

Agenda

Planning Committee

Date: **Wednesday 21 June 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 Roy Allan

Vice-Chair Councillor Paul Wilkinson

Councillor Stuart Bestwick
Councillor David Ellis
Councillor Andrew Ellwood
Councillor Des Gibbons
Councillor Helen Greensmith
Councillor Ron McCrossen
Councillor Lynda Pearson
Councillor Marje Paling
Councillor Catherine Pope
Councillor Grahame Pope
Councillor Sam Smith
Councillor Ruth Strong
Councillor Jane Walker
Councillor Michelle Welsh
Councillor Henry Wheeler

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AGENDA

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MINUTES PLANNING COMMITTEE

Wednesday 26 April 2023

Councillor John Truscott (Chair)

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

Absent: Councillor Chris Barnfather and Councillor Mike Hope

Officers in Attendance: M Avery, K Cartwright, S Fayaz, C Goodall and B Hopewell

74 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Barnfather. Councillor Sam Smith attended as substitute.

75 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 29 MARCH 2023

RESOLVED:

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

76 DECLARATION OF INTERESTS

Councillor Paling declared an interest in item 4 on the agenda and confirmed that she would not participate in the debate nor vote on the item.

77 APPLICATION NO. 2022/1316 - LAND OFF LIME LANE, ARNOLD. NG5 8PW

Due to public interest, the Chair Moved item 6 forward on the agenda.

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).

Ed Hammond, the applicant, spoke in support of the application.

The Principal Planning Officer updated Members in relation to a number of late items that had been received after the publication of the agenda which included: on-line petition, petition from B2B Events, correspondence circulated to Councillors from the applicant, time-line of business activities on site from B2B, a letter of support from a member of the public, a letter of objection from a member of the public and further clarification on very special circumstances from the applicant's agent.

The Principal Planning Officer then introduced the report.

He concluded that the additional information did not change the officer recommendation and the application was recommended for refusal.

Councillor Wilkinson, seconded by Councillor David Ellis, moved a recommendation that the item should be deferred to a future meeting, to allow further negotiations to take place between the planning department and the applicant in order to find a mutual solution.

RESOLVED:

To defer the decision of the application to a future planning committee for the following reason.

Reason:

To enable further discussions to take place between the applicant and officers to address the issues in respect of the effect on the openness on the green belt.

78 ENFORCEMENT REF: 0212/2022 - LAND AT LIME LANE WOODS, LIME LANE, ARNOLD

The Chair informed the committee that the item had been withdrawn from the agenda following the deferment of application no. 2022/1316.

79 APPLICATION NO. 2021/0126 - BEACON BAPTIST CHURCH, KILLISICK ROAD, ARNOLD, NG5 8BD

Councillor Paling left the meeting.

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

The Principal Planning Officer introduced the report.

Following debate, the recommendations within the officer's report to grant planning permission was not carried.

The Chair adjourned the meeting to allow officers to draft the proposed reasons for refusal of the application.

The meeting was adjourned at 7:07pm.

The meeting resumed at 7.11 pm.

RESOLVED:

To refuse the application for the following reasons.

Reasons:

The reasons for refusal following the over-turn of Beacon Baptist are:

- 1) The proposal would fail to comply with part (a) or (b) of Local Planning Document (2018) Policy LPD56 – Protection of Community Facilities.
- 2) The applicant has failed to demonstrate that there is sufficient alternative existing community facility provisions with sufficient (or equivalent) capacity available within the area which can be reasonably accessed by walking, cycling or public transport and which would not result in the need for significant increases in car journeys.
- 3) No alternative provision will be provided as part of the development; and
- 4) Insufficient evidence has been submitted with the application to demonstrate that the retention of the existing community building and use is not economically viable, feasible or practicable.

80 APPLICATION NO. 2022/0009 - SARVAL, STOKE LANE, STOKE BARDOLPH, NG14 5HJ

Councillor Paling re-joined the Committee.

This item was withdrawn from the agenda.

81 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

82 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

83 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT

Under this item the Chair gave thanks to the Democratic Services Team, Legal Team, Planning Policy Team and Planning Department for their support over the past 12 years.

Councillor Peter Barnes thanked the Planning Department for their support over the past 50 years, during his time served on the Planning Committee.

The meeting finished at 7.25 pm

Signed by Chair:
Date:

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

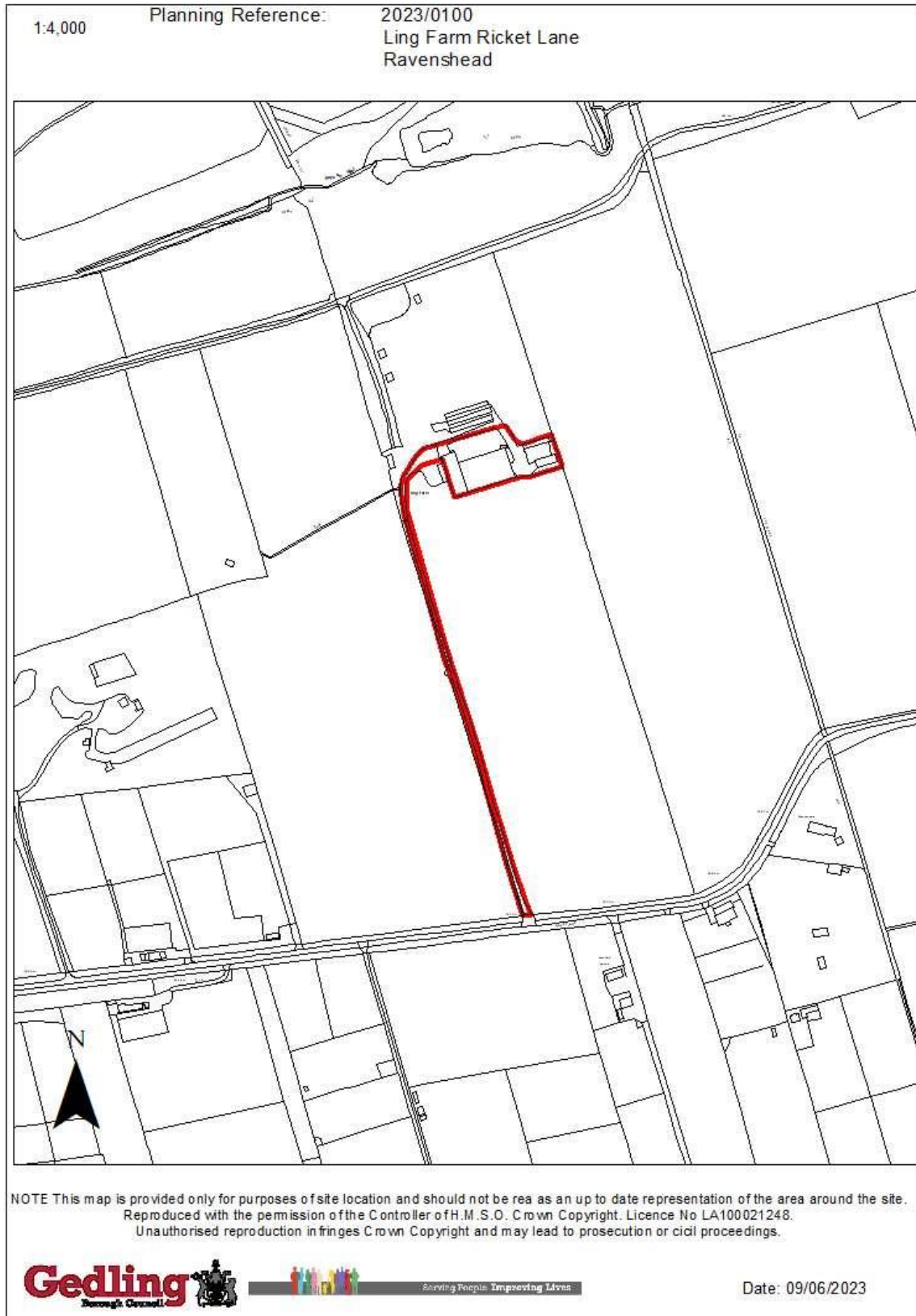
19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the 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 2023/0100



Report to Planning Committee

Application Number:	2023/0100
Location:	Ling Farm, Ricket Lane, Ravenshead NG21 0NG
Proposal:	Conversion of two agricultural buildings to create 5 dwellings.
Applicant:	Star Farming
Agent:	Acorus Rural Property Services Ltd
Case Officer:	Cristina Dinescu

This application has been referred to Planning Committee to accord with the Constitution as a Section 106 Agreement is required.

1.0 Site Description

1.1 The application site, Ling Farm, is comprised of two agricultural barns set within agricultural fields, served off a long dirt track which ensures access to Ricket Lane to the south. The site is located to the north of Ravenshead within the Nottinghamshire Green Belt.

2.0 Relevant Planning History

2.1 2022/1059 – Permission was refused for conversion of two agricultural buildings to create 5 dwellings and erection of car port/garage blocks on the following grounds:

'It is considered, given the amount of adaptations and alterations proposed including residential curtilages, detached garage blocks and improvements to the access, the proposed development would result in inappropriate development in the Green Belt which by definition harms openness without demonstrable very special circumstances. The proposed development is contrary to section 13 of the NPPF and policy LPD 12 of the Local Planning Document.'

2.2 2020/1182 – Prior Approval granted for residential development comprising the conversion of Barn A to four new houses.

2.3 2020/1183 – Prior Approval granted for residential development comprising conversion of Barn D to one new house.

