions of the Charities Act 2011. The Charities Act 2011 governs the marketing of the property and receipt of and acceptance of offers.

6.8 Marketing of the Site commenced in September 2020. It has been advised that at that time approximately 20 offers were made, 5 of which were from charities or community based operations but were not acceptable in terms of viability due to tenuous funding proposals or offers that were too low.

6.9 In September 2021 the building was successfully listed as an 'Asset of Community Value' pursuant to the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012. This means that if the owner wishes to dispose of the listed asset they must allow community interest groups to express an interest in the asset and if such an expression is received the owner has to observe a 6 month moratorium to allow an eligible group to prepare a bid for the asset.

The owner is under no obligation to sell the listed asset to such a community group and the group must offer market value. In this case a community group did express an interest and the full 6 month moratorium was observed. During this time the site remained on the market and negotiations were permitted by the above regulations but no contracts or binding agreements were exchanged between the owners of the site and any other parties. However by the end of the moratorium the interested community group were not in a position or did not have the resources to purchase the site. The property agent has confirmed in writing that there were no other expressions of interest or offers during the moratorium period and therefore there were no barriers for the owner to sell the site.

6.10 The vacant application site has been marketed since 2020 and the applicant has provided details of how it was marketed. It has also been advised that no successful offers for a community use of the site have been made either during the marketing process or during the moratorium period following the listing of the site as an Asset of Community Value. I am therefore of the view that a community use of the site has been appropriately explored but has been unsuccessful.

6.11 Taking into account the accessibility of alternative provision, the lack of economic viability to restore the existing church buildings and the marketing strategy that has been undertaken it is therefore considered that the proposal therefore accords with Section 8 of the NPPF (2021), Policy 12 of the ACS (2014) and Policy LPD 56 of the LPD (2018).

Impact on the character and appearance of the area (including density)

6.12 The surrounding area comprises predominantly two storey semi-detached dwellings set back from the highway some with dwarf brick walls and with driveways to the side and hardstanding areas to the frontages.

6.13 The application is in outline form with all matters except access and layout reserved for subsequent determination. The proposed access to and layout of the development as shown on the submitted block plan is considered acceptable and would not result in overdevelopment of the site or undue harm to its character and appearance, the immediate street scene or the wider area. Housing density would equate to 38 dwellings per hectare which would accord with policy LPD 33 which sets a figure of not less than 30 dwellings per hectare.

6.14 Whilst matters of scale, appearance and landscaping are reserved for approval at a later stage, the Design and Access statement refers to two or two and half storey dwellings with accommodation in the roof. Given the nature of the existing street scene it may be likely that this could be acceptable but would require an assessment of the final scale and design which would be done at reserved matters stage. Similarly a full assessment of details of proposed landscaping would be considered at reserved matters stage.

6.15 Overall it is considered that the layout of the proposed development can be satisfactorily accommodated on the site and dwellings so designed in a manner that is not harmful to the street scene or out of keeping with the character of the area. In light of the above, it is considered that the proposal would accord with Section 12 of the NPPF, and Policy 8 and Policy 10 of the Aligned Core Strategy and Policy LPD 33, LPD 35 and LPD 40 of the LPD.

Residential amenity

6.16 The application is in outline form with only access and layout sought for approval at this time. It is considered that the proposed layout of the site is acceptable given the sites size together with its relationships and separation distances with neighbouring properties. It is also considered that the dwellings can be designed in terms of scale and positioning of windows in a manner that affords the neighbouring properties and future occupiers of the dwellings an acceptable standard of residential amenity.

6.17 Taking this into account it is considered that the proposed development accords with the aims set out in the Section 12 of the NPPF (2021), Policy 10 of the Aligned Core Strategy and Policies 32 and 40 of the LPD.

Highway Matters

6.18 The comments received with regards to on street parking and highway safety and the comments of the Highway Authority are noted. Each property would have at least 2 no. allocated off street parking spaces. The Highway Authority as the LPA's qualified technical advisors on highway safety and parking matters has been consulted and has reviewed the submitted layout plans which show the layout of and access points to the proposed dwellings. No objections are raised subject to the conditions noted within the consultation section of this report which are considered reasonable.

6.19 Taking the above into account it is considered that the proposed development would not be detrimental to highway safety and adequate the proposal is considered to accord with Section 9 of the NPPF (2021), policies LPD 50, LPD 57 and LPD 61 and the Parking Provision for Residential and Non-Residential Developments SPD (2022).

Other Matters

Consultation Process

6.20 With regards to lack of consultation from the developer, although encouraged by the Councils adopted Statement of Community Involvement (SCI) there is no statutory requirement for an applicant to undertake any consultation prior to submitting an application for planning permission. Notwithstanding this the Council has undertaken the correct statutory consultation process in accordance with Part 3 of the Town and Country Planning (Development management Procedure) (England) Order 2015 during the life of the application and the adopted SCI.

Housing Design

6.21 In relation to comments regarding the lack of house design details as noted this current application is in outline form only. Details of landscaping, scale and appearance will be submitted as part of a future Reserved Matters application. The application will however need to be in full conformity with the Design and Access Statement deposited with this outline planning application which sets out the parameters of scale.

Air Quality

6.22 An EV charging point would be required to ensure that the development is broadly sustainable and a Construction Emissions Management Plan in line with Policy LPD11 and the guidance in the Councils Air Quality and Emissions Mitigation Guidance for Developers to ensure that the amenity of occupiers of neighbouring properties is respected. These can be secured by condition.

Non material planning considerations

6.23 Devaluation of neighbouring properties

7.0 Conclusion

7.1 It is considered that the applicant has demonstrated that the retention and restoration of the church use is not viable, practical or feasible and the site has been marketed for some time without success. The layout of and access to the proposed residential development is considered acceptable and the proposed dwellings could be designed so that they would have no undue impact upon the application site, the street scene or its wider setting nor the amenity of neighbouring properties or highway safety.

7.2 It is considered that the proposed development therefore accords with Sections 2, 8, 9, 11 and 12 of the NPPF (2021), Policies 2, 8, 10 and 12 of the Aligned Core Strategy (2014) and Policies LPD 11, LPD 32, LPD 33, LPD 35, LPD 40, LPD 50, LPD 56, LPD 57 and LPD 61 of the Local Planning Document (2018), the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) and Air Quality and Emissions Mitigation Guidance for Developers (2019).

8.0 Recommendation: Grant full planning permission subject to the conditions listed and for the reasons set out in the report

Conditions

- 1 Details of scale, appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The development hereby permitted shall be completed in accordance with the submitted documents and plans - the Application Form deposited on the 8th February 2021, and the revised Block Plan deposited on the 27th May 2022.
- 4 At the time of the submission of reserved matters full details of the existing and proposed ground levels of the site and finished floor levels of the dwellings, including section drawings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 5 No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 6 No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed, and the access crossing reinstated as footway and full height kerbs.
- 7 No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
- 8 The development shall not be brought into use until the access driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 9 No development shall be commenced until details of the means of surface and foul drainage have been submitted to and approved in writing by

the local planning authority. The development shall be undertaken in accordance with the approved details.

10 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air (including noise and vibration) during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment.

All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

11 Prior to the first occupation of each of the individual dwellings hereby permitted that relevant property shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt and to define this permission.
- 4 To ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
- 5 In the interests of Highway safety.
- 6 In the interests of Highway safety.
- 7 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 8 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 9 To ensure a satisfactory means of drainage for the site.

- 10 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 11 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

Reasons for Decision

It is considered that the applicant has demonstrated that the retention and restoration of the church use is not viable, practical or feasible and the site has been marketed for some time without success. The layout of and access to the proposed residential development is considered acceptable and the proposed dwellings could be designed so that they would have no undue impact upon the application site, the street scene or its wider setting nor the amenity of neighbouring properties or highway safety. The proposed development therefore accords with Sections 9 and 12 of the NPPF 2021, Policies 8 and 10 of the Aligned Core Strategy (2014) and Policies LPD 11, LPD 32, LPD 33, LPD 35, LPD 40, LPD 56, LPD 57 and LPD 61 of the Local Planning Document (2018), the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) and Air Quality and Emissions Mitigation Guidance for Developers (2019).

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The development makes it necessary to construct/improve/reinstate vehicular crossings over the footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

The proposed development will include the demolition of the existing building which could contain asbestos materials. The Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present before demolition or other work is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan. If asbestos is not managed appropriately then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.

The lighting column and name plate may require relocation following the widening of the access fronting Killisick Road. The lighting column will need to be relocated by contacting the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80, and Gedling Borough Council for the street name plate. These works will be at the expense of the applicant.

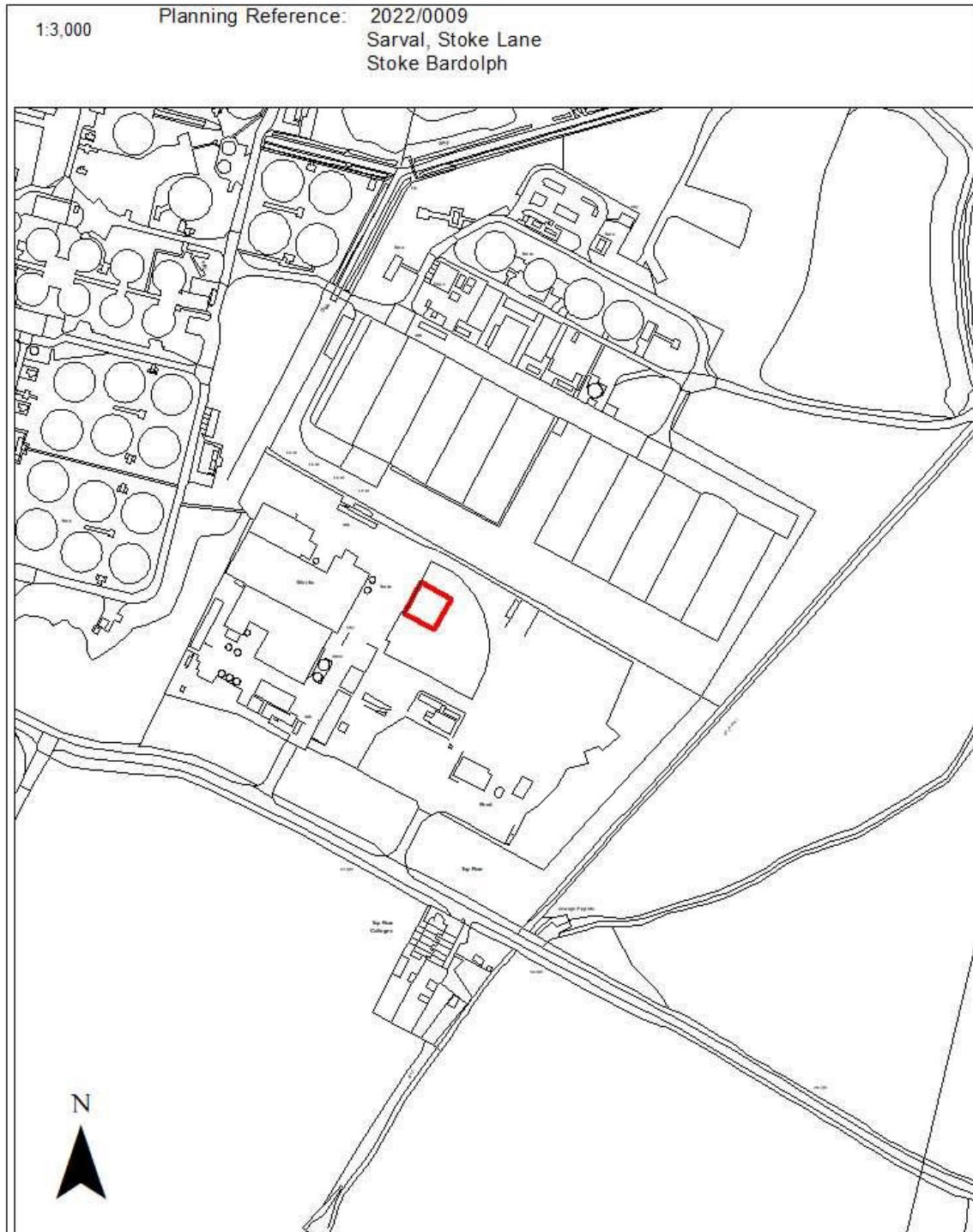
The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.



