

Agenda

Planning Committee

Date: **Wednesday 26 July 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 Michael Adams
Councillor Stuart Bestwick
Councillor David Ellis
Councillor Andrew Ellwood
Councillor Des Gibbons
Councillor Helen Greensmith
Councillor Ron McCrossen
Councillor Lynda Pearson
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 21 June 2023

Councillor Roy Allan (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Marje Paling
Councillor Lorraine Brown Councillor Catherine Pope
Councillor David Ellis Councillor Grahame Pope
Councillor Rachael Ellis Councillor Sam Smith
Councillor Andrew Ellwood Councillor Ruth Strong
Councillor Des Gibbons Councillor Jane Walker
Councillor Helen Greensmith Councillor Henry Wheeler
Councillor Ron McCrossen

Absent: Councillor Stuart Bestwick, Councillor Lynda Pearson and
Councillor Michelle Welsh

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

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Bestwick, Pearson and Welsh. Councillors Brown, Rachael Ellis and Paling attended as substitutes.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 26 APRIL 2023

RESOLVED:

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

3 DECLARATION OF INTERESTS

None.

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

Due to public interest, the Chair moved items 6 and 7 forward on the agenda.

Sunil Vidhani spoke on behalf of local residents who were in objection to the application.

Edward 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 since the publication of the agenda which included a letter of objection noting that there had been objections to the use on noise grounds prior the festival events held in September 2022 and one new letter of support, raising no new considerations.

He added that pages 42-43 of the committee report outlined changes to the application with further representation received from the agent confirming the Maize spectator stand would be removed from Nov to June, Portaloos would only be on site between Aug and Oct, the cinema pallet stage will only be on site between May-Oct, that an advert stand and solar panels had been removed.

He added that the letter also highlighted what they considered to be very special circumstances to allow the development, which were already covered in the committee report and that amended plans had also been submitted to clarify what structures were to be removed.

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.

RESOLVED:

To Refuse Planning Permission for the following reason:

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.

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

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.

The Principal Planning Officer introduced the report.

RESOLVED:

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.

6 APPLICATION NO. 2023/0100 - LING FARM, RICKET LANE, RAVENSHEAD NG21 0NG

Conversion of two agricultural buildings to create 5 dwellings.

The Principal Planning Officer updated members in relation to the recommendation, which would need to be amended to grant planning permission subject to conditions and the signing of a Section 106 Legal Agreement, which was detailed in the committee report.

The Principal Planning Officer then introduced the report.

RESOLVED:

To GRANT Planning Permission subject to conditions and the signing of a Section 106 Legal Agreement:

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.

7 APPLICATION NO. 2023/0140 - GLEBE FARM, GLEBE DRIVE, BURTON JOYCE NG14 5BA

Conversion of two agricultural buildings to create 5 dwellings.

The Principal Planning Officer introduced the report.

RESOLVED:

To 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.
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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.

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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.
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- 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.

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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.

8 MEMBERSHIP OF THE PLANNING DELEGATION PANEL

To note the attached approved report.

RESOLVED to:

Note that the following members of Planning Committee were 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

9 FUTURE APPLICATIONS

RESOLVED:

To note the information.

10 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

11 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.50 pm

Signed by Chair:
Date:

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PLANNING COMMITTEE PROTOCOL

Introduction

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

Disclosable Pecuniary and Non- Pecuniary Interests

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

Pre-determination and Predisposition

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

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

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

Lobbying

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

Roles at Planning Committee

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

Speaking at Planning Committee

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

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

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

Determination of planning applications

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

Oct 2015



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Planning Report for 2021/0934

1:1,250 Planning Reference: 2021/0934
Land Next To Pepperpots
Mapperley Plains, Mapperley

NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Gedling   Serving People. Improving Lives. Date: 12/07/2023

Report to Planning Committee

Application Number:	2021/0934
Location:	Land Next to Pepperpots, Mapperley Plains, Mapperley
Proposal:	Erection of 8 detached dwellings and 3 apartment buildings (comprising 29 flats).
Applicant:	Killarney Homes
Agent:	Halsall Lloyd Partnership
Case Officer:	Nigel Bryan

The application is referred to Planning Committee to comply with the Council's constitution as the development proposes more than 9 dwellings.

1.0 Site Description

- 1.1 The application site covers an area of approximately 0.677 hectares and is located off Mapperley Plains and is dissected by the recently opened Colliery Way. As a result the application forms two distinct and separate parcels of land, one of which is bordered by Mapperley Plains, the 3rd Woodthorpe Scout Hut and Colliery Way and the second is bordered by Mapperley Plains, Colliery Way and a former vehicular access to Chase Farm, with dwellings on Clementine Drive beyond.
- 1.2 The two parcels of land are currently vacant with elements of hardstanding and low level vegetation/grass. There is a gradual but noticeable change of levels through the site with the land dropping away as you head from Mapperley Plains along Colliery Way. Both parcels of land have vehicular entrance points into them from Colliery Way. Around the parcel of land closest to Clementine Drive an acoustic timber fence has been erected around the site. Both sites are bound by vacant land to the south. Some landscaping associated with Colliery Way has been planted within the highway verge between the application site and adjacent roads.

2.0 Relevant Planning History

- 2.1 2018/0394 – an application for a 'Certificate of Appropriate Alternative Development' was granted on the 13th July 2018, having been determined at Planning Committee and established that the site would be suitable for residential development.

3.0 Proposed Development

- 3.1 The application is submitted in full and is for the erection of 37 dwellings in total, which would comprise 8 detached dwellings and 29 apartments. On the western parcel of land this would comprise 5 detached dwellings accessed off a private drive from Mapperley Plains, with egress from the private drive to Mapperley Plains being restricted to a left turn only. Two blocks of flats (A and B) would also be erected, comprising 11 units in block A and 12 units in block B, with 22 two-bed flats and one one-bed flat. Access to these buildings would be from Colliery Way.
- 3.2 On the eastern part of the site, adjacent to Clementine Drive, there would be 3 detached dwellings and building C, comprising 6 flats, all of which would be one-bed and both the flats and dwellings would be accessed from Colliery Way.
- 3.3. A total of 12 affordable dwellings are proposed, which would comprise 4 first homes in building C, all of which would be one-bed and 8 affordable rent in building B, all of which would be two-bed.
- 3.4 In terms of design, the detached dwellings would respect the character of the area being two-storey in scale with red brick predominate and one of the house types having render on the first floor. The flat developments would have accommodation over three floors with the upper floor largely in the roof space; however, the blocks would be taller than the detached dwellings. Materials for the flats would be more mixed including red brick, tile and cladding.
- 3.5 As part of the application it is also proposed to remove part of the acoustic fencing adjacent to Colliery Way around the smaller parcel of land close to Clementine Drive, although it is intended to be re-sited on the eastern edge of the site.

4.0 Consultations

- 4.1 Highway Authority – following receipt of amended plans they raise no objection to the application subject to the imposition of conditions in respect of securing access improvements and parking provision.
- 4.2 Environment Agency – raise no objection to the application, noting that the application site falls within zone 1 and therefore they raise no fluvial risk concerns.
- 4.3 Environmental Health – note that the phase 1 contamination report is 5 years old and should be updated, which can be secured via a condition. A Construction Emission Management Plan (CEMP) would be required as well as the need to secure EV charging points for the development. In respect of noise, they raise no objection to the application subject to securing mitigation identified in the submitted noise report.
- 4.4 Nottinghamshire Wildlife Trust – note that additional information has been submitted that reflects recent development in the locality, most notably the

construction of Colliery Way. There would be a need to ensure that protected species are protected and, to this end, during site clearance an ecologist should be onsite to ensure any disturbed hedgehogs are re-located; ensure no badgers are on-site and look to achieve a suitable landscaping scheme.