2.4 2019/0583PN – Prior Approval was refused for the conversion of Barn D to one dwellinghouse. The reasons for refusal were as follows:

1. *The location of the barn in relation to the adopted highway would result in a significant carry distance for refuse bins. The collection point would be approximately 500 metres from the dwelling at the entrance to the site as a refuse vehicle cannot enter the site. This would result in an unacceptable form of development to the detriment of the residential amenity of the future occupiers of the residential property. As such it is considered that the location and siting of the building so far from the adopted highway makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses). Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.*

2. *By virtue of the substantial and significant nature of the works required as part of the development to create dwelling(s) based on the supporting information and the assessment against the requirements of Class Q it is considered that the works proposed go beyond what is reasonably necessary, and are significant and substantial alterations more akin to a new build. Therefore it is concluded that the building is not suitable for conversion. Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.*

2.5 2019/0585PN – Prior Approval was refused for the conversion of Barn A to 4 new dwellinghouses and demolition of Barns B and C. The reasons for refusal were as follows:

1. *The location of the barn in relation to the adopted highway would result in a significant carry distance for refuse bins. The collection point would be approximately 500 metres from the dwelling at the entrance to the site as a refuse vehicle cannot enter the site. This would result in an unacceptable form of development to the detriment of the residential amenity of the future occupiers of the residential property. As such it is considered that the location and siting of the building so far from the adopted highway makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses). Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.*

2. *No specific information has been provided in relation to the construction of the mezzanine floor to Barn A to demonstrate that significant structural works are not required to facilitate this. By virtue of the substantial and significant nature of the works required as part of the development to create dwelling(s) based on the supporting information and the assessment*

against the requirements of Class Q it is considered that the works proposed go beyond what is reasonably necessary, and are significant and substantial alterations more akin to a new build. Therefore it is concluded that the building is not suitable for conversion. Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.

3. The location of the existing dwelling in relation to Barn A would result in significant overbearing to the detriment of the reasonable residential amenity of the future occupiers of dwellinghouse 4. As such it is considered that the location and siting of Barn A makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses). Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.

Both decisions above (2019/0585PN & 2019/0583PN) were appealed to the Planning Inspectorate – ref. no's APP/N3020/W/20/3244145 (lead case) and APP/N3020/W/20/3244146. The appeals were dismissed on the following grounds:

APP/N3020/W/20/3244145 (2019/0585PN) – In relation to the first reason for refusal – specific issues of refuse collection at the site, the Inspector concluded that the location or siting of the building would not make it otherwise impractical or undesirable for the building to change from agricultural use to dwellings as some arrangement would be made to store the bins for the dwellings close to the highway, avoiding the need for the unlikely scenario of occupants moving refuse bins up and down from the properties for collection.

In relation to the second reason for refusal – substantial and significant level of works, the Inspector concluded that the mezzanine floor and the level of works would constitute building operations reasonably necessary allowed by paragraph Q.1(i)(i).

In relation to the third reason for refusal – unacceptable relationship with the farm building, the farm building was demolished under planning permission ref.no. 2016/1034 and the building works for the replacement dwelling and detached garage were commenced. The replacement dwelling is to be constructed further away from the common boundary with Barn A.

The Inspector concluded that the demolition of Barns B and C would be extensive and would fall outside of the limitations of paragraph Q.1(i)(ii) which allows only partial demolition to the extent reasonably necessary to carry out the building operations allowed by paragraph Q.1(i)(i). The proposal therefore failed to comply with the conditions or restrictions applicable to development permitted and appeal A therefore fails.

APP/N3020/W/20/3244146 (2019/0583PN) – In relation to the first reason for refusal – specific issues of refuse collection at the site, the Inspector concluded that the location or siting of the building would not make it otherwise impractical or undesirable for the building to change from

agricultural use to dwelling as some arrangement would be made to store the bins for the dwelling close to the highway, avoiding the need for the unlikely scenario of occupants moving refuse bins up and down from the property for collection.

In relation to the second reason for refusal - the Inspector concluded that the proposed development associated with Barn D would comply with the conditions, limitations and restrictions applicable to development permitted. However, in light of the findings in relation to Appeal A (APP/N3020/W/20/3244145 – Barn A), Barn D would remain situated next to a substantial farm complex and although there is no certainty the complex would remain in active agricultural use, it is likely that the farming activities associated with the farm complex would render the location and siting of the building impractical and undesirable to change use to a dwelling. For this reason Appeal B fails.

2.6 2019/0147PN – Prior Approval was refused for the conversion of agricultural buildings to 5no. dwellinghouses. The reasons for refusal were as follows:

1 *'The location of the barns in relation the adopted highway would result in a significant carry distance for refuse bins. The collection point would be approximately 500 metres from the dwellings at the entrance to the site as a refuse vehicle cannot enter the site.*

This would result in an unacceptable form of development to the detriment of the residential amenity of the future occupiers of the residential properties. As such it is considered that the location and siting of the buildings so far from the adopted highway makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).

Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.'

2 *'The proposal would require replacement of the cladding on all walls and roof. Additionally, no specific information has been provided in relation to the construction of the mezzanine floor to Barn A to demonstrate that significant structural works are not required to facilitate this.*

By virtue of the substantial and significant nature of the works required as part of the development to create dwelling(s) based on the supporting information and the assessment against the requirements of Class Q it is considered that the works proposed go beyond what is reasonably necessary, and are significant and substantial alterations more akin to a new build. Therefore it is concluded that the building is not suitable for conversion.

Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.'

3 *'The close proximity of the existing dwelling to Barn A and specifically proposed dwelling 4 would result in an unacceptable impact on the amenity of the future occupiers of proposed Barn 4. It would result in an*

overbearing outlook from the property to the detriment of reasonable residential amenity. As such it is undesirable for Barn A to be occupied as a dwelling(s).

As such it is considered that the location and siting of Barn A makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses). Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.'

4 *'The location of Barn A coupled with numerous windows proposed in the western elevation at ground and first floor facing both the existing dwelling and associated garden area on site and the revised location of this dwelling and associated garden area as approved by planning permission 2016/1034 would result in significant overlooking and loss of privacy to the detriment of the reasonable residential amenity of the occupiers of the property.*

As such it is considered that the location and siting of Barn A makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses). Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.'

The decision to refuse prior approval was not appealed to the Planning Inspectorate.

- 2.7 2017/1182 – Certificate of Lawfulness Existing for Barn D used as storage of hay balls – granted 20th November 2017.
- 2.8 2016/1034 – Replacement Dwelling – granted 28th November 2016.
- 2.9 2016/0756 – Certificate of Lawfulness Proposed to erect Barn A – granted 10th August 2016.

3.0 Proposed Development

- 3.1 The application seeks planning permission to convert the barns (barns A and D) to 5no. residential units. The scheme comprises the barns to be converted to residential, the units within Barn A would have curtilages to the east, Barn D would be converted into one residential unit, and a shared access driveway that would ensure access to Ricket Lane.
- 3.2 The conversion of the barns is identical in terms of internal layout and external design with the two prior approvals granted recently – 2020/1182 and 2020/1183. The external materials would be as follows:
 - existing colour coated profiled metal cladding colour greed
 - new colour coated aluminium windows & doors – RAL 7021
 - timber cladding panel with window frame / opening vent

- stained timber / composite cladding
- gray, RAL 7021 colour coated rainwater gutters & downpipes
- gray, RAL 7021 aluminium louvers
- standing seam roof cladding - RAL 7005
- rendered blockwork

4.0 Consultations

- 4.1 The Highways Authority – The geometry of the access is sufficient to accommodate the anticipated level of traffic. It is not envisaged the proposal will change the existing situation. We therefore do not wish to raise an objection subject to a condition requiring the access to be hard surfaced for the first 5 metres behind the highway boundary.
- 4.2 Ravenshead Parish Council – No objections to this application subject to Green Belt regulations.
- 4.3 Parks and Street Care Team – At 4324sqm the site falls within the Council's adopted policy New Housing Development, supplementary planning guidance for open space provision which is partly referenced in the supporting information. Given the location of the site, an off-site Open Space Contribution of £12,209.25 is sought.
- 4.4 Scientific Officer – This application includes the construction/conversion of new residential dwellings on a former farmyard. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions (CONLAND 01) are attached to the planning consent. The assessment should be carried out in line with current guidance and the appropriate British Standards (i.e. BS10175).
The proposed development constitutes a **small** development for the purpose of the *Air Quality and Emissions Mitigation - Guidance for Developers* document, which relates to Policy LPD11 of the Local Development Plan 2018.
Under the provisions of this guidance **small** developments are required to provide an exposure assessment and Type 1 mitigation.
- 4.5 Adjoining Neighbours have been notified by letter and a Site Notice and Press Notice posted. Two letters of representation were received as a result raising the following concerns:
- if this development is allowed, future development will follow on Green Belt land;
 - there is a rifle range in close proximity and the noise factor should be considered when deciding this application.

5.0 Relevant Planning Policy

- 5.1 The following policies/documents are relevant to this proposal:
- National Planning Policy Framework (2021): 12.Achieving well-designed places; 13.Protecting Green Belt land.
 - Gedling Borough Aligned Core Strategy: Policy 3 – The Green Belt; Policy 10 – Design and Enhancing Local Identity and Policy 19: - Developer Contributions
 - Parking Provision for Residential and Non-Residential Development: Supplementary Planning Document (February 2022). - New Housing Development Supplementary PPPlanning Guidance for Open space Provision.
- 5.2 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:
- LPD 7 – Land Contamination;
 - LPD 11 – Air Quality;
 - LPD 12 – Reuse of Buildings within the Green Belt;
 - LPD 13 – Extensions to Buildings within the Green Belt;
 - LPD 21 – Provision of New Open Space;
 - LPD 32 – Amenity;
 - LPD 57 – Parking Standards;
 - LPD 61 – Highway Safety.

6.0 Planning Considerations

- 6.1 In making a recommendation in relation to this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this proposal are: -
- i. Whether the proposed development would be inappropriate development in the Green Belt (compliance with Green Belt policy);
 - ii. Impact on visual amenity;
 - iii. Off-street parking provision and highway safety;
 - iv. Impact on residential amenity;
 - v. Air quality and land contamination;
 - vi. Developer contributions.