Planning Report for 2022/0009



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Serving People. Improving Lives

Date: 13/04/2023

Report to Planning Committee

Application Number:	2022/0009
Location:	Sarval Stoke Lane Stoke Bardolph NG14 5HJ
Proposal:	Erection of baggage storage facility on reft foundation.
Applicant:	Sarval (Nottingham) Ltd
Agent:	John Hill Associates
Case Officer:	Alison Jackson

The application has been referred to Planning Committee by the Planning Delegation Panel to allow matters in respect to Green Belt policy to be considered.

1.0 Site Description

- 1.1 Sarval is situated on the north side of Stoke Lane and comprises a group of industrial buildings which are used for animal bi-product processing. The plant site is generally flat.
- 1.2 The site is situated in the Nottingham Green Belt and within land at risk of flooding (Flood Zone 2).

2.0 Relevant Planning History

- 2.1 2017/0537 – permission granted for the erection of a lorry wash facility, comprising a concrete yard area, plinth, screening and a pump room building.

3.0 Proposed Development

- 3.1 Planning permission is sought for the erection of a detached building on the site to be used as a baggage storage facility for the storage of animal bi-products, the building would be constructed on a raft foundation.
- 3.2 The building is proposed to have an overall footprint of approx. 400 square metres.
- 3.3 The materials proposed to the finish of the building would be profile cladding.
- 3.4 During the processing of the application a Planning Statement was submitted to accompany the application to explain the requirement for the development as proposed and to provide a justification for the development in this Green

Belt location. The contents of this document are summarised below;

- 3.5 Whilst the site is located within the Green Belt, local and national planning policies state that the infilling and redevelopment of brownfield land is not inappropriate development and therefore the development would be appropriate in this location. It also concludes that the development as proposed would not have a greater impact on the openness of the Green Belt than the existing development at the site, the proposal would in fact improve the appearance of the site as storage would be contained within the proposed building rather than on the open areas of the site.
- 3.6 In addition to the above the document states that the proposed development would provide economic benefits in accordance with the economic strategy, providing investment in an existing business enabling a more efficient and sustainable operation and attract further investment in the future.
- 3.7 The site provides employment and the proposal would improve the working conditions of staff at the site. The use of the proposed building would also result in reduced noise emissions from the site as the loading of the storage bags would be undertaken within the confines of the building.

4.0 Consultations

- 4.1 A press notice was published, a site notice displayed and neighbour notification letters posted. As a result of the consultation undertaken no letters of representation were received.
- 4.2 Stoke Bardolph Parish Council – no comments received.
- 4.3 Nottinghamshire County Council (NCC) Highway Authority – no objections.
- 4.4 Scientific Officer (Contamination) – no objections.

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:
- 6.2 At the national level the National Planning Policy Framework (NPPF) (2021) is relevant. At the heart of the NPPF is a presumption in favour of sustainable

development. The NPPF sees good design as a key element of sustainable development. The following sections and paragraphs are particularly pertinent.

- Section 12 (Achieving well-designed places), Paragraph 124 states that “Good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities”.
- Section 13 (Protecting the Green Belt) Paragraph 134 outlines the 5 purposes served by the Green Belt.
- Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) states at paragraph 159 that development in flood risk areas should be made safe for the developments lifetime without increasing flood risk elsewhere.

6.3 Paragraph 137 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.

6.4 Paragraph 138 goes on to state the five purposes of Green Belt:

- a) to check the unrestricted sprawl of large built up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.5 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.

6.6 Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with a few exceptions, see below:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) 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; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.7 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:

- Policy 1 (Climate Change) – sets out the policy in respect to climate change.
- Policy 3 (The Green Belt) – sets out the policy with respect to the Green Belt.
- Policy 10 (Design and Enhancing Local Identity) sets out the criteria that development will need to meet with respect to design considerations.

6.8 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:

- LPD 3 (Managing Flood Risk) states that planning permission will be granted for development subject to a number of criteria including that the development does not increase the risk of flooding on the site or elsewhere.
- LPD 7 – Contaminated land - sets out the approach to land that is potentially contaminated.
- LPD 15 - Infill Development within the Green Belt Within the villages of Linby, Papplewick and Stoke Bardolph, those parts of Lambley and Woodborough that are within the Green Belt and within the boundaries of previously developed sites within the Green Belt, the construction of new buildings is not inappropriate provided:
 - a. the scale of development is limited;
 - b. the proposal is for the development of a gap within a village or site which is enclosed by buildings on at least two sides;
 - c. the proposal is for development within the fabric of the village or a previously developed site;
 - d. the proposal does not have a detrimental impact on the openness of the Green Belt or the reasons for including land within it;
 - e. the proposal does not adversely affect valuable views into or out of or in the village or site; and
 - f. the proposal is in keeping with surrounding character in terms of height, bulk, form and general design.
- LPD 32 (Amenity) states that planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

- LPD 61 – Highway Safety - states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

7.0 Planning Considerations

Principle of the development and Impact on Visual Amenity

- 7.1 Having regard to paragraph 149 of the NPPF this states that the construction of new buildings within the Green Belt constitutes inappropriate development and lists a few exceptions to this, as set out above. The proposal does not fall within one of the exceptions as listed under a) to f) and therefore in respect to these exceptions the proposal would constitute inappropriate development.
- 7.2 However the last exception under this paragraph states;
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)
- 7.3 In this respect is it considered that as the proposed building would be located within the confines of the existing industrial site which would be considered as previously developed land, as defined in annex 2 of the NPPF, the construction of a new building could be considered appropriate development in this Green Belt location however the latter part of paragraph 149 has to be taken into account in regard to all the possible exceptions listed, this latter part of the paragraph states:
- not have a greater impact on the openness of the Green Belt than the existing development;
- 7.4 So whilst I would agree that the erection of the proposed building would be considered as the partial redevelopment of previously developed land, (g), the proposal has to result in no greater impact on the openness of the Green Belt than the existing development.
- 7.5 It is this aspect therefore that the proposal does not meet, the building as proposed would equate to approximately 400 square metres in floor area which is my opinion is a significant footprint on this area of the Sarval site which is currently free of built form. Therefore, given the location of the proposed building, together with its scale, it is considered the proposal would not satisfy any of the exceptions listed under paragraph 149 of the NPPF and as it would reduce the openness of the Green Belt it would result in inappropriate development in the Green Belt.
- 7.6 Policy LPD15 also sets out that new buildings in the Green Belt can be considered appropriate provided they meet all of the criteria in a) to f) as set out above.
- The proposal would be considered as development of previously developed land which would meet criterion c) and it would not affect valuable views into or out of the site which would meet criterion e),

however the other criteria in this policy are not met: the development cannot reasonably be described as being limited given its scale; the development is not the development of a gap within a village or site which is enclosed by buildings on at least two sides; the proposal would have a detrimental impact on the openness of the Green Belt given its scale and siting; and the proposal would not be in keeping with the surrounding character given that this area of the site is free from built form.

- 7.7 The proposal would therefore be considered inappropriate development and such inappropriate development is harmful to the Green Belt by definition and should not be approved except in very special circumstances. Whilst it is noted that the applicants agent has submitted a document in support of the proposal and having considered its contents fully it is not considered that very special circumstances have been put forward to support the proposed development and therefore very special circumstances have not been demonstrated. The proposed development is therefore contrary to Section 13 of the NPPF and LPD 15.

Flood Risk

- 7.8 It is noted that the site is situated within Flood Zone 2 and therefore the application should have been accompanied by a Flood Risk Assessment (FRA) and this has not been provided with the application. It is noted from the Planning Statement submitted by the applicant's agent that it is disputed that a FRA should be submitted however, the site is situated within Flood Zone 2 and therefore as advised in the Department for Environment, Food & Rural Affairs and Environment Agency 'Flood risk assessments if you're applying for planning permission' guidance (2014) a FRA is required. In this instance the submission of an FRA has not been pursued given the fundamental concerns raised above in regard to the appropriateness of the development in this Green Belt location. The application is therefore deemed contrary to guidance within the NPPF and policy LPD3.

Highway Safety and Parking

- 7.9 As the existing access arrangements into the site would be utilised in order to gain access to the site and off road car parking would remain at the site there are no highway safety or parking implications arising in this instance. The application is therefore deemed to comply with policy LPD61.

Impact upon residential amenity

- 7.10 Given the nature of the development and the relationship and distance with neighbouring properties the development would result in no undue impact on neighbouring residential amenity. The application is therefore deemed to comply with policy LPD32.

8.0 Conclusion

- 8.1 Taking the above into account, it is considered that the proposal would have a

harmful impact upon the openness of the Green Belt and would represent inappropriate development within the Green Belt. The proposal is therefore contrary to Section 13 of the NPPF and LPD 15 and planning permission should be refused. Furthermore, insufficient information has been submitted in respect of possible impacts from flooding, contrary to policy LPD3. Whilst there is not considered to be conflict with other mentioned policies, this is not considered to outweigh the overriding identified harm.

Recommendation: Refuse Planning Permission for the following reasons:

Reasons

- 1 It is considered, given the location, size and scale of the proposed building, the proposal would harm the openness of the Green Belt therefore resulting in inappropriate development in the Green Belt without very special circumstances demonstrated to outweigh the harm identified, contrary to Section 13 of the NPPF and LPD15.
- 2 No site specific flood risk assessment has been submitted in support of the application and, as such, the flood risks posed by the development is unknown. The application is, therefore, deemed contrary to the NPPF and policy LPD3 of the Local Planning Document.