- 4.5 Primary Care Trust (PCT) – based on the erection of 37 dwellings, the PCT would seek a contribution of £20,049.37 toward increasing capacity at either the Plains View, West Oak or Unity Surgeries.
- 4.6 Secondary Care Trust (Nottingham University Hospital) – have requested a contribution of £23,018.00 toward secondary care provision e.g. City Hospital and the Queens Medical Centre.
- 4.7 Local Education Authority (LEA) – based on the erection of 30 units that could have children (7 of the units would be one bedroom and therefore not have children) the development would generate 6 primary, 5 secondary and 1 post-16 place. There is no capacity to absorb the spaces generated and therefore a contribution of £113,442 is sought toward primary spaces in the Mapperley planning area. Similarly, there is no capacity for the secondary or post-16 places and therefore a contribution of £131,270 is sought toward such provision in the Mapperley planning area.
- 4.8 Lead Flood Authority – following submission of additional information in respect of drainage, notably an updated Flood Risk Assessment and Drainage Strategy, they raise no objection to the application.
- 4.9 Parks and Street Care – based on the number of dwellings and site area, along with the fact that no wider public open space is to be provided on-site, a contribution of £79,066.04 is sought, which breaks down as £55,608.04 for play equipment and £23,458.00 for its future maintenance for a period of 10 years.
- 4.10 Strategic Housing Manager – notes that 30% of the units would need to be affordable, as has been secured and the mix of units provided, which would be 12 units, 8 affordable rent and four first homes, is acceptable.
- 4.11 Gedling Borough Council Arborist – notes that trees to the periphery of the site, particularly toward the highway verge, are far enough away from the built form so as to not impact on their longevity; therefore, raise no objection to the application.
- 4.12 NCC Archaeology – note that an Archaeology Watching Brief has been submitted in support of the application. Having reviewed the information and fact that some works have been undertaken in the area associated with Colliery Way, they raise no objection to the application, subject to the imposition of a condition requiring additional exploratory works.
- 4.13 Waste and recycling – note that adequate access would need to be provided to service the collection of bins, which is currently difficult at the nearby Scout Hut of 3rd Woodthorpe.

- 4.13 3rd Woodthorpe Scout Group - raise concern about access to the site and how it could affect access to their own site and highway safety; will trees on their site be detrimentally impacted; what boundary treatment is proposed; the safety of their site could be compromised allowing greater access to it from adjacent land e.g. safeguarding; it is unclear how the scheme has changed through the planning process.
- 4.12 A site notice was displayed near to the application site, a notice placed in the press and consultation letters sent to local residents. Following receipt of amended plans, which reduced the number and scale of units proposed to be erected a further consultation was undertaken. A third consultation was undertaken when the level of affordable housing on site was confirmed. As a result of consultation undertaken a total of 30 responses have been received; 12 responses received to the original consultation, 4 to the second re-consult and 14 to the third. A summary of the objections are reproduced below;
- The scale of built form is out of character with the area and should only be two rather than three-storey;
 - The area is characterised by detached dwellings and the flats would be out of character with the area;
 - The density of development is far too high;
 - The number of dwellings proposed is over and above that identified on the previous permission on site;
 - A greener environment, particularly along the Mapperley Plains frontage. should be secured
 - What level of affordable provision is proposed and is this the right location for that type of tenure?
 - The acoustic fencing should be retained as without it noise from Colliery Way will be detrimental to the amenity of local residents;
 - The development will cause safety concerns for the adjacent Scout group given its proximity to their site/hut, through safeguarding concerns and overlooking;
 - Trees to the edge of the site, including on the scout group site, could be undermined;
 - Access to the site will not be safe given its proximity to the junction of Colliery Way and Mapperley Road;
 - Highway safety will be compromised;
 - Parking provision is inadequate, particularly for building C, and any overspill should not be absorbed on the nearby roads;
 - The development will increase stress on existing services e.g. schools, dentists and doctors
 - The site is home to some protected species and should not be developed;
 - Trees planted as part of Colliery Way will be detrimentally impacted;
 - The dwellings are too large and should be reduced in scale so as to reduce overbearing impacts;
 - Overlooking would increase to the detriment of existing occupiers;
 - Observations made in the applicants planning statement are mis-leading;
 - The relationship between existing and proposed dwellings is not clear;
 - What boundary treatments are proposed?;
 - Vibration from the development could impact existing properties;

- Parking and turning should be moved away from existing properties to alleviate possible disturbance to neighbours;
- The development will not provide economic, social or environmental benefits and is therefore contrary to the NPPF;
- Construction of Colliery Way has been harmful to amenity through noise and dust, this development will prolong the disturbance;
- Views from Mapperely Plains to Gedling Country Park should be protected;
- There is no tipping on the site, rather it is home to wildlife

5.0 Relevant Planning Policy

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

- LPD3 – Managing Flood Risk
- LPD4 – Surface water management
- LPD5 – Managing Water Quality
- LPD7 – Contaminated Land
- LPD11 – Air quality
- LPD18 – Protecting and Enhancing Biodiversity
- LPD19 – Landscape and Character and Visual Impact
- LPD21 – Provision of New Open Space
- LPD30 – Archaeology
- LPD32 – amenity
- LPD33 – Residential density
- LPD35 – Safe, accessible and inclusive development
- LPD36 - Affordable Housing
- LPD37 - Housing type, size and tenure
- LPD48 – Local Labour Agreements
- LPD57 – Parking standards
- LPD61 – Highway safety

5.2 The Aligned Core Strategy was Adopted in September 2014, the following policies are considered most pertinent to the determination of the application; A: Presumption in favour of sustainable development; 1: Climate change; 2: The Spatial Strategy; 8: Housing size mix and choice; 10: Design and Enhancing Local Identity and 19 – Developer Contributions

5.3 With respect of the National Planning Policy Framework 2021 (NPPF) the following chapters are considered to be most pertinent to the determination of the application; 2 – achieving sustainable development; 4 – decision making; 5 – Delivering a sufficient supply of homes; 6 – building a strong, competitive economy; promoting sustainable transport; 11 – making effective use of land; 12 - achieving well-designed places; 14 – Meeting the challenge of climate change, flooding and coastal change and 15 – Conserving and enhancing the natural environment.

- 5.4 Other policy guidance of note includes: 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' (2022); 'Affordable Housing Supplementary Planning Document (2009)' 'New Housing Development Supplementary Planning Guidance for Open Space Provision' (2001); 'Low Carbon Planning Guidance for Gedling Borough (May 2021)' and the Gedling Borough Council 'Interim Planning Policy Statement: First Homes' (2022).

6.0 Planning Considerations

Principle of development

- 6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise, with the Local Planning Document forming part of the development plan. The application site falls with the main urban area of the Borough where there are no overriding policy restrictions to residential development. Furthermore, whilst accepting that the grant of application 2018/0394 for a 'Certificate of Appropriate Alternative Development' has now expired, there has been no significant change in policy or circumstance, save that on the ground Colliery Way has now been completed.
- 6.2 Therefore, whilst the principle of development is supported there would be a need to consider a wide range of other planning matters including whether or not the character of the area is respected, residential amenity, highway considerations, flooding matters, drainage, ecology, and more, which are all explored later in this report.