Green Belt

- 6.2 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. 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.
- 6.3 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.
- 6.4 The proposed development comprises the conversion of Barns A and D to a total of 5 residential units. The units in Barn A would be set on two storeys and the floor space of all units proposed would be approximately 636sqm which would represent an increment of 37.66% of additional floor space above that of the original Barn A. For the avoidance of doubt, the increase in floor space would be internal alterations and not extensions. The proposed conversion of Barn D would not involve any extensions or additional floor space. The barns have been assessed and found to be structurally sound and capable of conversion with the amount of alterations proposed to be identical to the works approved under the prior approvals under Class Q of the GPDO – ref. no's 2020/1182 and 2020/1183.
- 6.5 Both barns are buildings of permanent construction and structurally sound, as confirmed by the Structural Engineers' Report. Given the materials and the amount of alterations proposed which would involve works mainly to the inside of the barns, it is considered the barns are capable of re-use without major alterations, adaptations and reconstruction. Given the percentage of additional floor space to Barn A which would not exceed the threshold set by policy LPD 13, it is considered the proposed conversion would be appropriate development in the Green Belt.
- 6.6 The proposal would involve improvements to the access point in the form of hard surfacing of the first 5 metres behind the highway boundary. These improvements are identical to the works approved under the prior approvals under Class Q of the GPDO – ref. no's 2020/1182 and 2020/1183. The works required would constitute an engineering operation which is listed as an exception in paragraph 150 b) of the NPPF and would be appropriate development within the Green Belt provided that they would preserve its openness and would not conflict with the purposes of including land within it. Given the existing access and driveway are not hard surfaced at the moment as they serve an agricultural site, the proposed improvements would result in a hard surfaced area that would reduce the openness of the Green Belt by way of encroachment into the countryside and therefore the works required to the access point would be inappropriate development in the Green Belt. Given the size of the hard standing area and its location, it is considered the impact on the openness of the Green Belt would be limited in this instance. Nevertheless, inappropriate development is harmful to the Green Belt by definition can only be approved in very special circumstances.
- 6.7 It is considered the extant prior approvals ref. no's 2020/1182 and 2020/1183 represent a valid fall-back position in relation to the proposed scheme as the details of the conversion are identical to the details of the prior approvals, including the improvements required to the access point. As such, it is considered that very special circumstances exist that would outweigh the

limited harm to the openness, given the planning history of the site. The proposal is therefore in accordance with Section 13 of the NPPF; policy 3 of the ASC and policies 12 and 13 of the LPD.

Visual amenity

- 6.8 The proposed scheme comprises the conversion of agricultural barns to residential units. The proposal would broadly retain the agricultural appearance of the buildings which is respectful of this rural location. As such, it is considered, the proposed development would be in keeping with the character and appearance of the immediate area. The proposal is in accordance with Section 12 of the NPPF and policy 10 of the ACS.

Off-street parking provision and highway safety

- 6.9 Each proposed unit would be served by a minimum of 2 parking spaces. Given the rural location and number of bedrooms proposed, it is considered the proposed scheme would provide sufficient off-street parking spaces, in line with the Council's Parking Provision for Residential and Non-Residential Development: Supplementary Planning Document.
- 6.10 Given the comments received from the Highways Authority, should planning permission be forthcoming, the condition regarding the access point to be hard surfaced would be attached. The proposal would be acceptable from a highway safety perspective and it would be in accordance with policies LPD 57 and LPD 61.

Impact upon residential amenity

- 6.11 The proposed scheme would provide 5 residential units in a rural area where neighbouring residential properties are located at considerable distance to the south, east and west and given the distance between Barn A and Barn D, it is considered the proposal would be acceptable from an impact on residential amenity perspective. Concern has been raised about the proximity of a rifle range to the application site, which is to the west; however, it is a considerable distance away, in the region of 200m, and would have no discernible impact on the amenity of proposed occupiers. The proposal is in accordance with policy LPD 32 of the Local Planning Document.

Air quality and land contamination

- 6.12 A condition requiring the proposed dwellings to be equipped with an Electric Vehicle charging point is necessary to ensure that the proposed development would not have a detrimental impact on air quality in the area and in fact have the potential to have a positive impact on air quality. The application is therefore considered to comply with Policy LPD 11.
- 6.13 Given the small scale of the development it is considered it would not be necessary to require the development to be undertaken in accordance with a Construction Emission Management Plan as the extent and duration of the build is likely to be limited. The application is therefore considered to comply with policy LPD11

- 6.14 Conditions would be attached, should planning permission be forthcoming to deal with land contamination. The application is therefore considered to comply with policy LPD 7.

Developer contributions

- 6.15 The application meets the trigger for public open space as outlined in policy LPD21 in that the application site covers an area of over 0.4 of a hectare. Given that the site is an isolated location on-site provision would not be acceptable therefore a contribution in lieu of such provision, to be spent within the Parish of Ravenshead, would be appropriate. The contributions sought are outlined below:
- Parks and Street Care - note that on-site public open space would not be appropriate therefore a contribution of £12,209.25 in lieu of such provision is sought, which would include new provision and its maintenance. The money would need to be spent within the Parish of Ravenshead.
 - A monitoring fee for the planning obligations may be sought and in line with Council's Section 106 and Unilateral Undertaking Monitoring Fee Policy Statement, which calculates a figure based on the number of relevant triggers. The monitoring fee is subject to annual indexation, therefore the final sum will be determined at such time as the legal agreement is in an agreed form and ready to be completed;
- 6.16 There is a requirement for contributions sought to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) which identifies the tests required to seek a planning obligation. Paragraph 57 of the NPPF also identifies three tests that would need to be complied with; firstly, necessary to make the development acceptable in planning terms; secondly, directly related to the development and; thirdly, fairly and reasonably related in scale and kind to the development. Policy ACS19 is also pertinent. All of the above contributions are considered to comply with relevant guidance in respect of being pertinent to the application under consideration.
- 6.17 These planning obligations would need to be secured by way of a Section 106 Agreement, which shall be completed prior to determination of the planning application.

Conclusion

- 6.18 Taking the above into account, it is considered that the proposal would be appropriate development in the Green Belt in that very special circumstances can be demonstrated to outweigh the limited harm to the openness that additional improvements to the access point would have. The proposal would be acceptable from a visual amenity, residential amenity, highway safety, air quality and land contamination aspect and, therefore, it would be in accordance with Sections 12 and 13 of the NPPF, Policies 3,10 and 19 of the ACS; policies LPD 11, LPD 12, LPD 13, LPD 21, LPD 32, LPD 57 and LPD 61 of the Local Planning Document and the Parking Provision for Residential and

Non-Residential Development: Supplementary Planning Document, and planning permission should be granted.

7.0 Recommendation: GRANT Planning Permission subject to conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the application form and deposited plans, drawing no's 00027/P6, 00105/P1, 00038/P4 and 00034/P3, received on 1st February 2023, and drawing no. 18-0708/001/A received on 6th June 2023. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 No part of the development hereby permitted shall be brought into use until the access driveway has been implemented in accordance with drawing no. 18-0708/001/A, received on 6th June 2023. The access drive shall be surfaced in a hard bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and constructed with provision to prevent the discharge of surface water from the access to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
- 4 No part of the development hereby permitted shall be brought into use until a vehicular crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 5 No part of the development hereby permitted shall be brought into use until a bin collection point has been provided within 15 metres of the public highway to the satisfaction of the Local Planning Authority. The bin collection point shall be retained for the life of the development.
- 6 Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority: 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.

- 7 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 to and approved in writing by the Local Planning Authority.
- 8 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.
- 9 From the date of first occupation each dwelling 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.
- 10 Before development hereby approved is first commenced full details of both soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, and the frontages of properties such as driveways and footpaths to front doors, and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 11 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to or Condition 13, that tree or shrub, or any 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, unless otherwise prior agreed in writing by the Local Planning Authority.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional mezzanine floor and no development falling within Classes A, B, C, D, E, F of Part 1 of Schedule 2 to that Order shall be carried out.

- 13 No development shall take place until full details of finished floor levels, above ordnance datum, of the ground floors of the proposed dwellings and all hard landscaped surfaces, in relation to existing and proposed ground levels and cross sections of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interest of highway safety.
- 4 In the interest of highway safety.
- 5 In the interest of highway safety.
- 6 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 8 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 9 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Local Planning Document.
- 10 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy.
- 11 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy.
- 12 To protect the openness of the Green Belt.
- 13 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy.

Reasons for Decision

It is considered that the proposal would be appropriate development in the Green Belt and very special circumstances can be demonstrated to outweigh the limited harm to the openness the additional improvements to the access point would have. The proposal would be acceptable from a visual amenity, residential amenity, highway safety, air quality and land contamination and therefore it would be in accordance with Sections 12 and 13 of the NPPF, Policies 3, 10 and 19 of the ACS, and policies LPD 7, LPD 11, LPD 12, LPD 13, LPD 21, LPD 32, LPD 57 and LPD 61 of the Local Planning Document.

Notes to Applicant

Positive and Proactive Statement - 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 there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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 proposal makes it necessary to construct a vehicular footway crossing over the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services, on telephone 0300 500 80 80, to arrange for these works to be carried out.

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.

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Planning Report for 2023/0140



Report to Planning Committee

Application Number:	2023/0140
Location:	Glebe Farm, Glebe Drive, Burton Joyce NG14 5BA
Proposal:	Erection of dwelling (amendments to plot G6).
Applicant:	Glebe Farm Developments
Agent:	Guy St John Associates Architects Ltd
Case Officer:	Nigel Bryan

This application has been referred to Planning Committee to comply with the Council's Constitution as the application would need to be accompanied by a Legal Agreement to secure contributions achieved through outline permission 2016/0306.

1.0 Site Description

- 1.1 The application site comprises a small parcel of land within the larger Glebe Farm development that has permission on it for the erection of 14 dwellings. Development has commenced on site and a number of dwellings toward the site entrance have been built and occupied whilst dwellings to the rear are in the process of being erected. Land to the east and north remain in agricultural use and are open fields. There is a significant change of levels through the application site in general with the application site raised above the adjacent property on Bulcote Drive.
- 1.2 The application site is currently vacant save for housing some building material associated with the wider development of Glebe Farm.