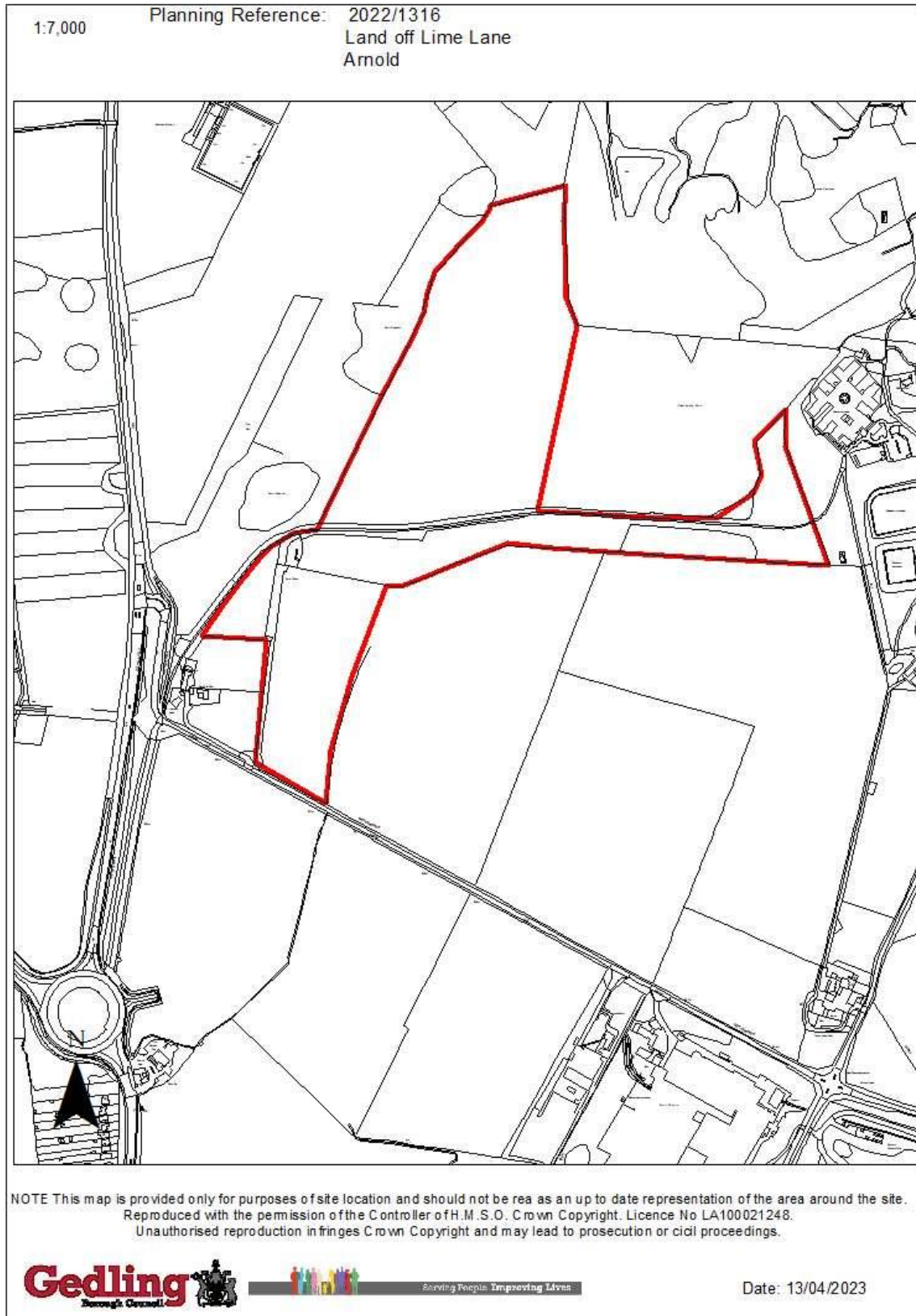
Notes to Applicant

Planning Statement - There are fundamental policy objections to the proposal and it is considered that these cannot be overcome. In order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions, which cannot resolve the reasons for refusal, to facilitate a decision in a timely manner.

You are advised that as of 16th October 2015, the Gedling Borough Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website.



Planning Report for 2022/1316



Report to Planning Committee

Application Number:	2022/1316
Location:	Land Off Lime Lane Arnold. NG5 8PW
Proposal:	Use of land for outdoor sports and recreation, siting of structures for ancillary storage, office and refreshments, and associated track, car park and infrastructure (additional details of car parking and zone layouts).
Applicant:	J Hammond & Co
Agent:	Savills UK Ltd
Case Officer:	Bev Pearson

The application has been referred to Planning Committee by the Planning Delegation Panel to allow the impact upon the openness of the Green Belt to be considered.

1.0 Site Description

1.1 The application site is located on the northern side of Lime Lane approximately 1.7km from the northern edge of the urban area of Redhill. The site area is circa 23 hectares based on the completed planning application form. It was previously agricultural land with areas of dense woodland but is currently operating as a recreational/outdoor activities use comprising a maze, bush craft, outdoor cinema, laser tag and archery/axe throwing separate zones. The site is accessed from Lime Lane by a gravel track leading to an informal car parking area. Within the site are a number of ancillary structures including several storage containers, box trailer café, ticket hut and portaloos adjacent to the car parking area, various structures/paraphernalia within the laser tag zone, within the forest school/bush craft and outdoor cinema zone and within the archery/air rifles/crossbows/axe throwing together with a large spectator stand within the maze zone.

1.2 The main part of the application site is at a higher level with the land and access track rising from the Lime Lane towards the north and east. To the west of the access track are a number of residential properties whilst to the east and north is arable land

1.3 The site is located within the Nottingham-Derby Green Belt.

1.4 The site activities are operated by B2B Limited and 'Into the Forest'.

2.0 Proposed Development

2.1 Full planning permission is now sought to retain the use of the site for the following activities:-

2.2 Laser Tag – with an average of approximately 8-10 games per month with approximately 10-30 players. Games would take place between 10am and 4pm. This would operate all year round. Items and structures within this zone include metal barrels, tyre walls, pallet clusters, satellite dish and wooden enclosures.

2.3 Archery/air rifles/crossbows/axe throwing – with an average of 10-15 persons per session between 10am and 5pm. This would operate all year round. Structures within this zone comprise wooden target boards and shooting stands fixed to the ground with the shooting area delineated by fencing.

2.4 Forest school/Bushcraft – this would operate on Tuesdays and Thursday throughout August between 10am and 1pm with an average of approximately 20 children. The operator works closely with Catch 22 an initiative for young people funded by the Education department and has associations with a number of schools and cubs/scouts and guide groups. Structures associated with this use include a wooden shelter and fire pit.

2.5 Maize Maze – this would operate from the end of July to the end of October open daily from 10am-5pm throughout the school holiday period with an average of 50-60 people daily. There would also be seven night time sessions which would run throughout October between 7pm-11pm with an average of approximately 100 people per session. The maze location is rotated each season and is harvested after October. There is a large spectator stand associated with this zone. Which is relocated each season to the maze area.

2.6 Outdoor Cinema nights – 8no. events would take place between May and October between 6.30pm and 11pm. Structures on site associated with this use include tarpaulin covers and stage for the screen.

2.7 It should be noted that although a bonfire night is referred to in the Planning Statement, this does not form part of the application. This has been confirmed by the applicant

2.8 In addition to the paraphernalia noted above there is lighting and several buildings/structures located within the site comprising:-

- Storage containers/solar panels/trade waste bins/generator/portable external light.
- Portaloos and Picnic Benches
- Ticket booth
- Spectator Stand

2.9 The surfaced access track which extends from Lime Lane for a distance of 335m leading to circa 1,410 sq.m of surfaced parking area which accommodates up to 55 vehicles.

2.10 The application has been accompanied by and assessed against the following plans and supporting documents:-

- Revised Site location Plan (deposited on the 15th February 2023)
- Floor Plans of buildings (drg. no. 438579/02 deposited on the 27th January 2023)
- Elevations of storage buildings (drg. no. 438579/03 deposited on the 31st January 2023)
- Revised Site Layout Plan deposited on the 10th March 2023
- Detailed Layout Plan of Activity Zones deposited on the 17th March 2023
- Car Park layout Plan deposited on the 29th March 2023.
- Planning Statement
- Noise Impact Assessment
- Ecology Survey and Addendum
- Transport Statement and Car Park Statement

3.0 Relevant Planning History

3.1 It has come to officer's attention that the activities outlined above together with bonfire night and Halloween maize events and several music festivals have previously taken place at the site without the benefit of any planning permission. The larger festivals in particular have been the subject of a number of complaints regarding noise, highway and anti-social behaviour which have been investigated by Nottinghamshire County Council Highway Authority and Gedling Borough Council Environmental Health officers.

4.0 Consultations

4.1 Nottinghamshire County Council Highways Authority – outdoor activities are understood to have been taking place since 2018. Taking account of the 1 incident noted in the Transport statement (which is not shown on Highway Authority Data) this represents a low risk of further incidents taking place as per the Institution of Highways and Transportation Personal Injury Collision Plot Table (PIC) – the Highway Authority are therefore unable to conclude that the development will exacerbate an existing road safety problem.

The Transport Statement states that a visibility splay of 2.4m x 215m can be achieved at the site access looking left commensurate with the 60mph speed limit and 2.4 x 164m when looking right which is considered sufficient when vehicles come first into view around the 90 degree bend.

In terms of traffic generation the majority of trips will take place outside of peak times and is unlikely to materially change the existing situation in these time frames. The likelihood of the development causing severe impact on the network is therefore considered low.

With regards to parking provision the Transport assessment shows a theoretical demand of 48 spaces with 55 marked spaces shown on the plan. Existing parking practices have had no adverse impact on the public highway –

formalised parking should however provide disabled spaces in line with the Highway Design Guide.

No objections are therefore raised subject to conditions requiring the site access being surfaced in a bound material for a minimum distance of 10m from the back edge of the highway which should be provided with a means of drainage within 3 months any permission and three disabled parking spaces shall be provided in accordance with details to be submitted to and approved in writing by the LPA.

It is unlikely the development would generate any traffic by foot, particularly as there are no footways along Lime Lane. There are no pedestrian safety concerns.

4.2 Gedling Borough Council Environmental Health - advise a suitably worded condition be attached should permission be granted in relation to restriction of noise levels emitting from the site. There has also been no issues reported regarding ASB and Parking other than when there was a festival taking place.

4.3 Health and Safety Executive – the application does not fall within any HSE consultation zones. Therefore no comments are made.

4.4 Environment Agency – the development falls within flood zone 1 and therefore no fluvial flood risk concerns are raised. There are no other environmental constraints which would fall within the remit of the Agency.

4.5 Nottinghamshire Wildlife Trust – conclude that the ecology report has not sufficiently assessed the likely impacts of the various activities on the site. The report lacks essential detail such as a desk top study informed by local biological records data, comprehensive habitat descriptions (the site visit was undertaken outside of optimal season for botanical species) and evidence led assessments informed by species specific surveys. It is recommended additional survey effort is secured and subsequent data used to produce an Ecological Impact Assessment and a detailed Woodland Management Plan is produced.

No additional comments have been made following consultation on the addendum report.

4.6 Gedling Borough Council Tree Officer - concerns were initially raised that the use of land as described for recreation activities, siting of structures and car parking, may cause an impact on the long-term safe retention of trees on site. There is no mention of surfacing of carpark areas, proximity to trees, foundation/ base layers for structures or siting of any underground utilities.

If any excavations or changes in levels are proposed, then an appropriate tree survey in accordance to BS 5837:2012 Trees in relation to design, demolition and construction would be required.

Following the receipt of the agent's response to these comments the Tree Officer considers these to be reasonable and that the levels of the activities

would have a low impact on trees. It is suggested that high impact activities on the site should be controlled if planning permission is granted.

4.7 Members of the Public

Neighbouring properties were consulted on the original application and on revised details on the 6th February 2023, 16 March 2023 and 29th March 2023. A press notice has been posted and a site notice posted on the on the 22nd February 2023.