Impact on the character of the area and residential amenity

- 6.3 The site forms two distinct areas, one to the west of the Colliery Way and the other to the east, each with a front to Mapperley Plains. It is proposed to have two access points from Colliery Way and one from Mapperley Plains. The site would comprise a mixture of house types and tenure with 8 detached dwelling houses, 5 of which would be accessed from Mapperley Plains, adjacent to the 3rd Woodthorpe Scout Hut and 3 to the east of Colliery Way. The area is typically characterised by detached properties, some in larger plots on Mapperley Plains and typically smaller plots adjacent to the site on Clementine Way. It is also proposed to erect three blocks of flats, two would be in prominent locations on either side of the entrance to Colliery Way and fronting Mapperley Plains. The third block of flats would be on the larger site to the west of Colliery Way but in a less prominent location. All of the flat accommodation would be spread over three floors.
- 6.4 The detached properties are typical of the area in that the layout and form of development is similar to those that surround it with rear gardens, associated parking and a residential curtilage. There are limited flat developments in the immediate area although some are on the Chase Farm site and on the opposite side of Arnold Lane; however, a mix of housing types are encouraged and the scale of built form is considered to be appropriate in that the scale of development has reduced from four storey as originally proposed

to three. The flats would be taller than the proposed houses and more prominent; however, to have a focal building on a prominent corner such as this is what one might expect and it is not considered that the development would be at odds with wider character of the area and, whilst incorporating flats, the design of the built form is considered to be acceptable.

- 6.5 The application would provide a total of 12 affordable dwellings, of which 4 would be First Homes and 8 affordable rent. All of the First homes would be one-bed whereas the affordable rent would all be two-bed; the affordable housing mix would be acceptable and the Strategic Housing Manger raises no objection to the dwellings to be secured as affordable housing, which are identified on the proposed drawings and would be secured through planning obligations. The wider housing mix is also considered to be acceptable comprising a mixture of conventional family housing and flats. Whilst the density of development is high at approximately 54 per hectare, largely to the flats to be erected, this would be considered acceptable in a sustainable location and the built form is not considered to be out of character with the area. As a result the application is deemed to comply with policies, LPD36, LPD37 and the 'Interim Planning Policy Statement: First Homes'.
- 6.6 In respect of impacts on amenity, it is apparent that primary views from the proposed dwellings would be across their own curtilages or in the case of the flats across the public domain or parking areas. The nearest existing residential properties to the site are at Clementine Drive; however, a protected private right of way to the former Chase Farm on the site is identified which means the distance between the nearest existing residential property, 6 Clementine Drive, and the block of flats comprising 6 units is approximately 21m. Only one secondary kitchen window is proposed in the second floor side elevation of the flats but given the separation distance between the flats and existing dwelling this is considered to be acceptable. The separation distance between the proposed built form and 8 and 10 Clementine Drive would be not less than 21m and up to 28m. As a result it is considered that the built form would not result in an overlooking or overbearing impact that would be detrimental to the amenity of existing or proposed occupiers.
- 6.7 A key consideration for the application is also considered to the impact on amenity of existing and proposed occupiers from noise that is generated from adjacent roads, most notably Colliery Way. It is apparent that when permission was granted for Colliery Way (2015/1033) it was granted subject to a condition that an acoustic barrier would be erected between the road and existing occupiers. The details for the acoustic fence was approved under discharge of condition application 2019/0904DOC and is currently in situ. A noise survey has been submitted in support of this application and indicates that to protect the amenity of the proposed occupiers there would be a need to have special noise protection measures on the front elevation of the units that front on to Mapperley Plains and Colliery Way, whilst noise levels would still be high in the nearest proposed properties it would not reach a significant observed adverse effect level. This mitigation can be secured via condition and would ensure that the amenity of proposed occupiers would be acceptable. In respect of existing occupiers on Clementine Drive it is proposed to re-locate the acoustic fence to the boundary of the site between the retained vehicular access to Chase Farm. Through a combination of the

built form that would act as a noise barrier, along with the replacement of the fencing, the impact on properties on Clementine Drive would be acceptable from noise that would be generated, and is likely to be less than is currently experienced. As a result the application is deemed to comply with policy LPD32(d) in respect of noise that would be generated

- 6.8 Having regard to the above, it is considered that the scheme as amended would respect the character of the area as well as residential amenity. As a result the application is deemed to comply with policies LPD19, LPD21, LPD32, LPD33, LPD35, LPD36 LPD37, and ACS10.

Highway matters

- 6.9 There would be three access points to the site, two of which would be from Colliery Way and are in situ. The third would be from Mapperley Plains where significant road improvements have been made to the junction of Arnold Lane, Gedling Road and Mapperly Plains. Given the width of the road at where the new access from Mapperley Plains is proposed, it is intended for vehicles exiting the site to be restricted to a left turn only, as has been at Bailey Drive in close proximity to this application site. Furthermore, access to the site will only be possible when heading along Mapperley Plains towards the City of Nottingham, due to the road layout it will not be possible to access the 5 dwellings when heading in an easterly direction. There would be a need to make improvements to the existing access points along Colliery Way but the Highway Authority are content that, subject to conditions, all 3 access points to the site will not be detrimental to highway safety. As a result, the application is deemed to comply with policy LPD61.
- 6.10 With regard to parking provision policy LPD57 is pertinent to the determination of the application, along with the recently adopted 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document'. The document outlines the level of parking provision required for each type of unit dependent on the number of bedrooms and indicates that 2 and 3-bed dwellings require two off-street parking spaces and the 4+bed dwellings 3 spaces. For flats there would be a need for 0.8 spaces per flat, if the spaces are unallocated, as is the case with this application. In total 30 spaces are provided for the 29 flats. For the detached properties, each would need to have 3 parking spaces available to them, which has been identified on approved drawings. Therefore, the scheme as amended is deemed to comply with the Supplementary Planning Document and LPD57.

Other considerations

- 6.11 A condition would be required in respect of contamination to ensure that an updated phase 1 desk study is undertaken prior to the commencement of development. A Construction Emission Management Plan (CEMP) should be sought, along with Electric vehicle charging points, which would increase the sustainability of the development, with such conditions supported by relevant policy guidance. Having regard to the above the application is deemed to comply with policies LPD7 and LPD11.

- 6.12 Updated information has been submitted in support of the application in respect of ecological impacts, which reflects the recent works and investigation undertaken to construct Colliery Way. The additional information indicates that the site is not home to protected species. However, during site clearance there would be a need to ensure that hedgehogs are not impacted and an ecologist is on site whilst such works are underway. There would be a need to ensure that additional planting is secured, preferably native species, so that there are ecological enhancements to the scheme. Therefore, subject to additional planting through a landscaping scheme, the impacts of the development on local wildlife would be acceptable and comply with policy LPD18.
- 6.13 Additional information has been submitted in respect of impacts on trees, which identifies that beyond an apple tree that is proposed to be removed from the site, there are no specimens of note nor any worthy of a Tree Preservation Order (TPO). The additional information has also clarified that given the location of the development from trees at the 3rd Woodthorpe Scout site, it would not have a detrimental impact on their growth or longevity. Having reviewed the additional information the Council Arborist is content that the development can proceed without impairment to the longevity of trees in the locality, including those recently planted in the highway verge linked to Colliery Way. Therefore, subject to the submission and approval of a detailed landscape scheme, which should look to utilise native species, the proposal is deemed to comply with policy LPD18 and LPD19.
- 6.14 In respect of drainage, an updated Flood Risk Assessment and Drainage Strategy has been submitted in support of the application and identifies that both surface and foul water will be pumped in a northerly direction to Mapperley Plains where both will thereafter drain through gravity to an existing public surface water sewer and public foul sewer respectively, which is on Wembley Road. To controls surface water flow, which would be restricted to 2.5l/s, it is intended to have some on-site storage, which can store 249.5m³ of water. There is not considered to be any wider flood risk issues with the application site located within Flood zone 1. The approach identified is considered to be acceptable and subject to conditions, as identified by the Lead Flood Authority, the drainage strategy as outlined is considered to be acceptable and comply with policies LPD3, LPD4 and LPD5.
- 6.15 An Archaeological Desk Based Assessment has been submitted in support of the application and identifies that there is the potential for some findings in the locality. Subject to a condition requiring additional exploratory works, which can be secured via a condition, the impacts on Archaeology would be acceptable and deemed to comply with policy LPD30.
- 6.16 A condition requiring boundary treatments to be approved is recommended to ensure that the amenity of neighbouring properties and character of the area is respected. Concern has been raised by the adjacent Scout Group over security; however, there is nothing to indicate that the proposal would have a detrimental impact on security for the site, particularly if a secure boundary treatment is in situ.