2.0 Relevant Planning History

- 2.1 In May 2016 the applicant sought the Prior Notification of the Borough Council for the Erection of a Grain Store and General Purpose Store. Further details were required for Prior Approval (ref: 2016/0614PN) and no such details were submitted.
- 2.2 In July 2016 the Prior Notification of the Borough Council was sought for the change of use of an existing building no longer suitable for modern agriculture to industrial storage and offices. No further details were required and the development is permitted under The General Permitted Development Order 2015.

- 2.3 In September 2016 the Prior Notification of the Borough Council was sought for a steel portal framed building up to 465 square meters with a height of 12 metres. No further details were required and the development is permitted under The General Permitted Development Order 2015.
- 2.4 In March 2016 application 2016/0306 was submitted and was originally for the erection of 45 dwellings with all matters reserved. However, the application was amended and planning permission sought for the erection of 14 dwellings with all matters reserved except access. The application was considered at the Planning Committee of February 2017 and it was resolved to grant permission subject to the signing of a Section 106 Legal agreement securing contributions toward education, healthcare and public open space. The application was granted planning permission on the 29 June 2017.
- 2.5 Reserved matters approval was sought under reference 2020/0475 for the erection of some 14 dwellings. The application was granted consent on the 30th October 2020 having been considered at the Planning Committee of 21st October 2020.
- 2.6 Application 2020/1303 was approved for 'application for the approval of reserved matters (layout, landscaping, scale and appearance) for the erection of 3 dwellings pursuant to outline approval 2016/0306 (plot substitution of R1, R4, R5 of reserved matters approval 2020/0475)' having been determined under delegated powers on the 26th February 2021.
- 2.7 Application 2021/1114 was refused permission to 'Demolish farmhouse and farm buildings and construct 2 No. detached dwellings'
- 2.8 Application 2021/1321 was granted permission on the 1st March 2022 having been considered at the Planning Delegation Panel of the 25th February for the 'Erection of dwelling (amendment to plot Y2)'.
- 2.9 Application 2022/0748 was granted permission on the 19th October 2022 having been determined under delegated powers for the 'Erection of dwelling (amendments to plot G3 of planning permission 2020/0475)'.
- 2.10 Two Non-Material Amendment (NMA) applications to plots within the wider site have recently been granted permission; 2022/0557NMA and 2022/0443NMA.

3.0 Proposed Development

- 3.1 The application is for the erection of a dwelling on land of the former Glebe Farm site. The application is submitted in full and is a standalone application and would, in effect, be for alterations to plot G6 that was approved under outline and reserved matters applications 2016/0306 and 2020/0475 respectively.
- 3.2 The key change to the application is that the original dwelling was proposed to be a two-storey dwelling with the revised application to create a split level dwelling, parts of which would be spread over 3-floors. It is identified by the

applicant's agent that the change is as a result of looking to create additional space for the proposed purchaser and given the large change of levels through the application site that allows for a split-level property.

- 3.3 The dwelling originally approved on the plot would have had 5 bedrooms spread over two floors with an integral garage. The proposed dwelling would still have 5 bedrooms but with additional living space on the lower ground floor. The dwelling would appear as two-storey from within the development but three-storey on the rear (facing the open field) and side elevations (facing toward Bulcote Drive). To accommodate the additional storey the dwelling would increase in height by 0.9m with the majority achieved by lowering the dwelling into the site by 1m; the detached garage would now be linked and have accommodation over it too.

4.0 Consultations

4.1 Highway Authority – no objection;

4.2 Burton Joyce Parish Council (BJPC) – no comments received;

4.3 Environmental Health – no comments received.

4.2 A site notice was displayed near to the application site, consultation undertaken with local residents and a notice placed in the local press. As a result of public consultation no responses have been received.

5.0 Development Plan Policies

5.1 National Planning Policy Framework (NPPF) 2019

Sets out the national objectives for delivering sustainable development; chapters 2 – achieving sustainable development; 4 – decision making; 5 – Delivering a sufficient supply of homes; 6 – building a strong, competitive economy; 11 – making effective use of land; 12 - achieving well-designed places and 13 – Protecting Green Belt land are, most pertinent to the determination of the application.

5.2 Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

Policy 8: Housing Size, Mix and Choice – 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 17: Biodiversity – sets out the approach to ecological interests.

Policy 19: Developer Contributions – sets out the criteria for requiring planning obligations.

5.3 Local Planning Document (LPD) (Part 2 Local Plan)

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

LPD 4: Surface Water Management – sets out the approach to surface water management.

LPD 7: Contaminated Land – sets out the approach to land that is potentially contaminated.

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.

LPD14 – Replacement of buildings within the green belt – identifies that replacement buildings will be granted subject to a number of criteria

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 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above.

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 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

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.

Burton Joyce Neighbourhood Plan (BJNP)

- 5.4 The Burton Joyce Neighbourhood plan has been adopted and forms part of the development plan. Pertinent policies are listed below:

NP1 Spatial Strategy – identifies the density of development that would be appropriate and need to ensure that character of the area, including landscape character, is respected.

NP2: Protecting the Landscape Character of Burton Joyce Parish and Enhancing Biodiversity – aims to ensure that particular viewpoints are respected and biodiversity is enhanced through the retention of existing landscape features and, where possible, enhancements to it.

NP3: Design Principles for Residential Development – new developments should be of high quality design and reinforce the character of the area, both in terms of built form and open space.

NP 4: A Mix of Housing Types – identifies that there is a particular demand for smaller units, 1-3 bed properties, particularly within a 10 minute walk of the village centre and a need to meet accessibility standards.

NP 9: Traffic and Pedestrian Safety – requires there to be adequate off-street parking and a safe access and egress for pedestrians and vehicles

6.0 Planning Considerations

Principle of development

- 6.1 The principle of development has already been established through the grant of outline planning permission 2016/0306 and two subsequent reserved matters applications (ref: 2020/0475 and 2020/1303). Therefore, despite the application site being within the Green Belt, the principle of development has been established and the application is for alterations to the previously approved dwelling to be built on plot G6. Notwithstanding that the principle of development is supported there is still a need to have regard to the impact on the openness of the Green Belt, planning history of the site, residential amenity and a need to secure contributions achieved on the site.

Impact on the green belt

- 6.2 It should be noted that when the original outline permission was granted it was done so as it was considered that 'very special circumstances' had been

demonstrated to allow development in the Green Belt where such proposals are normally considered to be inappropriate. In coming to that conclusion considerable weight was added to the fact the proposed built form would be less than the existing farm buildings on site; transforming a derelict and possibly contaminated site, the use of which conflicts with some of the adjacent residential properties, as well as possible economic benefits. In respect of the additional benefits to the openness of the green belt, significant work was undertaken exploring the footprint and built volume of the existing and proposed buildings. To this end, a table was included within the outline committee report, reproduced below, outlining existing and proposed figures

Built Footprint

	Existing	Proposed
Cottages	94sqm	
Farm house	121sqm	121sqm
Brick Barns	368sqm	282sqm
Modern Barns	2931sqm	
New Garages		648sqm
New House A		880sqm
New House B		264sqm
New House C		357sqm
New House D		172.5sqm
Total:	3514sqm	2724.5sqm

Built Volume

	Existing	Proposed
Cottages	630 cubic metres	
Farm house	826 cubic metres	826 cubic metres
Brick Barns	1,250 cubic metres	1,175 cubic metres
Modern Barns	15,638 cubic metres	
New Garages		2,754 cubic metres
New House A		6,380 cubic metres
New House B		1,914 cubic metres
New House C		2,592 cubic metres
New House D		1,251 cubic metres
Total:	18,344 cubic metres	16,892 cubic metres

When reserved matters approval 2020/0475 was granted permission the impacts on openness were again covered in some detail, as outlined in the below tables, and covered matters in respect of both footprint and volume.

Structure	Proposed Footprint Area (sqm)		Retained Footprint Area (sqm)	
	Unit	Garages		
Farm House[1]			95	
Brick Barns[2]			254	
Cottages[3]			94	
Unit R1	101	54		
Unit R2	111	46		

Unit R3	115	51		
Unit R4	101	48		
Unit R5	101	51		
Unit Y1	109	70		
Unit Y2	145	Included in Unit		
Unit G1	101	59		
Unit G2	115	51		
Unit G3	145	Included in Unit		
Unit G4	106	51		
Unit G5	101	51		
Unit G6	145	Included in Unit		
Unit G7	106	51		Total
Totals	1602*	583	443	2628sqm

Structure	Proposed volume (sqm)		Retained volume (sqm)	
	Unit	Garages		
Farm House[1]			826	
Brick Barns[2]			1175	
Cottages[3]			630	
Unit R1	542	197		
Unit R2	747	210		
Unit R3	778	220		
Unit R4	542	210		
Unit R5	542	220		
Unit Y1	796	370		
Unit Y2	959	Included in Unit		
Unit G1	771	305		
Unit G2	801	220		
Unit G3	922	Included in Unit		
Unit G4	757	220		
Unit G5	771	220		
Unit G6	923	Included in Unit		
Unit G7	757	220		Total
Totals	10,608	2,612	2,631	15,851 cubic metres

6.3 Since the original outline and reserved matters approval were granted there have been further amendments through the grant of reserved matters approval 2020/1303 and two further standalone permissions for dwellings, the cumulative volume impacts of that approval are outlined below.