A total of 17 representations have been received raising the following concerns:-

- The site has been and is still being used unlawfully – structures also remain on site which contravenes the 28 day temporary use allowed under permitted development.
- Noise impact from cinema and any events with amplified noise – there have been previous issues with noise impacts from events held at the site
- Lighting pollution from cinema
- The unsustainable location of the site – the majority of visitors would go the site by car leading to increased pollution
- No details of light spill on buildings
- Anti social behaviour
- Visual impact – the site can be seen from the highway
- Impact of bonfire and Halloween events in terms of noise, light pollution, highway issues
- Highway safety in terms of access
- Pedestrian safety – there is no footpaths or street lights and the road which is a major link to Arnold, Gedling and Mapperley is 60mph
- The area is covered by a TPO – selective thinning of trees is questioned
- Insufficient parking
- There is no need for an additional venue such as this
- The red line site plan submitted with the application is inaccurate
- Could 286m of hedgerow be repaired renewed if permission granted
- The existing drive and car park are unlawful and are not included in the application
- The toilet provision is insufficient
- Questions how the landowner has been working with GBC as the land is being used unlawfully and the Council would have actively enforced the 28 day permitted development laws
- The ancillary buildings have been on site during the applicants alleged discussions with GBC according to Google Earth
- The application states there are no hazardous substances – the mobile food providers would require propane gas
- Impact on wildlife

- Location of the site and weather conditions affects how noise travels – at night background noise levels are lower when the cinema operates – figures in the Noise Assessment are not realistic – it is flawed and not robust
- The applicant should have been aware of the need for planning permission – are Catch 22 aware that the use of the site is unlawful
- Has the adjacent Prior hospital been consulted on the proposal
- The Planning Statement refers to bonfire night event – this is not part of the application
- The Transport Statement is incorrect in terms of pedestrian and cycle accessibility
- The Council has issued a license for an unlawful use.
- The planning statement is contradictory - There is insufficient detail in the application to ensure that neighbouring amenity would be safeguarded
- The proposal does not accord with Green Belt Policy – there are structures permanently located on site, car parking and large gatherings of people which will impact on the Green Belt – there are no special circumstances
- The proposal impacts on the countryside setting of the site
- There are inconsistencies in the supporting documents in terms of operational hours and employment benefits
- If permission were to be granted PD rights should be removed to prevent temporary uses of the site to ensure that its use is fully controlled.
- The ecology survey should be reviewed by an independent 3rd party on a regular basis if permission is granted.
- There are currently noise issues from bird scarers

A total of 25 representations have also been received in support of the proposal

- The site is well used provides a large public benefit to the community
- A credit to the area – well organised and safe with excellent activities
- It supports the local economy and job creation
- Enhances local facilities and opportunities for children and families
- Brings people in from outside the area which boosts the local economy
- Local owners are investing time with local communities
- There is a need for more rural businesses in the area to benefit the local community
- The site is eco-friendly, accessible and well maintained in terms of woodland and the environment respecting wildlife and habitats
- The activities are well attended and managed

A letter of support has been received from Cllr Boyd Elliott which comments that the business has grown in strength with new ideas to meet the challenging times, it is very popular with an existing contract for children to attend with NCC, it supports the local businesses and the local economy and provides employment opportunities.

5.0 Assessment of Planning Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

Development Plan Policies

The following policies are relevant to the application.

5.2 The National Planning Policy Framework (2021) sets out the national objectives for delivering sustainable development. Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 9 (Promoting sustainable transport), Section 12 (Achieving well-designed places), Section 13 (Protecting Green Belt Land) and Section 15 (Conserving and enhancing the natural environment) are particularly relevant in this instance.

5.3 The Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:

- Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals
- Policy 3: Green Belt – sets out the policy with respect to the Green Belt.
- Policy 4: Employment Provision and Economic Development – sets out criteria for development in rural areas that strengthens or assists diversification of the rural economy and provides a source of local employment.
- Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

- LPD18 – Protecting and Enhancing Biodiversity - sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.
- LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.

- LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD 47: Rural Diversification – sets out criteria for rural and employment business proposals.
- LPD 57: Parking Standards – sets out the requirements for parking.
- LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs

5.5 Supplementary Planning Documents/Guidance

- Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) sets out parking requirements.
- Air Quality and Emissions Mitigation Guidance for Developers(2019)

6.0 Planning Considerations

Appropriateness of the development in the Green Belt

6.1 The Government places great importance on the protection of the Green Belt with the fundamental aim of keeping land permanently open. As the proposal is located within the Green Belt, considerable weight should be given to its protection.

The site is located within the Green Belt. Paragraph 138 of the National Planning

Policy Framework states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.2 Paragraph 147 of the NPPF states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to state 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.

Paragraph 149 of the National Planning Policy Framework provides that the construction of new buildings as inappropriate in the Green Belt but identifies certain exceptions to this.

Paragraph 149 b) identifies an exception in terms of the provision of appropriate facilities in connection with the existing use of land for outdoor sports and recreation providing they preserve openness and do not conflict with the purposes of including land within the Green Belt.

Paragraph 150 at sub paragraph e) of this document also identifies that material changes of use of land (such as changes of use for outdoor sport and recreation) may be considered appropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

6.3 It is noted that there is no planning policy within the Local Planning Document (2018) that is directly relevant to the consideration as to whether this proposal is appropriate or inappropriate development within the Green Belt.

6.4 The applicant has stated within the Planning Statement that the proposed retention of the use of the site for recreation and outdoor sporting activities would meet the exception of development which may be considered appropriate set out in paragraph 150 e) of the NPPF and the associated structures to support the use would accord with Paragraph 149 b) of the NPPF and therefore very special circumstances need not apply.

6.5 It is considered that this statement is not correct. The application does not just relate to the use of the land but also the structures and equipment and the access track and car park.

The change of use of the site for outdoor recreational or sport activities may be considered appropriate within the Green Belt in accordance with paragraph 150 e) of the NPPF.

Paragraph 149 b) may allow for appropriate facilities in connection with the use of the land.

However the presence of the associated structures on the site (which include storage containers (which are not considered to be readily movable by virtue of their not insignificant scale, bulk and materials), trade waste bins, and various paraphernalia stored behind the storage containers, the portaloos, ticket booth, benches, laser tag, bushcraft, cinema and archery/air rifle/shooting/axe throwing paraphernalia, refreshment trailer and the spectator stand which facilitate the activities are considered by virtue of their siting, scale and massing and their cumulative impact on the appearance of the site to result in the reduction of the openness of the Green Belt's spatial aspect. As such they fail to preserve the openness of the Green Belt setting of the site and conflict with the purposes of including land within it therefore it is considered that the above facilities do not meet the exception in para 149 b) are inappropriate development. Consequently by virtue of inappropriateness, this would be by definition harmful to the Green Belt.

6.6 The applicant has proposed to clad the storage containers and to remove those serving the seasonal activities at the times when they are not in use. However, a number of storage containers, the ticket booth, portaloos and the spectator stand together with the paraphernalia sited within the laser tag, bushcraft and archery/air rifle/axe throwing zones would still remain on site. As set out above the remaining structures would be considered to fail to meet the exception of development set out in in Para 149 b) of the NPPF and so would constitute inappropriate development and would be considered to harm the Green Belt setting of the site.

6.7 Furthermore Paragraph 150 b) identifies engineering operations as also being an exception of development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Although the track leading from the access on Lime Lane and the car parking area may be considered to result from an engineering operation, given the substantial extent and width of the track and the substantial extent of the car park area (for which there is no clear or reasonable justification for its size other than to provide parking to serve the outdoor activities operating from the site) these features are also considered to further add to the reduction in the openness of the Green Belt's spatial aspect. They would therefore be inappropriate development resulting in harm to the Green Belt and the reasons for including land within it given their urbanising characteristics. Moreover in order to meet the requirements of the Highway Authority, the access would need to be formerly constructed and hard surfaced for a minimum distance of 10m behind the nearside carriageway edge and provided with drainage. This would further exacerbate the impact of the track and car park on the Green Belt setting of the site and result in further harm. There would also still be clear views of the access and associated surfacing and views of the car parking area, including parked vehicles, from the public realm which adds to the reduction.

6.8 I note that whilst some screening of the track and car park by hedgerow as suggested by the applicant may help to mitigate some visual impact of these features and reduce to some degree their harm there would still be the likelihood of visibility into the site from Lime Lane, particularly including during night time events when lighting would be likely to be evident within the woodland. In my view this is therefore only likely to carry limited weight in the balance.

6.9 Furthermore whilst there is no specific definition of openness in the NPPF, there have been a number of high court decisions which have discussed the matter. It is considered that openness is a concept that relates to land that is not built upon. In determining previous appeals for development in the Green Belt at the Ramper Covert site the Inspector, taking due regard with case law, was of the view that openness has both a spatial and a visual aspect. The former can be taken to mean the absence of built form. There is clearly a difference between openness and visual impact. Therefore although a visual impact may be mitigated by screening, spatially openness is epitomised by the lack of built form and not by built form that is unobtrusive or camouflaged or screened in some way. Therefore the access track and car park fail to meet the exception in paragraph 150 b) and are considered inappropriate development.

6.10 As inappropriate development in the Green Belt is by definition harmful, in order for a development to be acceptable, very special circumstances must exist to not only bring the development back to a neutral impact but must clearly outweigh any harm.

Very Special Circumstances

6.11 The applicant has outlined in the planning statement submitted with the application what they consider to be the social, economic and environmental benefits of the proposal which they consider would outweigh the harm to the Green Belt identified above. These include economic benefits to the local economy by virtue of supporting local businesses and the retention of employment for between 6 and 14 members of staff during off peak months an up to 45 staff in peak periods.

It is accepted that there would be some positive spin-offs from any increase in visitors to the Borough. In terms of local economic benefit it is acknowledged that there may be some positive impact arising for the business itself and others in the local area. It would be considered to create and sustain some employment. It is noted that the Planning Statement notes that in terms of benefits the site operators work with of the Nottinghamshire County Council and Nottingham City Council education schemes and 'Catch 22' an initiative for young people and that there would be ecological enhancements of the site. It is also accepted that from supporting representations there is some public benefit in terms of the site being accessible, well attended and maintained and ecologically friendly.

In the planning balance some weight has to be attached to these benefits. However, having carefully considered these benefits it is considered that they would not be so significant to outweigh the harm to the Green Belt identified above.

It is more often than not likely to be issues of need and the availability of alternative sites which would assist with demonstrating that such very special circumstances exist. However no robust evidence has been provided in terms of demonstrating a clear and convincing need for the proposal to be located at this site. Being mindful of the natures of the activities it is unlikely the business operation would be sited in an urban area. If the activities therefore require a rural setting these sites within the Borough are washed over by Green Belt and as such the same Green Belt policy issues would occur.

It is noted that screening has been proposed to the access track and the car park, however even such development that is completely invisible remains by definition adverse to openness so whilst it is not incorrect to place visual impact in the planning balance it is unlikely to ever provide the very special circumstances required to outweigh the harm.

6.12 Taking the above into consideration including the comments received in support of the proposal it is not considered that such benefits would be so significant to clearly outweigh the identified harm to Green Belt and would not represent very special circumstances which would justify the retention of the

use of and retention of associated structures and access track and car park on the site.

The proposal therefore fails to accord with Section 13 of the NPPF (2021) Impact on Character and appearance of the area (including landscape character)

6.13 The Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape.

The site falls within landscape zone MN015 Dumbles Rolling Farmland policy zone which has a strong landscape character and good landscape condition. The proposal would result in the introduction of structures and paraphernalia together with an access tack and car park that would introduce an urbanising effect into an area that would normally have no such elements. Whilst it is accepted that the site where the activities take place is set some distance from the highway and within a largely wooded area there would be some views into the site, particularly the parking area from the access track. There is existing lighting amongst the trees, albeit this appears to be low level and it is likely that there would be a need for external lighting for night time activities.

Additionally, it is likely that the surfacing of the access as required by the Highway Authority would result in an impact on the landscape setting of the site in that the works would result in a formalised access giving a more urbanised feel to the area.

6.14 Taking into account the above matters it is considered that the retention of the activities with the associated structures and equipment and the retention of the track and parking area and surfacing of a large length of the track would have a significant impact on the character and appearance of the rural area.

6.15 The proposal therefore fails to accord with Section 12 of the NPPF, Policy 10 of the ACS (2014) and Policy LPD 19 of the LPD (2018021)

Impact on Highway Network

6.16 Section 9 of the NPPF (2021) sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the highway network would be severe. Policy LPD61 of the LPD also fails to support development that would have a detrimental impact on highway safety.