- 6.17 In accordance with the Low Carbon Planning Guidance for Gedling Borough Supplementary Planning Document it is noted that there would be a need to encourage a development that would lessen the impacts of climate change. EV charging points are proposed, which will help to reduce the impact of the development on the environment and assist in reducing climate change.

Planning Obligations

- 6.18 The application meets the trigger for a number of planning obligations to make the development acceptable in planning terms. To this end, the obligations sought from various statutory consultees are summarised below:

- Affordable housing – based on the erection of 37 dwellings, 12 affordable dwellings comprising, 8 affordable rent and 4 First Homes, would be an appropriate level of provision and tenure split to comply with the adopted ‘Interim Planning Policy Statement: First Homes’, as well as comply with policy LPD36. First homes is relatively a new form of affordable housing as identified in a written ministerial statement of 24 May 2021 and is fully explored within the Planning Practice Guidance;
- Education - a financial contribution of £244,712 is sought toward education, which would break down as £113,442 is toward primary spaces. Similarly, there is no capacity for the secondary or post-16 places and therefore a contribution of £131,270 is sought toward such provision, both of which would be in the Mapperley planning area.
- Primary Care Trust – seek a contribution of £20,049.37 toward increasing capacity as the Plains View, West Oak or Unity Surgeries.
- Parks and Street Care - note that the threshold for Public Open Space (POS) has been met but given the location of the site and provision of smaller units within the flats, it is considered that a financial contribution in-lieu of such provision is acceptable. As a result a contribution of £79,066.04 is sought for the provision of play equipment (£55,608.04) and its maintenance (£23,458.00) within 2km of the site, which is supported by policy LPD21 and the Supplementary Planning Guidance for Open Space Provision;
- A monitoring fee for the planning obligations is 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;
- Local Labour Agreement – A local labour agreement would be required to comply with policy LPD48.

- 6.19 There is a requirement for contributions sought to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) 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.

- 6.20 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.
- 6.21 It is noted in paragraph 4.6 of this report that the secondary care trust seek a contribution of £23,018 toward provision for Nottingham University Hospitals. However, the request is not considered to be directly related to the development in question in that it is the primary care trust who fulfil the local requirement e.g. funding toward local doctors services, and, therefore, it is not considered that the secondary care trust financial contribution should be secured as a planning obligation as it would not meet the tests set out in the CIL Regulations.

7.0 **Conclusion**

- 7.1 Having regard to the above it is considered that the principle of development is supported in that the site is in a sustainable location with no overriding policy restriction to its development. The layout, scale and appearance of the development as proposed would respect the character of the area and residential amenity. The impact on the highway network would be acceptable and adequate parking would be provided. Affordable housing provision would be acceptable and the other planning obligations sought directly relate to the development in question, providing a full policy complaint scheme.

As a result the application is deemed to comply with policies LPD3, LPD4, LPD 5, LPD7, LPD11, LPD18, LPD19, LPD 21, LPD 30, LPD32, LPD33, LPD35, LPD36, LPD37, LPD48, LPD57, and LPD61 of the Local Planning Document; policies A, 1, 2, 8, 10 and 19 of the Aligned Core Strategy, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document'; the Low Carbon Planning Guidance for Gedling Borough; Interim Planning Policy Statement: First Homes, the Supplementary Planning Guidance for Open Space Provision and guidance within the NPPF.

- 8.0 **Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into planning obligations secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council as Education Authority to secure a local labour agreement, affordable housing and financial contributions towards education, primary care , public open space and maintenance of the same and monitoring fees; and subject to the conditions listed for the reasons set out in the report.**

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:

N1538_127_L_ PROPOSED siteplan / roofplan
N1538_128_G_ PROPOSED ground floor (west)
N1538_129_K_ PROPOSED ground floor (east)
N1538_130_E_ PROPOSED Building B Elevations
N1538_132_E_ PROPOSED Building A Elevations
N1538_133_C_ PROPOSED Building A Ground floor plan
N1538_134_C_ PROPOSED Building A First floor plan
N1538_135_C_ PROPOSED Building A Second floor plan
N1538_136_C_ PROPOSED Building A Roof plan
N1538_137_E_ PROPOSED Building B Ground floor plan
N1538_138_E_ PROPOSED Building B First floor plan
N1538_138_E_ PROPOSED Building B First floor plan
N1538_139_D_ PROPOSED Building B Second floor plan
N1538_141_D_ PROPOSED Building B Roof plan
N1538_142_E_ PROPOSED Building C Ground floor plan
N1538_143_E_ PROPOSED Building C Upper floor plans
N1538_144_D_ PROPOSED Building C Elevations
N1538_145_E_ PROPOSED Long Street Elevations
N1538_146_E_ PROPOSED First floor house plans
N1538_147_C_ PROPOSED Sections through site
N1538_149_A_ Location Plan

3. Prior to above ground works commencing details of materials to be used in the external appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
4. No development shall be brought into use on any part of the application site unless or until junctions to the West/East of Colliery Way and access off Mapperley Plains have been provided as shown for indicative purposes only on the attached plan reference no. N1538-127-L.
5. No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan reference no. N1538-127-L. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles
6. None of the five dwellings to be accessed off Mapperley Plains shall be occupied until a Traffic Regulation Order banning right hand turning on exiting the site as shown for indicative purposes only on drawing ref TP2250549/40 has been processed. The scheme to prevent the right hand turn shall then be implemented in accordance with the approved details prior to first occupation.
7. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle facilities shall be located near to the main entrance to the development, be covered, lockable and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

8. Prior to the commencement of development, the following shall be complied with:

Site Characterisation

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

Submission of Remediation Scheme

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

9. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
10. 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.
11. Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP.

12. The noise mitigation identified in the noise report submitted in support of the application (ref: 784-B038289, dated May 2022), contained in section 6.0, shall be completed prior to occupation of any properties identified as being affected.
13. Prior to above grounds works commencing, the acoustic fence shown to be re-located to the eastern edge of the site, as identified on drawing N1538-127-L, shall be in-situ.
14. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
15. No part of the development hereby approved shall commence until a detailed surface and foul water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and drainage strategy dated 24 May 2023 (ref: MPNH-BSP-ZZ-XXRP-C 0001-P02_Flood_Risk_Assessment), has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
16. From the date of first occupation of plots 1-8 built on site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which

should be drawn to the attention of new residents in their new home welcome pack / travel planning advice

Prior to the occupation of building(s) A-C hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of a minimum of five (5) Electric Vehicle Recharging Points [minimum four EV points serving Buildings A and B (two at each) and minimum one to Building C]. Charge points must have a minimum power rating output of 7kW, 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.

17. The development hereby approved shall completed in accordance with the mitigation identified in para 6.2 of the updated ecological report (dated April 2023 ref TS 2023/03/700), namely a qualified ecologist shall be on-site during site clearance.
18. Prior to the commencement of development, 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.
19. No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details.
20. No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

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 character of the area is respected and to comply with policy ACS10.

4. In the interests of highway safety and to comply with policy LPD61.
5. In the interests of highway safety and to provide adequate parking and comply with policies LPD57 and LPD61.
6. In the interests of highway safety and to comply with policy LPD61.
7. To encourage sustainable means of transport and comply with guidance within the NPPF.
8. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
9. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
10. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
11. 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 Councils Local Plan.
12. To ensure that residential amenity is respected and to comply with policy LPD32.
13. To ensure that residential amenity is respected and to comply with policy LPD32.
14. To ensure compliance with policy LPD30.
15. To ensure that the site is suitably drained and to comply with policies LPD3 and LPD4.
16. 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 Councils Local Plan.
17. To ensure that any protected species are not harmed and to comply with policy LPD18
18. To ensure the character of the area is respected and biodiversity duly considered, and to comply with policies LPD18 and LPD19.
19. To ensure that the character of the area and residential amenity is respected and to comply with policies LPD32 and ASC10.