Volume approved under 2020/0465 -15,851
Additional volume approved under 2021/1303 – 270
Additional volume approved under 2021/1321 – 48
Additional volume approved under 2022/0748 – 89
Total approved volume 16,258

- 6.4 The additional volume proposed as part of this application is 166 cubic metres, making a total 16,424 cubic metres. Therefore, having regard to outline application it is considered that the proposal complies with the original outline permission in that the volume of built form would be less than what was originally on site. There is a need to take into account the impact on openness and whilst there would be an increase in height of the building from that previously granted permission it is apparent that there are a number of dwelling that have accommodation over three floors. The larger units for the site, in terms of height, are also primarily in this area of the site.
- 6.5 Therefore, having regard to the above it is considered that the alteration to the plot would not conflict with the matters approved at the outline stage nor would the proposal have a detrimental impact on the openness of the green belt having regard to the built form that surrounds it. These matters, in particular the planning history of the site, are considered to be the very special circumstances that would allow what would otherwise be considered inappropriate development within the Green Belt. The application is, therefore, deemed, on balance, to comply with guidance within the NPPF and LPD14.

Impact on residential amenity

- 6.6 The proposed dwelling would be sited in the same location as previously approved. In terms of changes it is noted that the dwelling would be 0.9m taller than previously approved, sited 1m lower and parts, including the elevation adjacent to Bulcote Drive, would be over three-storeys.
- 6.7 Within the wider application site the changes would be negligible in that the dwelling would appear to be two-storey and still appear lower than the nearest neighbouring property, plot G5. Therefore, it is not considered that the alterations would have detrimental impact on the amenity of dwellings proposed to be erected adjacent to the application site.
- 6.8 The increase in height would have an impact on views from the property on Bulcote Drive; however, there would be a rear garden depth of 10m and the nearest dwelling on Bulcote drive, number 55, would be some 30m away. Therefore, whilst there would be an increase in scale of the proposed dwelling, it is not considered it would result in any significant increase given it would be 0.9m taller and separation distances to neighbouring properties. As a result, the application is therefore deemed to comply with policy LPD32 guidance within the NPPF.

Other considerations

- 6.9 It should be noted that a number of issues including drainage, flooding, protected species and highway matters were considered at the outline stage. Further details would need to be secured in respect of a detailed landscaping

scheme, which can be done via condition, and with the proposal being a standalone development, a condition requiring EV charging can also be sought and is deemed to comply with LPD11.

Section 106 Legal Agreement

- 6.10 When outline permission (2016/0306) was granted on the larger site a section 106 Legal Agreement was signed and secured contributions toward education, primary healthcare, public open space and an employment and skills plan, to mitigate the impact of the development. The lowest trigger point within the Legal Agreement is the approval of public open space on 80% occupation. Given that two standalone dwellings have been approved permission (references: 2021/1321 and 2022/0748) allowing a third would mean the trigger of 80% would not be met. Therefore, to ensure that public open space is approved there is a need for a deed of variation to bind any new permissions on the site to the original S106 Legal Agreement. The agreement is required to comply with policy LPD21 and ASC19.

Conclusion

- 7.0 The principle of residential development is accepted following the grant of outline planning permission 2016/0306 and reserved matters approval 2020/0475. This full application would result in an increase in size of plot G6; however, having regard to the planning history of the application site and built form that would surround it, it is deemed that the impact on openness of the Green Belt would be acceptable and very special circumstances have been demonstrated to allow what would otherwise be in-appropriate development. The design of the dwelling would on certain elevations be relatively contemporary but having regard to the built form that surrounds it, it is not considered that the proposal would be out of character with the area nor be harmful to the amenity of surrounding properties.

As a result the application is deemed to comply with policies LPD21, LPD32, LPD33, LPD35, LPD37, LPD57 and LPD61 of the Local Planning Document; policies A, 1, 2, 8, 10 and 17 of the Aligned Core Strategy; policies NP1, NP2, NP3, NP4 and NP9 of the Burton Joyce Neighbourhood Plan and guidance within the National Planning Policy Framework.

- 8.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into deed of variation to tie this permission to the obligations secured through outline planning permission 2016/0306; and subject to the conditions listed 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 and following list of approved drawings:
Location plan - G6(08)101

Proposed site plan - G6(19)1010

Elevations as proposed - G6(08)301

Floor plans as proposed - G6(08)201

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

3. There shall be no gates or other physical barriers erected across the shared private road at any time.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of Class A (extensions); Class B and C (roof alterations); D (porches) and Class E (Development within the curtilage of a dwellinghouse).
5. Prior to above ground works commencing, a scheme of landscaping showing the location, species and size of specimens to be planted shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.
6. From the date of first occupation of the dwelling one or more dedicated vehicle parking spaces and/ or a garage 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 91(1) of the Town and Country Planning Act 1990 (as amended).
2. For the avoidance of doubt.
3. To ensure that the public open space is accessible and that the character of the area is respected and to comply with policies LP21 and to comply with policy ACS10.
4. To ensure that the openness of the green belt is retained and residential amenity is respected and to comply with policies LPD14 and LPD32.
5. To ensure that the character of the area is respected and to comply with policy LPD19.

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.

Informatives

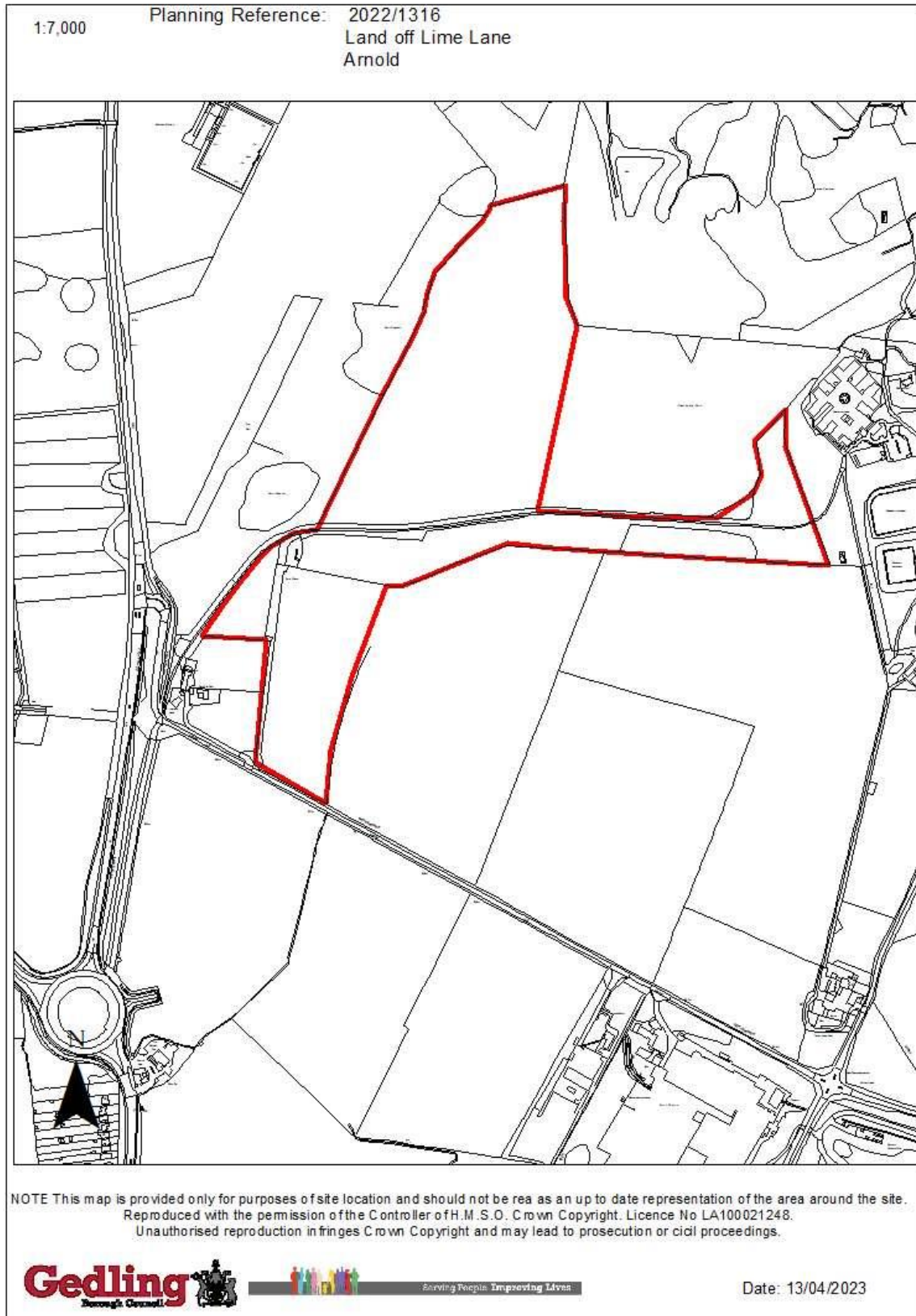
The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil



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.

The application was deferred by Planning Committee at the meeting of the 26th April 2023 to enable further discussions to take place between the applicant and officers to address the issues in respect of the effect on the openness on the Green Belt. The amendments that have been made to the application are detailed below:-

Containers – Two of the existing seven containers could be removed from site without rendering the business unviable. The existing refreshment cart would only temporarily be removed outside of the peak periods between December and April. This would remove 29.5 sq.m of floor space permanently from the site with a further 10.2sq.m when the refreshment cart is temporarily off site. The five permanently retained containers would be timber clad to improve their appearance. The existing ticket booth would also be retained and clad.

Movable Structures – the barrels and tyres and containers etc located on the laser tag area would be replaced with structures of natural materials eg logs which is already underway and the number of archery stands on site would be reduced from five to three. The three axe throwing targets when not in use could be stored. The agent has confirmed that work on this has commenced.

Car Park/Harvest Loading Area – this would be surfaced in eco deck parking grids filled with grass to reduce the impact of the large area of

hard surfacing within the parking area. A wooden framed structure in the car park would be removed.

Other items to be removed – wind turbine, gas bottles, bins, ladders would be removed from the site. The existing tower lights would be removed but returned to site for short periods when required eg cinema nights

Other structures and equipment to be retained on site would include:-

**The Maize Maze spectator stand
Cinema Pallet Stage retained for cinema season
Portaloos retained during peak season
Picnic benches which will be moved around the site
Bushcraft shelter /parachutes etc**

The agent has advised that works to clear paraphernalia behind the existing storage containers are currently being undertaken.