6.17 The application site is accessed via an existing gated gravel surfaced track from Lime Lane serving the both the existing adjacent agricultural use and the sport and recreational business that has been operating at the site.

6.18 The applicant has submitted a Traffic Assessment which indicates that visibility splays of 2.4m x 215m to the east and 2.4m x 164m to the west which is the maximum sight achievable to the corner of Lime Lane can be achieved.

Given that whilst activities have been operating at the site official records between 2017 and 2021 show no collisions, with one accident witnessed in 2022, the Transport Statement does not consider that there are any existing highway safety issues that would be exacerbated by the proposals.

6.19 The Transport Statement accepts that given the required rural location for the nature of the outdoor activities that are undertaken at the site the majority of journeys to the site would be by car and bicycle.

6.20 With regards to vehicular trip generation the Transport Assessment considers that vehicle trip generation would not have a severe impact on the local highway network with trips associated with regular site activities and periodic events being outside peak hours.

6.21 The Highway Authority as the LPA's qualified technical advisors on highway safety and parking matters have been consulted and have reviewed the Transport Assessment and plans submitted with the application and have raised no objections subject to conditions relating to the bound surfacing and drainage of the site access and the provision of 3 disabled parking spaces. It is also considered reasonable that a condition be attached requiring the car parking area to be laid out in accordance with the submitted car park layout plan.

6.22 Taking the above into account it is therefore considered that subject to the recommended conditions, the proposal would accord with Section 9 of the NPPF (2021) and policies LPD 57 and 61 of the LPD (2018) and Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) sets out parking requirements

Impact on Residential Amenity

6.23 Whilst it is accepted that the outdoor activities use of the site introduces activity and comings and goings to and from the site within the countryside given that the regular activities of laser tag, bush craft, archery/rifle shooting/axe throwing predominantly take place during the day and that some activities are seasonal it is not considered that level of activity that these would generate would be likely to be so significant to result in adverse harm to neighbouring amenity to justify refusal of planning permission on these grounds.

6.24 However I note the concerns raised with regards to noise issues from the outdoor cinema and individual evening events that have been previously held on the site which have resulted in noise complaints to Environmental Health Officers. Environmental Health as qualified technical advisors have reviewed the submitted Noise Impact Assessment. Although this refers to ideal conditions in relation to predicted noise levels Environmental Health have advised that it would be unreasonable to assess every type of potential external condition that may affect noise transference. However they have recommended a condition requiring the monitoring and recording of noise levels of cinema events or any

events that include live or recorded amplified music to ensure that that noise levels do not exceed 5db above back ground noise.

This level would be in accordance with the recommendations of BS 4142 which is used to assess noise levels from a use against background noise levels. At 5db below background noise levels this would be considered to be unlikely to result in noise issues. Furthermore Environmental Health Officers have also raised no concerns over external lighting.

6.25 The proposal would therefore be considered to accord with Policy LPD 32 of the LPD (2018).

Impact on Trees

6.26 Although part of the site falls within the woodland area the trees are not protected by a Tree Preservation Order. In response to the original comments of the Tree Officer the agent has confirmed that structures such as the storage containers and maize spectator stand together with the car park are located away from the trees. There are no excavations or changes in land levels. The activities that the application seeks to retain can be appropriately managed to ensure there are no adverse impacts on trees. The comments of the Tree Officer are noted in respect of this. The activities proposed to be retained on site do not relate to any high impact activities eg. quad or motor bikes.

Impact on Ecology

6.27 An Ecological Appraisal and Management Plan has been deposited with the application which has been reviewed by the Nottinghamshire Wildlife Trust. Their initial comments are noted. Following the submission of an addendum in response to these comments the Wildlife Trust has been consulted but has offered no further comment.

6.28 The findings of the Appraisal notes that some trees have the potential to support roosting bats. Barbestelle bats have been recorded circa 500m east of the site. The land and woodland within the activity zones provide minimum canopy and negligible understorey vegetation for Barbestelle bats that are present in wider woodland area which provides an optimal habitat. They are less likely to use the open aspect of the site that may sporadically be disturbed by evening activities and would be more likely to commute through the site via the eastern half of the woodland which is unused, undisturbed, unlit and offers a more favourable habitat.

6.29 The site does have the potential for foraging particularly the sheltered boundaries and tree canopies. However most of the outdoor activities are undertaken during the day. Those at night are sporadic and generally within summer months. Lighting is low level. Given undisturbed habitats are available in the vicinity the Assessment suggests that nocturnal animals would have alternative routes during the small number of evening events. A recommendation is made that enhancement for bats in the forms of the provision of bat boxes, sensitive lighting and habitat improvement would be made. This could be secured by condition.

6.30 In terms of Great Crested Newts the Assessment cites the nearest water body being 480m away at Ramsdale Golf Course. There are no other ponds in the direction of the site which would support the amphibians and given the abundance of suitable terrestrial habitat within 300m of the nearest water body it is unlikely that Great Crested Newts would disperse beyond this to the site further south.

The Assessment adds that games zones have been designed so as to avoid any impact. It is also unlikely that reptiles would forage in this poor habitat. A recommendation is made that habitat enhancement be provided including the creation of hibernacula refuges and infilling of gaps in hedgerow.

6.31 Other matters relating to breeding birds, badgers, hedgehogs, invertebrates, otters, water voles and White Clawed Cray Fish are raised in the Assessment. A Management Methodology has been included. Ecological enhancements are put forward to include the retention and maintenance of hedgerow and enhancement of existing habitats.

6.32 The Ecological Appraisal and Management Plan also puts forward a number of recommendations to enhance the ecological condition of the site which include selected thinning of trees, no works being undertaken inside the bird breeding season, the inclusion of hibernacula and the provision of bat and bird and owl nesting boxes (with annual maintenance)

6.33 Given that the Wildlife Trust have raised no further comment on the submitted Addendum to the Ecological Appraisal and Management Plan taking account of statements within the addendum document and given that this and the Ecological Appraisal and Management Plan have been undertaken by a suitably qualified ecologist there is nothing before me to dispute their findings or conclusions or the proposed recommended enhancements.

6.34 As such it is considered that the proposal accords with Section 15 of the NPPF (2021) and Policy LPD 18 of the LPD (2018) subject to planning conditions securing the mitigation measures.

Other matters

Rural Diversification

6.35 The Planning Statement states that the outdoor activities have developed to broaden the activities on the site over and above the Maize Maze to provide further income to support the wider farming business. Policy LPD 47 in relation to rural diversification would be relevant in this instance. This supports rural employment/business development proposals providing it accords with Green Belt policy. As noted within the Green Belt section of this report the proposal is considered to be inappropriate development in the Green Belt and therefore harmful and no very special circumstances have been put forward which would outweigh the harm.

As such the proposal would not accord with Policy LPD 47.

Temporary use of Land Permitted Development rights and unlawful use of the site

6.36 Comments received with regards contravention of the temporary use of land under Class B of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are noted. The structures and paraphernalia to facilitate the retained use of the site for the proposed outdoor activities have remained on site beyond the 28 day period in this calendar year. The applicant has been advised of this and that should permission be refused they would be unable to operate any event on the site within this calendar year as permitted development. With regards to comments received in relation to discussion between the landowner and the Council the applicant has been advised of the above and that an application seeking formal planning permission would be required to try and regularise the use of the land and the structures, paraphernalia and access track and car park area present on the site.

The removal of the aforementioned permitted development rights could only be achieved through a separate process of an Article 4 Direction pursuant to Article 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Any Article 4 Direction would need to be evidenced.

Accuracy of plans and submitted documents

6.37 An accurate revised red line site location plan has been submitted during the lifetime of the application which has been re-consulted on. With regards to inaccuracies within the various documents submitted with the application in terms of number of employees and operating hours, the details stated within the planning statement have been confirmed as being correct by the applicant. Details of these within the supporting documents are not so different to those in the Planning Statement to materially alter consideration of the application. Notwithstanding any discrepancy the applicant has confirmed the following opening hours:-

- Laser Tag take place between 10am and 4pm. This would operate all year round.
- Archery/air rifles/crossbows/axe throwing – session would operate all year round between 10am and 5pm.
- Forest school/Bushcraft – this would operate on Tuesdays and Thursday throughout August between 10am and 1pm
- Maize Maze – this would operate from the end of July to the end of October open daily from 10am-5pm throughout the school holiday period with an average of 50-60 people daily. There would also be 7 no. night time sessions which would run throughout October between 7pm-11pm
- Outdoor Cinema nights – 8no. events would take place between May and October between 6.30pm and 11pm.

Consultations

6.38 The comments regarding consultation with a neighbouring site are noted. All appropriate consultation exercises have been undertaken, including with the Priory Hospital.

Pollution/Hazardous Substances

6.39 The Councils Scientific Officer has verbally advised that there would be unlikely to be significant air pollution arising from vehicles accessing the site to justify refusal on these grounds. With regards to propane gas tanks this would be controlled by Public Protection Licensing and health and safety aspects would be checked on site.

Non material planning considerations

6.40 Issuing of a license for an unlawful development/toilet provision/repair/renewal of boundary hedgerow are not material planning considerations. These would be covered by separate legislation. In terms of a request for renewal/ repair of a boundary hedgerow this would be a private legal matter. The noise from bird scarers is not relevant to this application and is a matter dealt with by Environment Health.

7.0 Conclusion

7.1 Although the use of the site for outdoor and recreational activities would meet one of the exceptions of development identified in the NPPF as being considered appropriate in the Green Belt, the built form associated with this use in terms of the storage buildings, other structures and paraphernalia located within the site together with the access track and car park sited in areas where there have previously been no built form would have a material effect on openness of the Green Belt. As such these would be considered to be inappropriate development and by definition harmful to the Green Belt and would conflict with the purposes of including land within it. Whilst it is accepted that the activity zones are screened, the formation of an access to an acceptable specification to meet the local Highway Authority requirements will also result in harm to the character.

7.2 There would be glimpsed views within the site and the parking areas the impact of which would be further intensified by the urbanisation of parked vehicles and associated infrastructure such as any lighting and signage. All these factors result in harm to openness and are therefore should not be approved unless very special circumstances exist. Very special circumstances will not exist unless the harm can be clearly outweighed by other considerations. It is considered that the very special circumstances of sustainability, economic, community, environmental and ecological benefits and popularity and management of the activities, in this instance do not outweigh the harm.

7.3 The proposal is not considered to have any significant adverse impact on amenity of neighbouring properties and sites, highway safety or trees and ecology.

7.4 Taking into account the above matters, the proposal is considered to be contrary to Section 13 of the NPPF, Policy 10 of the Aligned Core Strategy (2014) and policies LPD 19, and 47 of the LPD (2018).

8.0 Recommendation: Refuse Planning Permission for the following reason:-

- 1 In the opinion of the Local Planning Authority although the principle of the proposed use of the site for outdoor activities would fall within an exception of development identified in the NPPF as being appropriate development in the Green Belt the ancillary structures and paraphernalia associated with the various uses on the site together with the access track and car parking area would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. Furthermore the formal surfacing of the access would exacerbate the impact on openness. There would be glimpsed views into the site and the parking areas the impact of which would be further intensified by the urbanisation of parked vehicles and any associated infrastructure such as structures, lighting and signage. All these factors result in harm to openness and therefore should not be approved unless very special circumstances exist.

Very special circumstances will not exist unless the identified harm can be clearly outweighed by other considerations. It is considered that the very special circumstances of social, economic, environmental, ecological and community benefits would not outweigh the harm in this instance. Taking into account the above matters, the proposal is considered to be contrary to Section 13 of the NPPF (2021).