20. To ensure that the character of the area and residential amenity is respected and to comply with policies LPD32 and ASC10.

Notes to Applicant

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 applicant should note that notwithstanding any planning permission that any development serving 5 dwellings, or more is subject to the Advance Payments Code under the highways Act 1980 (as amended). All private roads will need to be maintained under a management company and a s106 agreement will need to be entered into which should include how the roads are to be managed and maintained. Once the landowner has completed the roads 'fit for purpose' and the above completed the landowner can then be exempted from the APC.

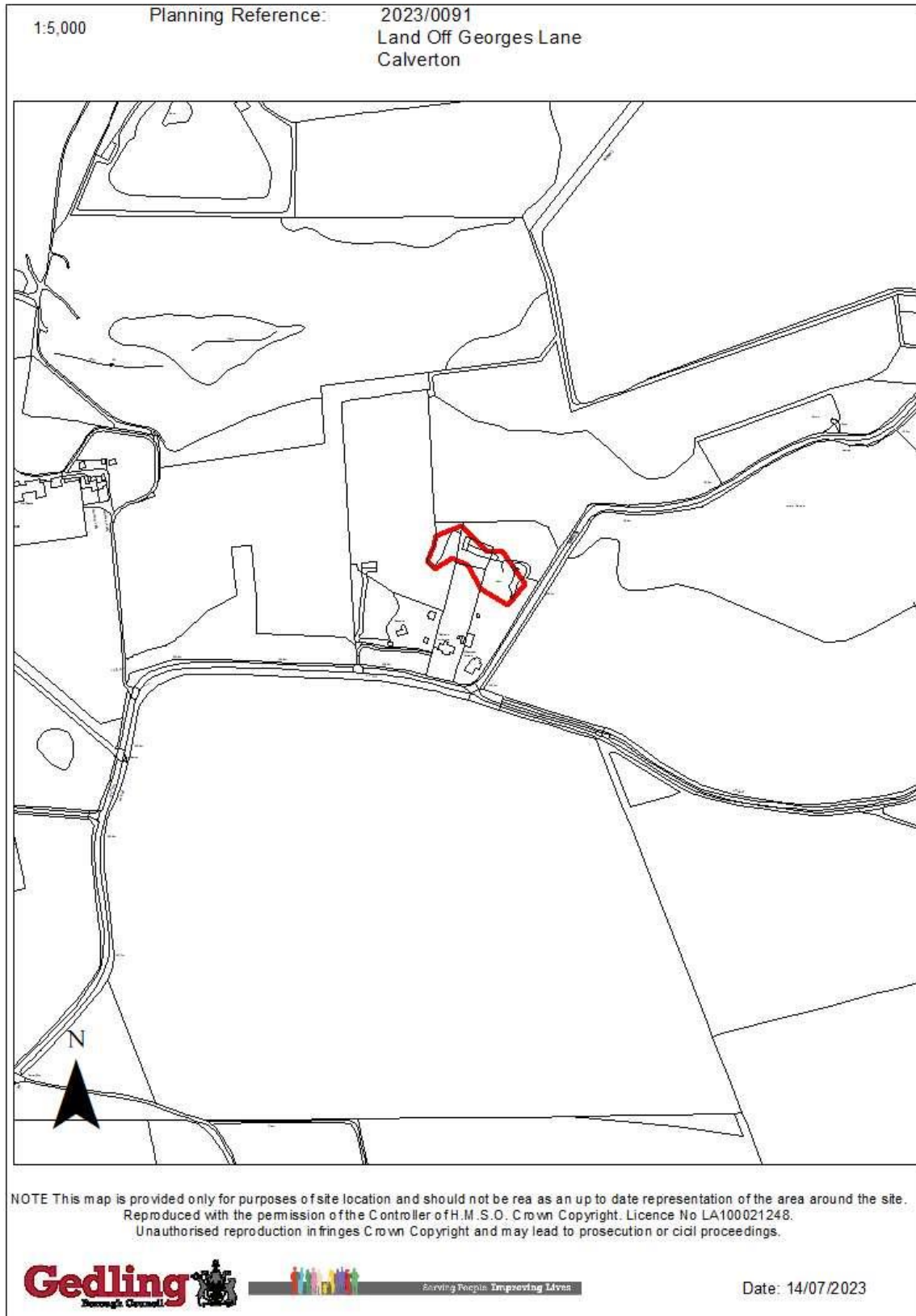
a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code. It is recommended that the developer contact the Highway Authority as early as possible.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. To undertake the works, you will need to enter into an agreement under Section 278 of the Act.

Correspondence with the Highway Authority should be addressed to:-
hdc.south@nottscc.go.uk



Planning Report for 2023/0091



Report to Planning Committee

Application Number:	2023/0091
Location:	Land Off Georges Lane Calverton
Proposal:	Construction of two open round barrows and a grass covered barrow for the placement of cremation urns, access path and landscaping.
Applicant:	A W Lymn
Agent:	Marrons Planning
Case Officer:	Claire Turton

The application is required to be considered by Planning Committee given that planning obligations may be required to secure the mitigation of the impacts of the development should planning permission be granted.

1.0 Site Description

- 1.1 The application site is located to the north of George's Lane, between the settlements of Arnold and Calverton. The wider site consists of agricultural land and woodland which has a substantial change in ground levels, with the land generally rising from George's Lane up towards the north.
- 1.2 The wider site was granted planning permission (2022/0006) on the 19 August 2022 having been considered at the Planning Committee of 27 July 2022. The application title is below;-

"Change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car park, landscaping and new access arrangements onto Georges Lane".

This planning permission has not yet been implemented. This current application relates to a parcel of land within the wider burial ground site that was previously proposed to be used for a meadow burial area.

- 1.2 The site is accessed from George's Lane via an unadopted hard bound road which leads towards residential dwellings located to the east of the site. To the west of the wider site is Calverton Hill Hospital and part of the wider site to the north also shares a boundary with Ramsdale Park Golf Centre.
- 1.3 The site is located within the Green Belt and Ramsdale Hill to the north is designated as a Scheduled Ancient Monument. A public bridleway runs through

the site and a public footpath also passes across the site to the north-east corner.

- 1.4 The wider site area (relating to planning permission 2002/0006) is circa 10.95 hectares. This specific site area (relating to this current planning application) is circa 0.23 hectares.

2.0 Relevant Planning History

- 2.1 2013/1010 - Change of use of agricultural field to create natural burial ground with associated car park – Withdrawn.
- 2.2 2018/0228 – Planning permission granted for change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car parking, landscaping and new access arrangements onto Georges Lane.
- 2.3 2022/0006 – Planning permission granted for; - *“Change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car park, landscaping and new access arrangements onto Georges Lane”*

3.0 Proposed Development

- 3.1 The application seeks planning permission for;-
“Construction of two open round barrows and a grass covered barrow for the placement of cremation urns, access path and landscaping”.
- 3.2 The approximate dimensions of the barrows are as follows;-
Barrows 1 and 2 (open wall) – Diameter 14 metres, 2.7 metres in height from ground level to top of wall.
Barrow 3 (grass mound) - Diameter 10 metres, 9 metres in height from ridge of grass mound to existing ground level.
- 3.3 Barrow 1 includes a reflection pool and bearer stone, barrow 2 includes a central tree and barrow 3 is a covered barrow.
- 3.4 The provision of the bearer stone in the first barrow has a secondary use for facilitating an outdoor ceremony space in advance of the burial of a coffin. The covered barrow has a secondary use as an indoor ceremony space.
- 3.5 The site adjoins the internal burial ground access road to the south west.
- 3.6 A Section 106 Legal Agreement is in an agreed form and waiting to be signed ensuring that, if granted planning permission, the owner of the application site would be bound by planning obligations ensuring that development could not commence without the planning permission for the wider burial ground use first being implemented.