For clarity the report has been updated in italics in light of the amendments and further consultation undertaken.

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
- *Covering Letters and Appendices received on the 16th May 2023 and 1st June 2023*

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.

Previous comments are reiterated and an additional condition is recommended requiring the submission and written approval of details of three parking spaces within the car park for mobility impaired patrons visiting the site. Notwithstanding the agents comments that the parking spaces within the car park would not be marked out to reduce impact on the Green Belt these would be required to be demarcated to prevent any reduction in parking capacity.

- 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. *Previous comments are reiterated and a condition regarding noise levels is advised. It is also advised that a suitably worded condition requiring the submission and written approval of precise details of external lighting on the site should be attached should permission be granted.*
- 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.
- 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.

16 additional representations have been received following a further period of public consultation undertaken from 1st June 2023 which raise the following objections:-

Deferment

- Discussions between the Council and the applicant have been ongoing for some time and the application up to the date of committee had not been amended*
- The deferment of the application at Committee with no firm timescales is questioned and undermines officers and the planning process – the application should have been refused in order that the applicant could lodge an appeal. This allows the activities to continue unlawfully.*

Other matters

- Previous objections are considered in the report presented to Members in April 2023 are reiterated*
- There is agreement with the conclusion in previous officer report re Green Belt impact*
- The business operators and applicant are fully aware of planning regulations/rules*
- Issues with disruption, noise and traffic from festivals – there was no liaison with local residents*
- Issues with vehicles (particularly buses) and no. of people entering and leaving the site and highway safety*
- There is significant noise issues from events that have taken place*
- The amendments are superficial and minimal and do not overcome core issues with commercialisation and impact on and harm to the Green Belt – this is an illegal development ignoring planning rules*

- *The removal of two permanent storage units and the temporary removal of the refreshment cart plus cladding to remaining containers to be retained on site is not a new or amended proposal and is not sufficient to address impact on openness of the Green Belt or open countryside as there would still be a number of structures and paraphernalia remaining on site*
- *Changing of moveable structures to ones of more natural materials may have less harmful impact but not all of them can be made from natural materials and this does not address the identified impacts*
- *The parking area has not be reduced in size – proposed amended surfacing material may be less harmful but facilitating car parking not appropriate and cars on site would impact on openness*
- *Removal of one commercial bin would reduce waste storage and could lead to increased littering*
- *No very special circumstances have been presented to outweigh harm to the Green Belt.*
- *Suggested condition re noise levels not exceeding 5db above background levels would not be adhered to. Noise and lighting issues have been reported to Environmental Health officers and must be taken into account.*
- *The proposal is not acceptable and fails to accord with national and local planning policies.*
- *If approved this will set a precedent for other sites in the locality (including nearby Ramper Covert site) including ignoring the 28 day permitted development rule and with preferential help from the Council retrospective permission could be relatively quick and easy.*
- *The Council is giving preferential treatment to the applicant – no direct discussions with objectors have been offered by the Council – the Councils position should be impartial.*
- *The standard appeal process has not been followed given the Council held discussions prior to the final submission of the application*
- *The previous Issues raised with regards to noise, ecology, access remain unchanged*
- *Conclusions drawn in original ecology survey and the addendum cannot be conclusive as a true assessment of damage to the site cannot be established given the sites continues use.*

- *The planning statement is inaccurate – cinema events later in the year do go on after sun set and therefore could impact on bats due to flashing lights and noise.*
- *Car park statement details parking and accumulation during weekdays and not during cinema evenings which would impact on highway and pedestrian safety – no pavements and unsuitable access*
- *The business has been allowed to continue activities without the benefit of planning permission and has significantly exceeded the 28 day rule for permitted development which makes mockery of 28 day permitted development rule*
- *The conclusions and recommendations within the Officer report are non-negotiable and the requirements of the Council should be complied with or the site closed*
- *The resurfacing of the car park attempts to hide it but when continually driven over it will return to its original state*
- *There would still be intrusive light and noise nuisance and Environmental Health should again review noise and lighting issues that have been raised with regards to cinema events*

One additional representation and a further petition with **131** signatures has been received in support of the application raising the following comments :-

- *This is an important place for families and crucial for community providing exciting activities and important education services*
- *It is a local facility easily accessible for local people and visitors and unique and positive asset to the area*
- *There are not enough outdoor activities in the area – provides excellent and variety of outdoor activities and learning resources in safe and well run environment*
- *The site cannot be seen from road*
- *It provides offers work experience and jobs for local youngsters*
- *The activities are in keeping with Green Belt and blends in with the countryside*
- *It supports the farming business*
- *This is a business with sustainability at its heart*

The electronic petition previously reported to members now has 2500 plus signatures

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 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 and 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).

The applicant has come some way to reducing the impact of the proposal on the openness of the Green Belt setting of the site by virtue of proposing amendments to the type of urbanising structures within the laser quest area such as piles of tyres and plastic constructions which would be replaced with more natural structures using natural materials such as logs and wood, the reduction in the number of archery targets in the archery/axe throwing/rifle range being reduced from five to two together with storage of the axe throwing targets when not in use.

Furthermore the large car park area, although not reduced in footprint is proposed to be resurfaced in eco deck parking grids filled with grass which would give it a more natural landscaped appearance and would sit better within the Green Belt setting of the site. I note the comments of the Highway Authority with regards to the surfacing at the access of the site which would need to be in a bound material for a minimum distance of 10 metres behind the nearside carriageway edge, and be constructed with provision to prevent the discharge of third party surface water from the access to the public highway. Appropriate bound surfacing materials and means of drainage could be secured by condition.

The applicant has also amended the application by reducing the number of permanent storage containers on the site from seven to five and also removing the refreshment cart between December and April together with cladding the retained containers.

This would result in there still being five storage containers being retained on site at peak season together with the addition of the existing ticket booth. The applicant has confirmed that this number could not be reduced further for operational and viability reasons.

It is considered that this proposed reduction in number of storage containers would not be so significant to reduce the impact on the open character of the Green Belt to now justify a recommendation of approval. Furthermore it is noted that the large spectator stand for the Maize maze would remain on site and there would be a number of portaloos (although the number and location of these has not been quantified or confirmed by the applicant).

It would remain that in officer opinion the retained storage containers and ticket booth together with the portaloos and spectator stand and other retained structures and equipment would continue to 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 retained facilities do not meet the exception in para 149 b) and are inappropriate development. Consequently by

virtue of inappropriateness, this would be by definition harmful to the Green Belt.

The applicant has reiterated the Very Special Circumstances previously put forward in terms of social, economic and environmental benefits of the proposal which they consider would outweigh this identified harm. These have been placed in the planning balance and have been carefully considered. However it is not considered that these benefits would outweigh this harm noted above.

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 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 (2021), Policy 10 of the ACS (2014) and Policy LPD 19 of the LPD (2018)

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 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).

The revised scheme has been reviewed by Environmental Health as technical advisors. Previous comments in relation to noise have been reiterated and in terms of lighting a reasonably worded condition has been requested should permission be granted.

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 (202110 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.

Deferment

With regards to deferment the Planning Committee is entitled to attach different weight to the planning considerations.

Continued Use of the site

The applicant has been made fully aware that the continued use of the site for the various activities is without the benefit of planning permission and exceeds the 28 days temporary use of land allowed under The Town and Country Planning (General Permitted Development) (England) Order 2015. This is entirely at their own risk.

Application Advice

It is not uncommon for officers to discuss details of proposals with the applicants and agents during the lifetime of an application. Officers have remained impartial

Precedent

Any application is assessed purely on site circumstances and on its own individual merits

Waste

A suitably worded condition requiring the submission and written approval of a waste management plan could be attached should permission be granted.

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.

As previously established 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. Although amendments have been made to the scheme as follows:

- *surfacing of the car park in eco deck*
- *the replacement of urbanised structures with more natural features*
- *a slight reduction in archery targets and other paraphernalia*
- *the reduction in the number of storage containers associated with this use*

In terms of the cumulative impact of the retained buildings and structures on site including the portals, retained spectator stand, along with the access track and car park there would still be a cumulative material effect on the openness of the Green Belt. As such this would still 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.

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.. There would be glimpsed views into the site of 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).