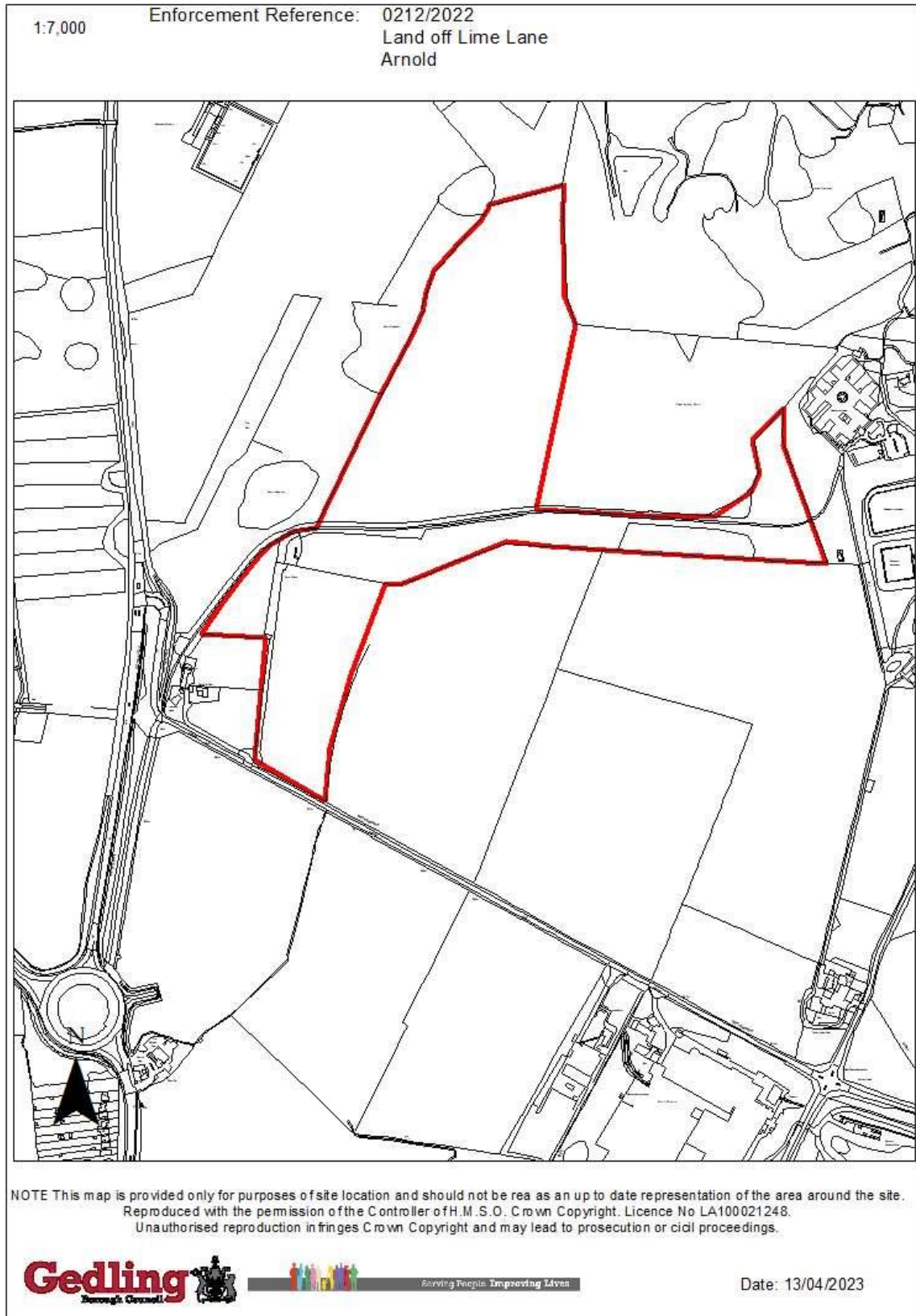
Notes to applicant

Planning Statement - There are fundamental Green Belt policy objections to the proposal and it is considered that these cannot be overcome. In order to avoid the applicant incurring further abortive costs, consideration has not been delayed by further discussions, which cannot resolve the reasons for refusal, to facilitate a decision in a timely manner.

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Planning Enforcement Report for 0212/2022



Report to Planning Committee

Reference Number: 0212/2022

Location: Land at Lime Lane Woods, Lime Lane, Arnold

Breach of Planning Control: **Unauthorised change of use from agricultural land and woodland to outdoor pursuits, cinema and leisure venue with associated siting of storage containers, food vending trailer and other activity based paraphernalia and installation of an access track and car parking area.**

1 Background

- 1.1 In July 2022, the Council's Planning Officers received complaints regarding noise, anti-social behaviour, parking and highway safety caused by festivals held at the site on 2nd and 9th July 2022. These were referred to the Council's Public Protection team for further investigation and a planning enforcement case was opened.
- 1.2 Upon initial investigation the enforcement officer found that the site was being operated by Back to Basics (B2B Events Ltd). The site, marketed as Nott's Maize, offered a maize maze, bush craft workshops, forestry school, outdoor cinema, archery, axe throwing, laser tag and air rifle and crossbow shooting. In addition, seasonal events such as a Halloween labyrinth scare maze, bonfire night and festivals were also taking place on site, all of which represented a material change of use of the site. The site has been in use by B2B Events Ltd since 2018. A review of the planning history for the site revealed no planning permissions relevant to the change of use.
- 1.3 Contact was made with the land owner, B2B Events Ltd and their chosen planning agent in July 2022 to bring the complaints to their attention and to raise concerns that without a relevant planning permission, the only lawful mechanism for operating on site would be a deemed permission under Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) Order 2015 ('GPDO'). This paragraph of the GPDO permits:

“The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—

(a) the holding of a market;

(b) motor car and motorcycle racing including trials of speed, and practising for these activities, and the provision on the land of any moveable structure for the purposes of the permitted use.”

- 1.4 The officer expressed concern that based on initial investigation, the site had likely exceeded the 28 days of permitted development for 2022 and that if that were the case the change of use would be unauthorised. They were also advised that planning permission would be required for any change of use that exceeded the 28 day permitted development allowance in Schedule 2 Part 4 Class B of the GPDO.
- 1.5 On 10th August 2022, written confirmation was provided to the land owner, operator and planning agent that the site had exceeded the 28 days of temporary use as provided by the Schedule 2 Part 4 Class B of the GPDO and that there was an identified breach of planning control. They were advised to cease the unauthorised use of the land and revert the site back to agricultural land/woodland use only, including removal of all facilities, fitments, containers etc on site for the remainder of 2022 and thereafter ensure that all temporary uses do not exceed the 28 days provided in the GPDO (as may be amended). Alternatively they were advised they could submit a planning application seeking to regularise the material change of use. They were also advised that any continued unauthorised use of the site would be at their own risk as the Council were considering possible enforcement action, especially in relation to upcoming festival events on 24th and 25th September 2022.
- 1.6 Officers liaised with colleagues in other departments and agencies to establish whether a Temporary Stop Notice or Injunction was required to prevent the September festivals from going ahead. This was due to concerns about residential amenity and highway safety following previous festivals held in July 2022. Following a Safety Advisory Group meeting on 6th September 2022 it was determined that it would not be expedient to take immediate planning enforcement action to prevent the September festivals from taking place, on the basis that proposed mitigation measures addressed the concerns of the Highways Authority and a noise abatement notice would be served to address noise impacts.
- 1.7 The Council received confirmation on 6th September 2022 that Savills had been instructed to prepare a planning application on behalf of the landowner for the other activities on site.

- 1.8 The Council received multiple complaints about noise, anti-social behaviour, highway safety and lighting following the September 2022 festivals and breaches of a noise abatement notice were witnessed by officers in the Council's Environmental Health team. Due to identified breaches of the abatement notice and other issues raised, immediate planning enforcement action was given further consideration to ensure such events were no longer held at the site. The Council wrote to the operator on 26th September 2022 to make them aware that if the use of the site for festivals or large gatherings (including bonfire night) continued, the Council would serve a Temporary Stop Notice, prohibiting all unauthorised activity on site. This would include the unauthorised day to day use of the site including, but not limited to, the outdoor cinema, laser tag, maize maze, bush craft, archery, axe throwing etc. Following this, confirmation was received that a bonfire night event had been cancelled. An Oktoberfest event had also been cancelled prior to the letter being sent. The operator was given 21 days to submit a planning application for the remaining uses on site and advised that failure to submit an application would result in the Council considering enforcement action..
- 1.9 Following some unforeseen delays, an application (ref 2022/1316) was received on 23rd November 2022. The application sought permission for use of land for outdoor sports and recreation, siting of structures for ancillary storage, office and refreshments, and associated track, car park and infrastructure. It is noted that the application did not seek permission for use of the site for large events such as festivals. On receipt of the application and on the basis that the maize maze has finished for the season and there would be limited activity on the rest of the site, no enforcement action was deemed necessary or expedient whilst the application was pending consideration.
- 1.10 On 1st January 2023, the 28 day allowance permitted under GPDO reset. However, by 28th January, the facilities and structures associated with the change of use had been on site for 28 days. The Council therefore maintain that as the structures and facilities have remained on site for more than 28 days, all temporary days permitted under the GPDO have been used and no further temporary uses are permitted for 2023 beyond 28th January 2023. The continued change of use of the site is therefore unauthorised.
- 1.11 As part of the planning application process, officers visited the site on 2nd March 2023. The maize had not yet been grown and a viewing platform used as part of the maize activity could clearly be seen adjacent to the crop field. Notice boards, signage, lighting, toilets, seating etc were still on site as were the storage containers, solar panels and other paraphernalia and structures associated with the use. Further structures were noted in the axe throwing/archery and laser tag areas additional to those present during the August 2022 visit. Trade waste bins, waste items, gas bottles, a small wind turbine, generator and portable generator powered lights were stored to the rear of the containers. The operator confirmed again that all storage containers were required as part of the change of use.
- 1.12 During the visit, further clarification about the site access, track and parking area was sought from the land owner. The pre-existing access point leads to an access track and parking area laid to unbound material. Installation of the track and parking area is an engineering operation that requires planning

permission and no such permission was sought. The owner claims that the track was installed in 2010 and the wider parking area was installed in 2021 to assist with agricultural activity in the field to the east of the site. However, whilst historic photos appear to show a driven route through the field in the location of the track, the laying of the current track appears to have been undertaken around September 2019. 2019 was the year of the first maize maze, which was located in the field immediately to the west of the track in what is now part of the car parking area. The wider car parking area is shown under construction in March and April 2021, with piles of associated material visible on Google Earth aerial photography.

- 1.13 Since the initial noise and anti-social behaviour complaints in July 2022, planning officers have continued to receive regular complaints about the site, relating to the presence of structures and facilities associated with the unauthorised change of use on site, large events being advertised, noise from cinema events and continued unauthorised use.

2 Site Description

- 2.1 The site is located on the north of Lime Lane, Arnold near to the junction with Ollerton Road. The site occupies an area of approximately 23 hectares and for the most part is surrounded to the east and north by agricultural land. To the west of the site are the closest residential dwellings to the site.
- 2.2 Prior to development, the site consisted of agricultural fields with an area mixed woodland to the centre. However, the site is currently used as an unauthorised outdoor pursuits, cinema and leisure venue including activities including a maze, bushcraft, forestry school, laser tag and archery/axe throwing. The site is accessed from a gravel track leading to an informal car parking area. Within the site are a number of ancillary structures including several storage containers, box trailer café, ticket hut and portable toilets adjacent to the car parking area, various structures within the laser tag zone, within the forest school/bushcraft and outdoor cinema zone, within the archery/air rifles/crossbows/axe throwing area and a large spectator stand within the maze zone.
- 2.3 The site is located within the Nottingham-Derby Green Belt.