4.0 Consultations

- 4.1 GBC Conservation Officer:- No concerns.
- 4.2 GBC Tree Officer:- No objection.

- 4.3 GBC Scientific Officer:- No objection subject to conditions.
- 4.4 GBC Parks and Street Care:- State no comments.
- 4.5 NCC Rights of Way:- No objection. Calverton Footpath 22 runs adjacent to the application site but appears to be unaffected by the proposal.
- 4.6 NCC Highway Authority:- State no objection.
- 4.7 NCC Lead Local Flood Risk Authority (LLFRA):- State no comment.
- 4.8 NCC Archaeology:- Does not believe that there will be any impact on buried archaeological remains.
- 4.9 Calverton Parish Council:- Object.

The size and height of the barrows is not in keeping with the Green Belt surroundings and the development is not sympathetic to the rural farming landscape / history of this location.

Close to ancient monument – Historic England should be consulted.

NCC Highways should be consulted and a new Transport Statement be completed as the previous report was carried out towards the end of the Covid 19 lockdown.

Is there 24/7 access or is this gated?

Severn Trent has sought permission from the Parish Council to put in a holding tank to help with surface water runoff that currently comes off the fields. Request Severn Trent carries out further investigations.

- 4.10 Historic England:- State not offering advice.
- 4.11 Environment Agency:- State that they are not making formal comments.
- 4.12 Severn Trent Water:- No comments received.
- 4.13 Notts Wildlife Trust:- No comments received.
- 4.14 Neighbouring residents:- Correspondence has been received from 1 no. neighbouring occupier querying an issue with the drawings (this has been clarified with the neighbour directly).

5.0 Assessment of Planning Considerations

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

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2021 – sets out the national objectives for delivering sustainable development. Sections 13 (Protecting Green Belt land), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy 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 3: Green Belt – sets out the policy with respect to the Green Belt.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 11: The Historic Environment – sets out the criteria for safeguarding heritage interests.

Policy 17: Biodiversity – sets out the approach to ecological interests

6.4 Local Planning Document (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 6: Aquifer Protection – states that planning permission will be granted where proposals would not be liable to cause contamination of the ground water in aquifers.

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 26: Heritage Assets – sets out the criteria that development which may affect a designated heritage asset will need to meet.

LPD 30: Archaeology – sets out requirements for development proposals which could impact Schedules Monuments or their settings.

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 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.

6.5 Other Planning Documents

'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' (2022) sets out required parking standards within the district.

Greater Nottingham Landscape Character Assessment (2016) – The site is located within Dumbles Rolling Farmland.

6.6 Calverton Neighbourhood Plan

Policy ISF1: Sustainable Transport – states that opportunities for the use of sustainable modes of transport must be maximised.

Policy ISF2: Car Parking – states that any new development outside of the Village Centre will only be permitted where it has sufficient parking provision.

Policy ISF3: Highway Impact – sets out the criteria for assessing highway impact.

Policy BE1: Design & Landscaping – states that all development on the edge of Calverton must provide soft landscaping on the approach into the village and sets out criteria to achieve this.

Policy BE5: Heritage Assets – sets out the approach to development that affects designated heritage assets including Conservation Areas and Ancient Monuments.

Policy NE3: Flooding – sets out the approach to preventing flooding and to ensure that adequate drainage is provided.

Policy NE4: Green Infrastructure – sets out the approach to green infrastructure and ecological considerations.

Policy NE5: Biodiversity – sets out the approach to biodiversity.

7.0 **Planning Considerations**

Principle of this type of development within the Green Belt

- 7.1 This section of the report will look at whether or not the principle of development is supported in the Green Belt before going on to consider the impact on openness and wider landscape, along with other consideration.

The site is located within the Green Belt. Paragraph 147 of the National Planning Policy Framework states that

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 7.2 Paragraph 148 of the National Planning Policy Framework states 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.

- 7.3 Paragraph 149 of the National Planning Policy Framework states that;-

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

7.4 Barrow 3 is considered to be a building as well as resulting in significant engineering operations. The dictionary definition of a building is a structure with walls and a roof, which barrow 3 has. Barrows 1 and 2 are considered to be engineering operations but not a building, both contain boundary walls and other built development but no roof.

7.5 Paragraph 149 of the NPPF identifies cemeteries and burial grounds are an appropriate form of development in the Green Belt, subject to not conflicting with the purposes of including land within it e.g. openness considerations. Whilst a barrow would be an *above* ground burial structure it is considered to be an appropriate facility for a cemetery and burial ground and, therefore, on balance, is considered to be an appropriate form of development within the Green Belt.

7.6 Paragraph 150 of the NPPF states that;-

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are ...

b) engineering operations ...

e) material changes in the use of land (such as changes of use for ... cemeteries and burial grounds.”

7.7 With regards to part b of paragraph 150 of the NPPF, barrows 1, 2 and 3 are considered to be engineering operations and therefore are not necessarily inappropriate development, subject to whether or not the works would have a detrimental impact on openness, explored in paragraphs 7.8 -7.10 of this report.

Impact upon the openness of the Green Belt

7.8 In addition to the above, there is also a need to consider whether the proposal would preserve the openness of the Green Belt as required by paragraphs 149 and 150 of the NPPF and whether it would conflict with the 5 purposes set out in paragraph 138 of the NPPF.

7.9 It is considered that the proposal would not preserve the openness of the Green Belt. This is primarily due to the size and scale of the built-form. Barrows 1 and 2 have a diameter of approx. 14 metres and are approximately 2.7 metres in height from ground level to the top of wall. These are engineered in appearance. Barrow 3 has a diameter of approx. 10 metres and is 9 metres in height from ridge of grass mound to existing ground level. Whilst this barrow is “green” in

nature (predominantly grass and natural planting), it is still a large form of development at 9 metres in height and 10 metres in diameter. This is in contrast to the site's current un-developed and open nature and the proposed burial meadow which was of a much lesser scale and was considered as part of planning permission 2022/0006 to preserve the openness of the Green Belt.

- 7.10 For the reasons stated above, given the size and scale of the proposed development, it is considered that the development would not preserve the openness of the Green Belt in this location. In this respect therefore, the development is considered to be inappropriate development within the Green Belt. 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.”

Very special circumstances

- 7.11 The applicants contest that the use is appropriate and would not have a detrimental impact on the openness of the Green Belt. However, as outlined in this committee report, that viewed is contested. Nor, for the avoidance of doubt, is it contested that any very special circumstances exist to allow what would otherwise be considered inappropriate development within the Green Belt.

Impact upon visual amenity and landscape character

- 7.12 The Greater Nottingham Landscape Character Assessment (2016) identifies the site as being located within the Dumbles Rolling Farmland. The landscape is formed by a distinctive series of ridgelines and valleys creating a characteristic rolling landform. The Landscape Character Assessment states that there are few detracting features in the landscape. The landscape condition is identified as good and the landscape character is identified as strong. The overall landscape strategy is conserve. With regards to the site itself, there is woodland to the east of the site. However, the land is more open to the north where it falls away towards Ramsdale Golf Course.
- 7.13 Impact on visual amenity and landscape character is a different test to impact on the openness of the Green Belt. Indeed, planning policies on general visual amenity and landscape character are not as strict as policies regarding the openness of the Green Belt. Given the lower height of barrows 1 and 2, as well as their more open nature, these are not considered to have a detrimental impact on the general visual amenity of the area or the landscape character. However, the height of barrow 3 is 9 metres with a steep slope of 70-80 percent. Whilst this is proposed to be “green” in nature, it will still appear as a large structure within the landscape. It is considered that this will be a prominent and somewhat alien feature.
- 7.14 In conclusion, it is assessed that the proposal will constitute a large, prominent and alien feature within the landscape. It is therefore considered that the proposal would have a detrimental impact upon visual amenity and it would therefore not accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policies BE1 and NE4.