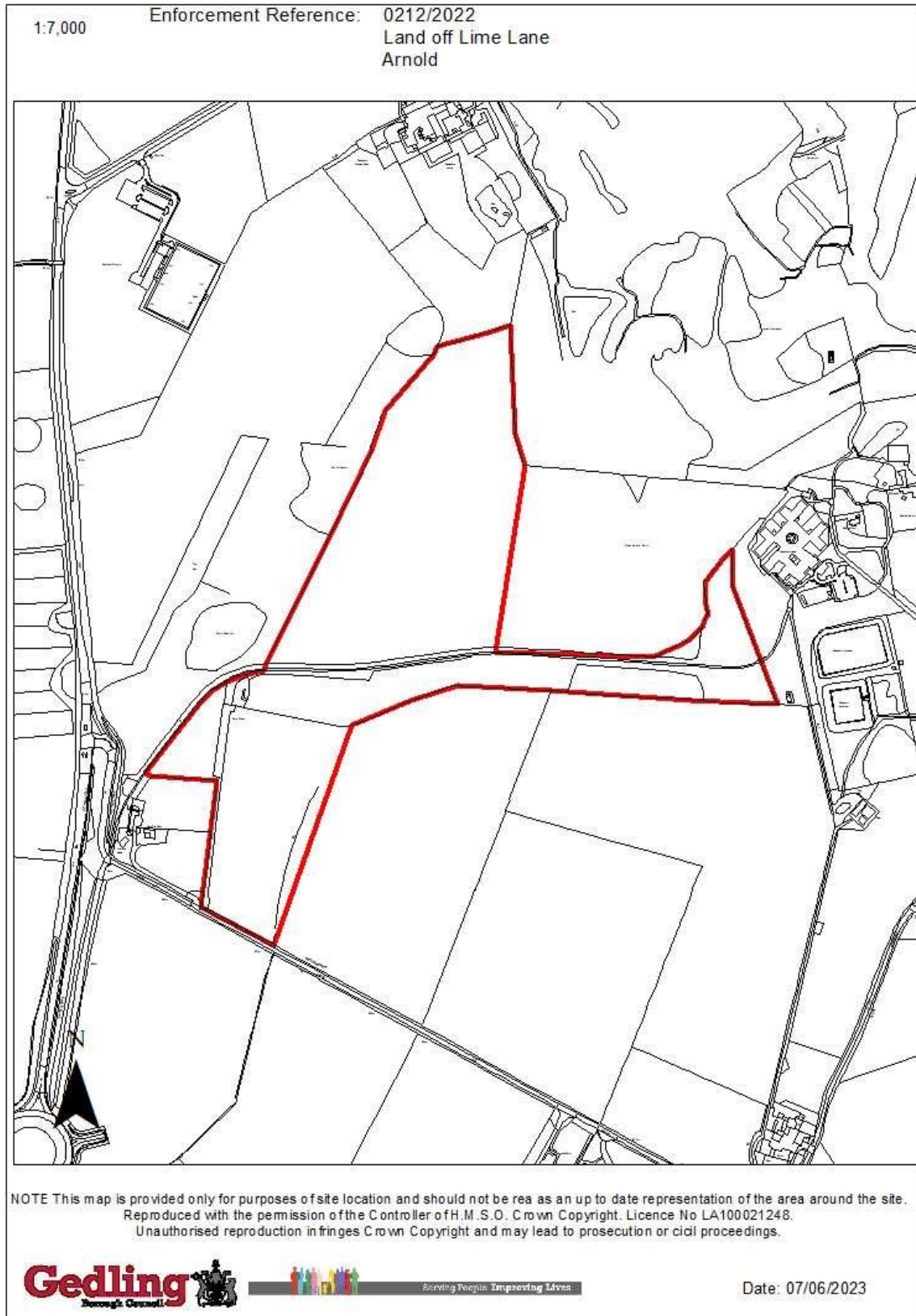
Notes to applicant

Planning Statement - There are fundamental Green Belt policy objections to the proposal and despite protracted discussions with the applicant for planning permission, it has not been possible to overcome these concerns.

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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 August 2021, the site operator (B2B Events Ltd) made contact with one of the Council's planning officers to request a meeting on site following the grant of a premises licence for the site. In October 2021, the owners of the site made contact with the planning officer to advise that a planning consultant had been appointed to act on behalf of them and the operators, who would ensure that any necessary permissions were sought. The Council do not offer advice outside of the chargeable pre-application service and therefore no advice was provided. No further contact was made with the planning department by either the land owner or the operator regarding operations at the site.
- 1.2 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.
- 1.3 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.

- 1.4 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."

- 1.5 A 2002 judgement in the Court of Appeal in *Ramsey & Ramsey v Secretary of State for the Environment and Suffolk Coastal District Council (2002 EWCA Civ 118)* focusses on the scope, correct approach and interpretation of Part 4 Class B of Schedule 2 of the 1995 version of the GPDO and what differentiates temporary use (as permitted by the above provisions) from permanent use which would require planning permission. In this case it was held that in order to benefit from deemed permission under Part 4 Class B of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, a site needs to revert back to its normal use after each occasion of temporary use, with the 28 day permitted use being exceptional. If physical changes or activities render the land difficult or impossible to revert realistically to the normal use, then the use would be considered permanent and would not be permitted under Part 4 Class B of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995. Both the 1995 and 2015 versions of Part 4 Class B of Schedule 2 of the GPDO provide the same permitted development rights and therefore the rationale in this judgement can be applied in this case.

- 1.6 This was further discussed by the Planning Inspector within appeal reference APP/R3705/C/05/2003896 relating to land at Shawbury Wood, Shawbury Lane, Fillongley. In this case an enforcement notice was served regarding the unauthorised material change of use from woodland to a mixed use of woodland and use for paintball games. In this appeal, it was common ground that the paintballing activity had occurred on no more than 28 days. The Inspector acknowledged that the physical changes to the site undertaken to facilitate the change of use, did not necessarily impede the reversion to forestry use in between activities. However, it was discussed whether the paintballing use was "confined to the 28 days when the activity occurs or whether it has a greater presence and is "not exceptional" but part of a mixed use". The Inspector

concluded that “the structures on the appeal land cannot simply be ignored in assessing what is the use of the land at those times when no paintballing is occurring. That would imply that the structures were part of the forestry use except when paintballing was active, which in my view would be an unrealistic interpretation of the obvious facts.”

- 1.7 On the basis of the above decisions the land owner and operator were informed in July 2022 that the 28 days includes every day that any associated facilities, equipment or structures are on site. 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.
- 1.8 On 9th August 2022, officers met on site with a representative of the land owner and B2B Events Ltd as well as the planning agent. An inspection of the site was undertaken and further information about the operations sought. The area immediately to the north of the car parking area was separated by a timber fence with advertising hoarding and contained a ticket booth, multiple storage containers, solar panels, a food trailer, seating and tables, patio heater and permanent and portable toilets. The site activities were found to be contained to specific areas on site. The clearing to the most eastern part of the site was being operated separately by ‘Into the Forest Events’ for axe throwing, crossbow and rifle shooting and archery. This area contained wooden target boards and items, shooting stands and picnic tables, with the shooting area delineated with wooden posts. The mid-section of woodland was used for laser tag and contained multiple items associated with the activity such as metal barrels, tyre walls, tunnels, satellite dish and wooden enclosures. To the west of this and directly adjacent to the storage containers was the area used for the forestry school and bush craft skills workshop as well as the outdoor cinema. This area contained a brick fire pit, canopies mounted in the trees, bunting, a wooden stage for mounting the cinema screen, a gazebo and a timber structure with tarpaulin cover. To the north of the site was the maize maze. Across the site there was signage, lighting (both on trees and on separate columns), CCTV, fire assembly points with fire extinguishers and alarms attached to trees, seating and toilets. The operator confirmed that all of the storage containers were in use by them for the activities offered on site.
- 1.9 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.

- 1.10 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 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.
- 1.11 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.
- 1.12 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 reviewing whether enforcement action would be expedient.
- 1.13 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.

- 1.14 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. The continued change of use of the site is therefore unauthorised.
- 1.15 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.
- 1.16 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.
- 1.17 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.

- 2.1 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 was taken to Planning Committee on 26th April 2023 with a recommendation to refuse permission. The application was deferred to enable further discussions to take place between the applicant and officers with a view to addressing issues relating to the effect on the openness on the Green Belt. Some alterations have been proposed but the application has once again 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 ten 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 conjunction 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 ensure 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 to include reinstatement of the land to its condition immediately prior to installation.**



Report to Planning Committee

Subject: Membership of the Planning Delegation Panel

Date: 21 June 2023

Author: Head of Development and Place

Purpose: To note the attached approved report.

Recommendation(s)

THAT Planning Committee:

- 1) Notes the following Members of Planning Committee are permanent members of the Planning Delegation Panel:**

Councillor Roy Allan

Councillor Stuart Bestwick

Councillor David Ellis

Councillor Ron McCrossen

Councillor Lynda Pearson

Councillor Ruth Strong

1 Appendices

- 1.1 Appendix 1 – Agreement of the Planning Delegation Panel.**

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Urgent Report to the Chief Executive

Subject: Agreement of Membership of the Planning Delegation Panel

Date: 25 May 2023

Author: Head of Development and Place

Purpose

To agree the Membership of the Planning delegation panel.

Recommendation

THAT:

Planning Committee note the permanent membership of the Planning Delegation Panel are:

Councillor Roy Allan

Councillor Stuart Bestwick

Councillor David Ellis

Councillor Ron McCrossen

Councillor Lynda Pearson

Councillor Ruth Strong

1.0 Background

1.1 An urgent decision is required to ensure that planning applications which do not need to be decided by Planning Committee can be determined in advance of the first scheduled Planning Committee meeting on 21 June 2023. Failure to hold weekly meetings will result in statutory performance targets not being achieved and will cause significant delays for homeowners and businesses.

1.2 The Gedling constitution permits the Director within whose responsibility the matter falls shall have authority after consultation with the appropriate Chairman or Vice Chairman to take all necessary decisions on all urgent matters falling within the remit of the appropriate

Committee or Sub-Committee. Consultation has been undertaken with Councillor Roy Allan, Chairman of the Planning Committee, who has nominated the permanent Planning Delegation Panel Members.

- 1.3 The Planning Delegation Panel (the Panel) is a consultative body, made up of members drawn from and agreed by the Planning Committee, although all Councillors may attend meetings of the Panel and contribute to discussions.
- 1.4 The purpose of the Panel, as set out in the Constitution, is to be consulted by the Director responsible for the planning service (or in practice, the Head of Development and Place, Development Manager or Principal Planning Officer with delegated authority), in respect of all planning applications which do not fall to be decided by him under his other delegations, and to decide which of these applications he will determine and which he will refer to the Planning Committee for determination. To be clear, this does not apply to the following applications which will always go before the Planning Committee:

a) Applications proposing 5,000 or more square metres of new commercial floor-space.

b) Applications proposing ten or more residential dwellings

The Panel do not determine planning applications, but do provide another level of oversight of planning decisions to ensure further probity and transparency in the decision making process.

- 1.5 The Constitution provides detail as to the make-up and operation of the Panel.

The Panel must consist of a permanent membership of six Councillors drawn from and agreed by the Planning Committee. In the event a permanent member of the Panel is unable to attend, another member of the Planning Committee may act as substitute.

The quorum for the Panel is three.

Meetings of the Panel will be held each Friday and the agenda for the meeting will be issued in advance.

Where an application is added to the agenda after it has been circulated, the panel members and relevant ward members will be notified.

All Councillors may attend the meetings and contribute to discussions.