3 Planning History

- 3.1 Planning application 2022/1316 seeking retrospective permission for use of land for outdoor sports and recreation, siting of structures for ancillary storage, office and refreshments, and associated track, car park and infrastructure is being brought to Planning Committee immediately prior to consideration of the enforcement case. The application has been recommended for refusal, hence the requirement for consideration of enforcement action to remedy the identified breaches of planning control should the recommendation be upheld.

4 Assessment

- 4.1 Although development has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider

government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework 2021 (NPPF) (Paragraph 59) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.

4.2 The site is located within the designated Nottinghamshire Green Belt and therefore the main considerations when deciding whether to take enforcement action in this case are;

- whether the development constitutes inappropriate development in the Green Belt;
- the effect of the development on the openness of the Green Belt and the character and appearance of the surrounding area;
- whether the harm caused by inappropriateness and any other harm are clearly outweighed by other considerations and if so, whether very special circumstances exist that justify the granting of planning permission.
- the impact on residential amenity
- highway safety
- whether the Local Planning Authority is within the statutory time limit for taking action for unauthorised development.

Planning considerations

4.3 The following policies are relevant to the assessment:

National Planning Policy Framework

- Section 2 Achieving Sustainable Development summarised as summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Section 6 Building a Strong Competitive Economy which identifies the need to allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- Section 9 Promoting Sustainable Transport which outlines the need to consider transport issues.
- Section 12 Achieving Well-Designed Places sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- Section 13 (Protecting the Green Belt) outlines at paragraph 137 the importance the Government attaches to Green Belts and the aim of Green Belt policy to prevent urban sprawl and to retain its essential openness and permanence.

Aligned Core Strategy

- 4.4 At a local level, Gedling Borough Council at its meeting on 10th September 2014 adopted the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The adopted ACS forms Part 1 of the new Local Plan for Gedling Borough. It is considered that the following policy of the ACS is relevant:
- Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals
 - ACS Policy 2: The Spatial Strategy states that sustainable development will be achieved through a strategy of urban concentration with regeneration.
 - ACS Policy 3: (The Green Belt) establishes the principle of retaining the Nottingham Derby Green Belt.
 - ACS Policy 4 – (Employment Provision and Economic Development) states that the economy of the area will be strengthened and diversified by encouraging economic development of an appropriate scale to diversify and support the rural economy.
 - ACS Policy 10: (Design and Enhancing Local Identity) sets out the criteria that development will need to meet with respect to design considerations.

Local Planning Document

- 4.5 In July 2018 Gedling Borough Council adopted the Local Planning Document (LPD). The following LPD policies are relevant to this breach of planning control:
- LPD18 – (Protecting and Enhancing Biodiversity) sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure
 - LPD 19 – (Landscape Character and Visual Impact) states that planning permission will be granted where new development does not result in significant adverse visual impact or significant adverse impact on the character of the landscape.
 - LPD 32 (Amenity) states that planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.

- LPD 46: (Rural Diversification) sets out criteria for rural and employment business proposals.
- LPD 57: (Parking Standards) sets out the requirements for parking.
- LPD 61: (Highway Safety) states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

Green Belt

- 4.6 Crucial in the consideration of the principle of this development is paragraph 137 of the NPPF with regard to protecting Green Belt Land and the following issues are relevant and require addressing. Paragraph 149 of the NPPF specifies that construction of new buildings in the Green Belt should be regarded as inappropriate. Furthermore paragraph 147 states that “inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances”.
- 4.7 Paragraph 148 goes on to state 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. Paragraph 149 b) provides an exception for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 4.8 Paragraph 150 at sub paragraph e) of the NPPF also identifies that material changes of use of land (such as changes of use for outdoor sport and recreation) may be considered appropriate development in the Green Belt again providing that they preserve the openness and do not conflict with the purposes of including land within the Green Belt.
- 4.9 Under paragraph 149 b) and 150 e) the NPPF place a requirement on the development to preserve openness of the Green Belt and not conflict with the purposes of including land within the Green Belt, in order to not be considered inappropriate development.
- 4.10 Whilst there is no specific definition of openness in the NPPF, there are numerous high court decisions that have explored this area. Openness has both a spatial and visual aspect. Interpretation of spatial openness naturally includes the absence of built form. Openness and visual impact have different meanings and any development can harm the openness of the Green Belt regardless of its aesthetic appearance or obtrusiveness. In summary openness can be seen as the lack of built form and not by development that is screened from view.

- 4.11 The facilities and structures associated with the unauthorised change of use, including containers, portable toilets, structures and paraphernalia present on site to facilitate the activities, fail to preserve the openness of the Green Belt setting of the site and conflict with the purposes of including land within it and therefore are considered inappropriate development. As such the change of use would by virtue of its inappropriateness be, by definition, harmful to the openness of the Green Belt.
- 4.12 With regards to the track and parking area, paragraph 150 b) identifies that engineering operations may be considered appropriate development in the Green Belt again providing that they preserve the openness and do not conflict with the purposes of including land within the Green Belt. Due to the extent of the track and parking area it fails to preserve the openness of the Green Belt setting of the site and conflicts with the purposes of including land within it. The track and parking area are therefore considered inappropriate development and are, by definition, harmful to the openness of the Green Belt.
- 4.13 As such in line with paragraph 147 and 148 of the NPPF substantial weight should be given to such harm unless very special circumstances are demonstrated which would outweigh the harm.

Very Special Circumstances

- 4.14 In determining whether very special circumstances exist, the following need to be assessed;
- Any individual factor taken by itself which clearly outweighs the harm caused to the Green Belt,
 - Whether some or all the factors in the case when taken as a combination clearly outweigh the harm caused to the Green Belt
- 4.15 The case must be decided on the planning balance and for very special circumstances to exist the benefits must be demonstrated to clearly outweigh the harm to the Green Belt that is inherent in its development. As part of the 2022/1316 application, the applicant put forward what they consider to be the social, economic and environmental benefits of the proposal which they consider would outweigh the harm to the Green Belt identified above. These include enhancement of on-site habitats, benefits to the local economy by virtue of supporting local businesses, facilities, services and attractions and the creation/retention of employment.
- 4.16 There may be some economic benefits from an increase in visitors to the Borough and the commercial activity provides employment for between 6 and 14 members of staff during off peak months an up to 45 staff in peak periods. It is also noted that the site operators are part of the Nottinghamshire County Council and Nottingham City Council Alternative Education Scheme and work with Catch 22 a Department of Education initiative for young people. It is also accepted that from supporting representations submitted under the 2022 application, there is some public benefit in terms of the site being accessible, well attended, maintained and ecologically friendly.

- 4.17 After careful consideration, when balanced against harm to the Green Belt setting of the site and the reasons for including the land within it, the benefits of the unauthorised use and associated operational development would not be so significant to outweigh the identified harm to the Green Belt by virtue of the development being inappropriate. The development is therefore in conflict with the principals of the NPPF and ACS Policy 3 which aims to maintain openness.

Impact on residential amenity

- 4.18 The unauthorised change of use on site has introduced a potential source of noise and disturbance from events and activities held on site and associated vehicle movements. The Council has received complaints regarding noise emanating from the site as a result of the cinema events held in 2022, with allegations that cinema events in 2022 were louder than those held in 2021. The Council's Environmental Health Officers have previously investigated complaints about the cinema events and have been consulted on the planning application. They have not objected to the proposals, which mirror the set up used in 2022, on condition that an appropriate noise limiting condition is attached to any permission granted. However, without a planning permission there is no mechanism to condition noise emissions. It is considered that without such a condition, the unauthorised change of use has potential to cause unacceptable noise and disturbance to those in the locality and would be contrary to LPD 32.

Impact on Character and Appearance of the Area

- 4.19 The change of use of the site and associated operational development has had the effect of urbanising an area that has no such element. Whilst the woodland remains on site to offer some screening, there are still views into the site to the structures, associated activities, vehicle parking areas and track.
- 4.20 Taking this into account it is considered that the development has resulted in undue harm to the landscape character and wider landscape setting of the site and is contrary to Section 12 of the NPPF, Policy 10 of the ACS and LPD 19.

Highway Safety

- 4.21 The Highway Authority have not raised any objections to the recent planning application to retain the access track and parking area, on condition that alterations and improvements are made to the drainage and surfacing of parts of the track to prevent detritus being discharged onto the highway. The required works would cause further harm to Green Belt and be inappropriate development.
- 4.22 It has therefore been concluded that without these works being undertaken, the unauthorised development has an unacceptable adverse impact on highway safety and is therefore contrary to Section 9 of the NPPF (2021), Policies LPD 57 and LPD 61 of the LPD (2018).

Time Limits

- 4.23 The statutory time limit for taking action for operational development is 4 years from when the development is substantially completed and 10 years for a material change of use. In this case it is considered the Council is within time to commence enforcement proceedings such as issuing an enforcement notice requiring the unauthorised development to be removed and for the unauthorised use of the site to cease.

Human Rights

- 4.24 Under the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a right under the European Convention on Human Rights (the Convention). In this instance under Article 1 of the First Protocol of the Convention: Protection of Property, every person is entitled to the peaceful enjoyment of their possessions except in the public interest and subject to conditions provided for by law. Furthermore under Article 8 of the Convention all individuals enjoy the right to respect for their private and family life, their home and their correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.25 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing an enforcement notice and pursuing Court action if the enforcement notice is not complied with, would be a proportionate response to the breach of planning control.

Equalities

- 4.26 The Council's Planning Enforcement team operates in accordance with the Council's Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 4.27 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar.

Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Councils published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 4.28 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

5 Conclusion

- 5.1 A breach of planning control has been identified. The development has resulted in significant harm to the openness of the Green Belt, impact on residential amenity and highway safety.
- 5.2 The breach conflicts with both national and local policies. Failure of the Council to act in these circumstances will result in an unauthorised change of use and operational development.
- 5.3 Evidence available to the Council indicates the unauthorised change of use commenced within the last 10 years and operational development completed within the last 4 years. Furthermore there are no very special circumstances that exist to justify the change of use or operational development of this site within in the Nottinghamshire Greenbelt.
- 5.4 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the cessation of the unauthorised change of use of the site to an outdoor pursuits, cinema and leisure venue and removal of all associated structures, infrastructure, fitments, storage containers, food vending trailer and other activity based paraphernalia and removal of the access track and parking area.

6 Recommendation

- 6.1 That the Head of Development and Place, in consultation with the Head of Governance and Customer Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and issue of proceedings through the courts, if required, to prevent further breaches of planning control.**



Report to Planning Committee

Subject: Future Planning Applications

Date: 14/04/2023

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Management.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2021/0934	Land next to Pepperpots, Mapperley Plains	Erection of 8 detached dwellings and 3 apartment building, comprising 32 units	TBC
2019/1080	Land At Broad Close Woodborough	Outline application for 11no. residential properties	TBC
2023/0083	Land Off Longdale Lane, Ravenshead	Erection of 33 dwellings, including open space, landscaping and associated infrastructure	TBC
2022/0501	Land Off Hayden Lane Linby	Full planning permission for 135 dwelling with access from Delia Avenue And Dorothy Avenue	TBC
2021/072	Land To The West Mansfield Road Redhill	Proposals for 157 dwellings with associated landscaping, public open space, highways and infrastructure on land west of the A60, Redhill, Nottingham	TBC
2023/0140	Glebe Farm, Glebe Drive, Burton Joyce	Erection of dwelling (amendment to plot G6)	TBC

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

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ACTION SHEET PLANNING DELEGATION PANEL 17th February 2023

2022/0109

Sunnyhome Greendale Road Arnold

Erection of convenience store with associated car parking and service yard

The proposed development would result in no undue harm on the vitality and viability of nearby town centre(s), on the character and appearance of the area, highway safety and residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2022/0865

65 Sandfield Road Arnold Nottinghamshire

Single storey rear and side extension and loft conversion with side facing dormer

The proposed development would have no undue impact on the character and appearance of the area, highway safety or residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2022/1262

Dovecote House 121 Main Street Woodborough

Erection of double garage and new access to Main Street (renewal of planning permission 2015/1395)

The proposed development would have no undue impact on the character and appearance of the area, highway safety, residential amenity and drainage and would preserve or enhance the Woodborough Conservation Area.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

Video Conference Call Meeting

Cllr John Truscott

Cllr Marje Palling

Cllr David Ellis

Cllr John Parr

Cllr Paul Wilkinson

Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer

Nigel Bryan – Principal Planning Officer

17th February 2023

ACTION SHEET PLANNING DELEGATION PANEL - 24th February 2023

2022/0446

Broadeaves, Newstead Abbey Park, Newstead

Construction of gabion retaining wall and reed bed to bank edge of lake.