Impact upon residential amenity

- 7.15 The wider site already has planning permission for a burial ground use. The proposed barrows are not considered to create significant additional visitors to the site above that of the proposed burial ground use. The barrows would be built out instead of burial plots which were previously proposed on this area of the site. As such, I do not consider that the proposal will cause additional issues of noise and disturbance to neighbouring properties.
- 7.16 Due to separation distances, I do not consider that the proposal will cause unacceptable issues of massing / overshadowing, overbearing or overlooking onto neighbouring residential occupiers.
- 7.17 Overall it is considered that the proposal would not have a detrimental impact upon residential amenity and it would therefore accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policy LPD 32.

Highway matters

- 7.18 It is proposed to utilise the access approved under planning permission 2022/0006. A Section 106 Legal Agreement is in an agreed form and waiting to be signed. This secures planning obligations which would ensure that, if planning permission were to be granted, works could not commence on this current development until the previous planning permission (2022/0006) was substantially complete, including the implementation of the access roads.
- 7.19 The proposed barrows are not considered to create significant additional visitors to the site above that of the proposed burial ground use. The barrows would be built out instead of burial plots which were previously proposed on this area of the site.
- 7.20 Annex D to the Local Planning Document and the 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' (2022) does not specify a parking requirement for burial grounds. It is noted that the Highway Authority do not raise an objection to the proposal and therefore do not consider that any harm to the surrounding highway network would arise. On this basis, there is no evidence to suggest that the parking spaces proposed for the wider burial ground use would not be adequate to provide for the parking needs of the barrows development. Furthermore grasscrete overflow parking is proposed to provide an additional 12 parking bays if required.
- 7.21 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policies 57 and 61 and Calverton Neighbourhood Plan Policy ISF2 and ISF3.

Heritage considerations

- 7.22 The wider burial ground site is adjacent to a Scheduled Ancient Monument (SAM), Ramsdale Hill and an area of archaeological interest. However, this

specific site is not located close to these. Historic England and NCC Archaeology have not recommended a condition in respect of additional archaeology research, which is supported.

- 7.23 Overall it is considered that the proposal meets with the objectives of the National Planning Policy Framework, Aligned Core Strategy 11, Local Planning Document Policy 26, 30 and Calverton Neighbourhood Plan Policy BE5.

Ecological considerations

- 7.24 Ecology issues were fully assessed as part of the larger burial ground application at the wider site. A Section 106 Legal Agreement is in an agreed form and waiting to be signed. This agreement would secure panning obligations ensuring that, if planning permission were to be granted, works could not commence on this current proposal until the previous planning permission (2022/0006) was substantially complete, through the facilities building having a roof on it and with pertinent conditions having been discharged (including conditions regarding ecology).
- 7.25 The Council's Tree Officer has assessed this current scheme and raised no objections regarding impact on trees. I see no reason to disagree with this professional advice.
- 7.26 It is possible that Sherwood Forest could be designated as a proposed Special Protection Area (pSPA) or Special Protection Area (SPA) for Nightjar or Woodlark. In relation to this it is noted that the proposed development will be small scale and no new residential houses or other significant facilities that will increase either population or impose significant additional recreational pressure in the application site. Therefore the potential for any impact on the local Nightjar and Woodlark populations is considered to be negligible and no further assessment with respect to the potential that Sherwood Forest could be designated as a proposed Special Protection Area (pSPA) or Special Protection Area (SPA) for Nightjar or Woodlark is considered to be necessary.
- 7.27 Paragraph 3.17.3 in the Council's Aligned Core Strategy (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.
- 7.28 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local

Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats were given significant weight. Having regard to evidence submitted to the inquiry in 2010, the site is not located within a core ornithological interest for breeding nightjar and woodlark area but is situated within an indicative 5km buffer zone.

- 7.29 In light of this decision Natural England's Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of The Conservation of Habitats and Species Regulations 2010 is met with a robust set of measures already in place. However unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that the Sherwood Forest Region should be treated as a confirmed European site.
- 7.30 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the above 2010 Regulations until it has been actually designated as a Special Protection Area. Furthermore, the site does not qualify for protection under paragraph 181 of the NPPF which refers to pSPAs as footnote 64 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the scientific case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 7.31 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policy 26 and Calverton Neighbourhood Plan Policy NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the prospective Special Protection Area is not being treated as confirmed European Site, the reason for this is set out above.

Other matters

- 7.32 With regards to the Parish Council comments, the majority of issues raised have been addressed throughout the body of this report. Neither Severn Trent Water nor the Environment Agency raise any objections to the proposal. Barrow 3 is proposed to have a gate to the entrance.

8.0 Conclusion

- 8.1 The proposal does not have an unacceptable impact on residential amenity, highway safety, designated heritage assets, ecological considerations or ground water.
- 8.2 However, the proposed development would represent inappropriate development in the Green Belt and would cause harm to the openness of the

Green Belt. The proposal is therefore contrary to the National Planning Policy Framework (Section 13).

- 8.3 It is also considered that there would be undue impact upon the visual amenity and landscape character of the area. The proposal is therefore contrary to the National Planning Policy Framework (Section 15), Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policy BE1.