Notes of each meeting of the Panel will be included as information items on the next available Planning Committee agenda.

2 Proposal

- 2.1 In accordance with the Constitution, and as set out above, it is proposed that the following members of the Planning Committee be

approved as the six permanent members of the Panel:

Councillor Roy Allan
Councillor Stuart Bestwick
Councillor David Ellis
Councillor Ron McCrossen
Councillor Lynda Pearson
Councillor Ruth Strong

- 2.2 Having a permanent membership of six members ensures compliance with the Constitution, and also ensures that there are sufficient members to call on to ensure quoracy at all meetings of the Panel.

3 Resource Implications

- 3.1 There are no financial implications associated with this report.

4 Appendices

- 4.1 None

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Report to Planning Committee

Subject: Future Planning Applications

Date: 09/06/2023

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.

App No	Address	Proposal	Possible Date
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
2023/0135	Land North West, Park Road, Calverton	Application for the approval of reserved matters (layout, landscaping, scale and appearance) for the erection of 195 dwellings and associated infrastructure, pursuant to outline approval 2018/0607 (re-plan of reserved matters approvals 2020/0020 and 2022/0584 with 363 units in total)	TBC
2022/0009	Sarval, Stoke Lane, Stoke Bardolph	Erection of baggage storage facility on a raft foundation	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.

ACTION SHEET PLANNING DELEGATION PANEL - 21st April 2023

2023/0132

2 Broadway East, Carlton, Nottinghamshire

Garage New Build, First Floor Extension and Loft/Dormer Extension

The proposed garage and dormer, through their prominence and scale, would be detrimental to the character of the area.

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

Decision: Refuse Planning Permission.

2023/0176TPO

15 Birchwood Drive, Ravenshead, Nottinghamshire

T1 Quercus (Oak) Removal of identified branches and dead wood removal and small amount of thinning. T2 Quercus (Oak) Removal of identified branches and dead wood removal and small amount of thinning.

The proposed works would not have a detrimental impact on the longevity of the trees or character of the area

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

Decision: Grant consent subject to conditions.

21st April 2023

Video Conference Call Meeting

Cllr John Truscott

Cllr Paul Wilkinson

Cllr David Ellis

Cllr Meredith Lawrence

Cllr Marje Paling

Cllr John Parr

Kevin Cartwright - Principal Planning Officer

Nigel Bryan – Principal Planning Officer

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ACTION SHEET PLANNING DELEGATION PANEL 26th May 2023

2023/0051

2 Chestnut Avenue Ravenshead Nottinghamshire
Single storey side and rear extensions (2021/1419)

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.

2023/0060

39 Linby Lane Papplewick Nottinghamshire
Proposed two and single storey rear extension

The proposal is appropriate development in the Green Belt. There would be no undue impact on the host property, character and appearance of the area or highway safety.

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

Decision: Grant Planning Permission subject to Conditions.

2023/0081

80 Valeside Gardens Colwick Nottinghamshire
Proposed First Floor Side Extension

The proposed development would have an undue impact on the character and appearance of the area and wider streetscape due to height, built form and massing.

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

Decision: Refuse Planning Permission.

2023/0092

11 Kighill Lane Ravenshead Nottinghamshire
Removal of the existing rear conservatory, proposed single-storey extension to the front and rear, alterations to the rear dormer roof and the conversion of an existing detached garage forming an annex

The proposed development would result in a disproportionate addition to the original dwelling that would be harmful to the Green Belt. There are no very special circumstances that outweigh this harm.

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

Decision: Refuse Planning Permission.

2023/0130

Loxley Lodge Grays Drive Ravenshead

Change of use from residential (Class C3) and Storage/Office Use (Class B8 and E(g)(i)) to a mixed use comprising Residential (Class C3) and Day Spa (Class E(d)/(e)) including Beauticians (Sui Generis); single-storey extension to existing garage

The proposed development is appropriate development which would accord with national and local Green Belt policies and as such not impact on its openness or the reasons for including land within it. Furthermore no would be no undue impacts in respect of highway safety and parking, amenity or ecology.

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

Decision: Grant Planning Permission subject to Conditions.

2023/0147

84 Front Street Arnold Nottinghamshire

Change of use of ground floor cafe (Class Eb) and first floor storage to bar and bistro (Sui Generis)

The proposed development would have no undue impact on the vitality and viability of the Arnold primary shopping area, 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.

2023/0149

23 Valetta Road Arnold Nottinghamshire

Proposed single-storey rear extension, internal alterations, and window and door replacement.

The proposed development would have 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.

2023/0170

34 Milton Crescent Ravenshead Nottinghamshire

Single storey rear extension; Change existing hipped garage roof to mono pitch roof; Parapet wall between garage roof and extension roof; Raised decking area.

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.

2023/0183

Park House Mile End Road Colwick

Demolition of existing single storey office and two industrial buildings; erection of 5 multi-purpose industrial units.

The proposed development would have an undue impact on the amenity of neighbouring occupiers and insufficient information has been provided in relation to flood risk and land contamination.

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

Decision: Refuse Planning Permission.

2023/0182

6 Fisher Avenue Woodthorpe Nottinghamshire

Two storey rear extension.

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.

2023/0205

148 Chapel Lane Ravenshead Nottinghamshire

Outline planning application for a new dwelling, land to rear of 148 Chapel Lane, Ravenshead. Resubmitted application to renew previously approved 2020/0734

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 Outline Planning Permission subject to Conditions.

2023/0213

15 Tambling Close Arnold Nottinghamshire

Single storey front, side and rear extensions and new off-white render to part front elevation

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.

2023/0238

28 Poplar Close Carlton Nottinghamshire

Two-storey front/side extension

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.

2023/0251

17 Bailey Drive Mapperley Nottinghamshire

Change of use from a dwelling house (Use Class C3) to a residential children's home (Use Class C2) to accommodate up to 3 children

The proposed development would have no undue impact on the 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.

2023/0263

113 Moor Road Papplewick Nottinghamshire

2 storey side extension, alterations and extensions to roof, remove the existing side and rear extensions and garage.

The proposed development would be appropriate development in the Green Belt, would not result in any 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.

2023/0265

3 Covert Close Burton Joyce Nottinghamshire

Single storey side/front and rear extension and shed

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.

2023/0272

15 Ashwell Street Netherfield Nottinghamshire

Change of use to residential garden (retrospective application)

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

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

Decision: Grant Planning Permission subject to Conditions.

2023/0270

15 Paddock Close Calverton Nottinghamshire

Proposed additional storey

The proposed development would have an undue impact on the character and appearance of the hose property and wider streetscene.

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

Decision: Prior Approval Refused.

Video Conference Call Meeting

Cllr Roy Allan
Cllr Lynda Pearson
Cllr Sam Smith
Cllr David Ellis
Cllr Ron McCrossen

Mike Avery – Head of Development and Place
Nigel Bryan – Development Manager
Kevin Cartwright - Principal Planning Officer

30th May 2023

ACTION SHEET PLANNING DELEGATION PANEL 2nd June 2023

2022/1372

1 Glen Parva Avenue Redhill Nottinghamshire

Rear 2 storey extension to existing detached house for a disabled persons accessibility and to include existing roof space conversion with new front dormer

The proposed development would have an undue impact on the character and appearance of the area and on the residential amenity of the neighbouring occupier.

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

Decision: Refuse Planning Permission.

2023/0275

91 Main Street Burton Joyce Nottinghamshire

Driveway gates and side gate to front garden (retrospective)

The proposed development would have an undue impact on the character and appearance of the street scene and locality.

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

Decision: Refuse Planning Permission.

2023/0278

16 Pitch Close Carlton Nottinghamshire

Change of use from C3 dwelling house to C2 children's care home

The proposal would be located in an appropriate location, 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.

2023/0320

124 Westdale Lane East Gedling Nottinghamshire

Single storey rear extension to replace conservatory; erect carport to side of house and excavate rear garden and form retaining walls and garden room, erection of porch and render to front elevation.

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.

2023/0326

5 Bell Street Carlton Nottinghamshire

Alteration of conservatory to a conventional rear extension (part retrospective)

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.

Video Conference Call Meeting

Cllr Roy Allan

Cllr Lynda Pearson

Cllr Stuart Bestwick

Cllr David Ellis

Kevin Cartwright - Principal Planning Officer

2nd June 2023

ACTION SHEET PLANNING DELEGATION PANEL 9th June 2023

2022/0338

4 Deabill Street Netherfield Nottinghamshire

Two storey rear extension, single storey rear extension to create a 6 bedroom property to be occupied by one household.

The application is to be referred to Planning Committee to assess the impact of the proposal on the residential amenity of neighbouring occupiers and the impact on the highway network from increased on-street parking.

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

2023/0108

102 Nottingham Road Burton Joyce Nottinghamshire

Demolition of one and a half-storey dwelling/dormer bungalow and outline planning permission, with access, appearance, layout and scale committed for the erection of 1 no. one and a half storey replacement dwelling and 2 no. bungalows, with associated car parking and gardens.

The proposed development would have an undue impact on the character and appearance of the area and would result in a detrimental impact on the amenity of neighbouring occupiers.

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

Decision: Refuse Planning Permission.

2023/0171

30 Eastham Road Arnold Nottinghamshire

Change of use to hot food takeaway (sui generis) from shop (class E)

The proposed development would have an undue impact on the residential amenity of neighbouring occupiers.

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

Decision: Refuse Planning Permission.

2023/0309

2C Marsham Drive Arnold Nottinghamshire

New Dwelling and detached garage

The proposed development would have an undue impact on the character and appearance of the area and the amenity of neighbouring occupiers.

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

Decision: Refuse Planning Permission.

Video Conference Call Meeting

Cllr Roy Allan
Cllr Lynda Pearson
Cllr Stuart Bestwick
Cllr David Ellis
Cllr Ron McCrossen
Cllr Ruth Strong

Nigel Bryan – Development Manager
Kevin Cartwright - Principal Planning Officer

9th June 2023