The proposed development would be an engineering operation that would have a detrimental impact on the openness of the Green Belt and, therefore, be inappropriate development; with no very special circumstances to justify the proposal.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2022/0522

10 Burnor Pool, Calverton, Nottinghamshire

Demolish existing garage and annex; construct two storey, single storey extension, entrance porch and detached garage

The proposed development would respect the character of the area and wider Conservation Area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

2022/0636

Land Adjacent 66 Woodchurch Road, Bestwood

Erection of a new detached dwelling

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

2022/1340
127 Nottingham Road, Ravenshead, Nottingham
Proposed new detached double garage.

The proposed development would have a detrimental impact on the character of the area given the prominence of the garage in the wider streetscape.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse planning permission

2023/0030
12 Burnor Pool, Calverton, Nottinghamshire
Raise roof and insertion of two dormers; single storey front extension; render dwelling and remove chimney

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

24th February 2023

Video Conference Call Meeting

Cllr Paul Wilkinson
Cllr David Ellis
Cllr Meredith Lawrence
Cllr John Parr
Cllr Marge Paling

Kevin Cartwright – Principal Planning Officer
Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL - 3rd March 2023

2022/1116

2 Doveridge Avenue, Carlton Nottinghamshire

Ground floor extension to building for domestic extension to host dwelling and for creation of a new residential unit

The proposed development would result in a residential unit that would have a poor level of amenity for the occupiers and host dwelling.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2022/1310

Sabre Business Park, Road No 4, Colwick

Re-clad existing buildings, internal alterations, resurface hard landscaping, erect new fencing, partial demolition of building, full demolition of gatehouse and workshop and erection of new gatehouse

The proposed development would respect the character of the area, residential amenity, highway safety and not increase flooding in the area.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

2022/1315TPO

132 Nottingham Road, Ravenshead, Nottingham

Fell Oak & Cherry tree.

The proposed development would result in good arboricultural practice and allow for more suitable replacements.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Consent subject to conditions.

2022/1343TPO

Proposed Tree Works Mansfield Road Arnold

Felling of all trees growing directly underneath the power lines and those of poor structural condition which are marked with an orange X. All trees marked with an orange dot, along the front row either side of the powerlines, to be reduced to the height of the powerlines.

The proposed development would allow for suitable separation distance to nearby power lines and not have a detrimental impact on the longevity of retained trees.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Consent subject to conditions.

3rd March 2023

Video Conference Call Meeting

Cllr John Truscott
Cllr Paul Wilkinson
Cllr David Ellis
Cllr Meredith Lawrence
Cllr John Parr
Cllr Marge Paling

Kevin Cartwright – Principal Planning Officer
Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL - 10th March 2023

2021/1420

146 Breck Hill Road, Woodthorpe, NG3 5JP

Demolition of existing house and replacement with 2.5 storey apartment block, bin storage and cycle store.

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

2022/0291

27 Lowdham Road, Gedling, Nottinghamshire

Wooden summer house with cladding on the outside (retrospective)

The proposed development would respect the character of the area and residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

2022/0686

513 Mansfield Road, Redhill, Nottinghamshire

Proposed porch and first floor rear extension

The proposed extensions would result in disproportionate extensions to the dwelling within the Green Belt, which would be inappropriate development. No very special circumstances have been advanced to outweigh the harm.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2022/1197

37 Grange Road, Woodthorpe, Nottinghamshire

Extensions and alterations including two storey side extension and three storey rear extension and front porch

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

2022/1249

9 Douglas Crescent, Carlton, Nottinghamshire

Engineering works consisting of alterations of levels to rear garden to create 4 no. tiers. Erection of retaining walls along both side boundaries and to each garden tier. Erection of fencing on top of each retaining wall to side boundaries.

The proposed development would respect the character of the area and residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

2022/1359

Youth Centre, 13 Shearing Hill, Gedling

Demolition of existing gymnasium. Construction of new canopy and entrance lobby. Change of use of first floor rooms to commercial office space (Use Class E(g)(i)). Installation of solar panels to restored pitched roof.

The proposed development would respect the character of the area, residential amenity, highway safety and not have a detrimental on the non-designated heritage asset.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

2023/0055

155 Main Road, Ravenshead, Nottinghamshire

Proposed single storey 'garden room' rear extension including external steps

Withdrawn from the agenda.

10th March 2023

Video Conference Call Meeting

Cllr John Truscott
Cllr Paul Wilkinson
Cllr David Ellis
Cllr Meredith Lawrence
Cllr John Parr

Nigel Bryan – Principal Planning Officer

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ACTION SHEET PLANNING DELEGATION PANEL - 17th March 2023

2018/0809

Stoke Weir Riverside, Stoke Lane,

Hydroelectric generation plant comprising two Archimedes screw turbines, an adjustable weir crest, a new multi-species fish pass, a turbine house building, hydraulic channels, trash screening, access improvements, electrical substations and fencing

Insufficient information has been submitted in respect of how the proposal would impact on trees, ecology and construction traffic impact on the highway network and a Public Right of Way.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2022/1284

Sherwood Lodge, Sherwood Lodge Drive, Arnold

Installation of three solar powered carports

The proposed development would result in inappropriate development in the Green Belt; however, it is considered that very special circumstance exist in that the impact on openness would be limited and renewable energy would be created.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

2022/1368

First Cottage, Park Lane, Lambley

Conversion and extension of stable block to create a dwelling

The proposed development would be served by an unsuitable access that would be detrimental to highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2023/0027

16 Bretton Road, Ravenshead, Nottinghamshire

Removal of existing garage, 1.5 storey rear extension with loft conversion extending into existing roof structure with side dormers, additional single storey extension to provide garden room and attached garage

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to conditions.

17th March 2023

Video Conference Call Meeting

Cllr John Truscott

Cllr Paul Wilkinson

Cllr David Ellis

Cllr Meredith Lawrence

Cllr Marje Paling

Kevin Cartwright - Principal Planning Officer

Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL 24th March 2023

2021/0126

Beacon Baptist Church Killisick Road Arnold

Residential development (outline) (to include demolition of existing site buildings)

The application to be referred to the Planning Committee to fully explore the loss of the community use on the site.

The Panel recommended that the application be considered by Planning Committee.

2021/1087

63A Woodchurch Road Bestwood NG5 8NJ

Extension to garage to form gym and ancillary residential accommodation

The proposed development would have no undue impact on the character and appearance of the area, amenity of neighbouring occupiers or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2023/0043

11 Lowcroft Woodthorpe Nottinghamshire

Proposed upper floor extension over existing garage and tiled canopy over existing single storey flat roof projection.

The proposed development would have no undue impact on the character and appearance of the host property, street scene, amenity of neighbouring occupiers or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2023/0085

81 Main Street Calverton Nottinghamshire

Refurbishment and reinstatement of the front facade. Raise the ground floor level 250mm above the existing floor level

The proposed development would have no undue impact on the character and appearance of the area or amenity of neighbouring occupiers.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

Video Conference Call Meeting

Cllr John Truscott
Cllr Marje Palling
Cllr David Ellis
Cllr John Parr
Cllr Paul Wilkinson
Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer
Nigel Bryan – Principal Planning Officer

24th March 2023

ACTION SHEET PLANNING DELEGATION PANEL 31st March 2023

2021/0882

Orchard Farm, 216 Catfoot Lane, Lambley

Clearance and redevelopment of land and buildings at Orchard Farm for replacement 'self-build' dwelling

The proposal would result in the complete redevelopment of previously developed land and not have a greater impact on the openness of the Green Belt. The proposal would respect the character of the area, residential amenity, highway safety and not have a detrimental impact on protected species.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2023/0103

4 Leen Close Bestwood Nottinghamshire

Proposed extensions and porch

The proposed development would respect the character of the area, residential amenity and highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2023/0125

272 Longdale Lane Ravenshead Nottinghamshire

Change of use from C3 (holiday let) to C2 (children home).

The proposed development would be appropriate development in the Green Belt that would not have a detrimental impact on openness. The proposal would have no undue impact on the character and appearance of the area, residential amenity or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

Video Conference Call Meeting

Cllr John Truscott
Cllr Marje Palling
Cllr David Ellis
Cllr John Parr
Cllr Paul Wilkinson
Cllr Meredith Lawrence

Kevin Cartwright - Principal Planning Officer
Nigel Bryan – Principal Planning Officer

31st March 2023

ACTION SHEET PLANNING DELEGATION PANEL 14th April 2023

2022/0540

54 Longdale Lane Ravenshead Nottinghamshire

Demolition of existing dwelling proposed 4 bed detached house and detached garage/gym/home office/hobby room

The proposed development would have no undue impact on the character and appearance of the area, residential amenity or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2022/1296

Ivy Dene Moor Road Bestwood

New Fascade To Front Elevation, Two Storey Side Elevation Extension And Porch To Front Elevation, Render To Existing rear Elevation

The proposed development would result in less than substantial harm to the contribution that Ivy Dene makes to the Conservation Area and would fail to conserve or enhance the non-designated heritage asset. There is no public benefit that would outweigh the identified harm.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2022/1299

6 Winston Close Mapperley Nottinghamshire

Conversion of garage building into a self-contained one bed flat.

The proposal would result in a cramped form of development that would have a detrimental impact on the character and appearance of the area.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2022/1316

Land off Lime Lane Arnold

Use of land for outdoor sports and recreation, siting of structures for ancillary storage, office and refreshments, and associated track, car park and infrastructure

The application is to be referred to Planning Committee to fully assess the impact of openness on the Green Belt.

The Panel recommended that the application be considered by Planning Committee.

2023/0055

155 Main Road Ravenshead Nottinghamshire

Proposed single storey 'garden room' rear extension including external steps

The proposed development would result in a disproportionate addition to the original dwelling and would therefore constitute inappropriate development and by definition be harmful to the Green Belt setting. No very special circumstances have been demonstrated that would outweigh the harm to the Green Belt.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2023/0087

The Old School House Moor Road Bestwood

Reduce the existing boundary wall between the property (The Old School House) and Moor Road by approximately 4.65m to widen access to existing driveway.

The proposed development would have a neutral impact on the Conservation Area. There would be no resultant harm to the non-designated heritage asset, namely The Old School House. The proposal would result in no undue impact in relation to residential amenity or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission with Conditions.

Video Conference Call Meeting

Cllr John Truscott

Cllr Marje Palling

Cllr David Ellis

Cllr Paul Wilkinson

Cllr Meredith Lawrence

Kevin Cartwright - Principal Planning Officer

Nigel Bryan – Principal Planning Officer

14th April 2023