RECOMMENDATION: Refuse Planning Permission for the following reason(s):-

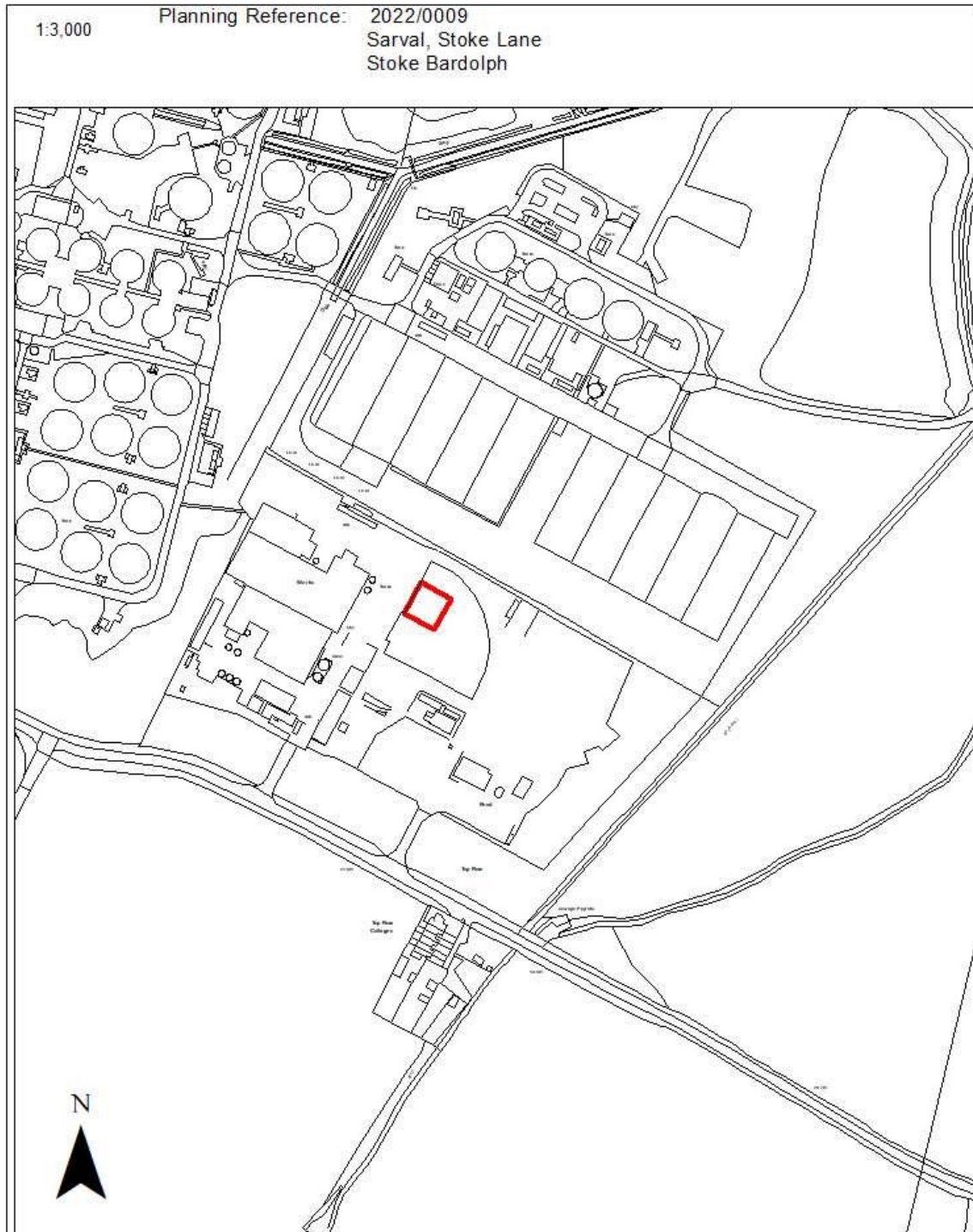
- 1 The proposed development would represent inappropriate development in the Green Belt and would cause harm to the openness of the Green Belt. The proposal does not meet any of the criteria listed in paragraphs 149 or 150 of the NPPF which list certain types of development that are not considered inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are no special circumstances that outweigh the harm caused to the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework (Section 13).

- 2 The proposed development would have an undue impact upon the visual amenity and landscape character of the area.

The development consists of a barrow 9 metres in height (Barrow 3) with a steep slope of 70-80 percent. This will appear as a tall, prominent and alien feature within the landscape. The proposal is therefore contrary to the National Planning Policy Framework (Section 15), Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policy BE1.



Planning Report for 2022/0009



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

Date: 13/04/2023

Report to Planning Committee

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

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

1.0 Site Description

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

2.0 Relevant Planning History

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

3.0 Proposed Development

- 3.1 Planning permission is sought for the retention of a detached building on the site being used as a baggage storage facility for the storage of animal bi-products, the building is constructed on a raft foundation. The building is finished in profile cladding
- 3.2 The building has an overall footprint of approx. 400 square metres.
- 3.3 During the processing of the application a Planning Statement was submitted to accompany the application to explain the requirement for the development

as proposed and to provide a justification for the development in this Green Belt location. The contents of this document are summarised below;

- 3.4 Whilst the site is located within the Green Belt, local and national planning policies state that the infilling and redevelopment of brownfield land is not inappropriate development and therefore the development would be appropriate in this location. It also concludes that the development as proposed would not have a greater impact on the openness of the Green Belt than the existing development at the site, the proposal would in fact improve the appearance of the site as storage would be contained within the proposed building rather than on the open areas of the site.
- 3.5 In addition to the above the document states that the proposed development would provide economic benefits in accordance with the economic strategy, providing investment in an existing business enabling a more efficient and sustainable operation and attract further investment in the future.
- 3.6 The site provides employment and the proposal would improve the working conditions of staff at the site. The use of the proposed building would also result in reduced noise emissions from the site as the loading of the storage bags would be undertaken within the confines of the building.
- 3.7 During the processing of the application a further letter has been submitted by the applicant's agent, dated the 20th June 2023, providing further justification and very special circumstances to justify the development in this Green Belt location, the contents of this are summarised below:
 - It is considered that the development comprises the infilling and the redevelopment of previously developed land;
 - It is not considered that the building has an adverse impact on the openness of the Green Belt given that the building lies within a wider complex of similar and indeed larger buildings;
 - Previous planning applications on the site for development were not considered to result in inappropriate development;
 - Views into the site are limited;
 - There should be a holistic approach which considers not only the footprint and scale of the building but also the context of the building, in this instance within the existing site complex, the building in question having no greater impact than the existing development;
 - It is considered that the building falls within the exception listed under paragraph 149 of the NPPF 2021 and within the requirements of policy LPD15 of the Local Planning Document 2018 and therefore is appropriate development and it is not necessary to demonstrate very special circumstances in this instance. The Council however have reached a different conclusion and consider that the development results in inappropriate development within the Green Belt and therefore very special circumstances are required to be demonstrated, this being the case the very special circumstances are set it below:

- Operational requirement for the building to improve the amenity and environment of the site for employees and the local community.
- Enhanced operational efficiencies to support investment for future growth and jobs at the site;
- Increased efficiency and modernisation to support viability and future investment;
- Local employer providing local jobs;
- Local multiplier effect of existing and future investment in the site;
- Future investment opportunities at the Sarval site at Stoke Lane;
- Development of previously developed land within the wider complex.

3.8 A Flood Risk Assessment has been submitted with the application.

4.0 Consultations

4.1 A press notice was published, a site notice displayed and neighbour notification letters posted. As a result of the consultation undertaken no letters of representation were received.

4.2 Stoke Bardolph Parish Council – no comments received.

4.3 Nottinghamshire County Council (NCC) Highway Authority – no objections.

4.4 Scientific Officer (Contamination) – no objections.

4.5 Environment Agency (EA) – the application should be assessed against the EA's Standing Advice.

5.0 Assessment of Planning Considerations

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

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 At the national level the National Planning Policy Framework (NPPF) (2021) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The following sections and paragraphs are particularly pertinent.

- Section 12 (Achieving well-designed places), Paragraph 124 states that “Good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities”.
 - Section 13 (Protecting the Green Belt) Paragraph 134 outlines the 5 purposes served by the Green Belt.
 - Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) states at paragraph 159 that development in flood risk areas should be made safe for the developments lifetime without increasing flood risk elsewhere.
- 6.3 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.4 Paragraph 138 goes on to state the five purposes of Green Belt:
- a) to check the unrestricted sprawl of large built up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.5 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.6 Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with a few exceptions, see below:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

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

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

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

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

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

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

7.0 Planning Considerations

Principle of the development in the Green Belt and Impact on Visual Amenity

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

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

- 7.7 The proposal would therefore be considered inappropriate development and such inappropriate development is harmful to the Green Belt by definition and should not be approved except in very special circumstances. Whilst it is noted that the applicants agent has submitted a document in support of the proposal and having considered its contents fully it is not considered that very special circumstances have been put forward to support the proposed development and therefore very special circumstances have not been demonstrated. The proposed development is therefore contrary to Section 13 of the NPPF, ACS3 and LPD 15.

Flood Risk

- 7.8 It is noted that the site is situated within Flood Zone 2 and therefore the application should be accompanied by a Flood Risk Assessment (FRA) This was not initially submitted however a FRA has now been submitted to accompany the application.
- 7.9 Having now liaised with the EA in respect to the submitted FRA the EA has advised that the development should be assessed against their Standing Advice.
- 7.10 Having assessed the EA's Standing Advice, whilst this states that a Sequential Test should be undertaken to locate development in less vulnerable areas and an Exception Test maybe also be required. In regard to the Sequential Test I note that the submitted FRA states that the development cannot be located elsewhere due to the fact that it is operationally linked to the existing business on the site.
- 7.11 In respect to the Exceptions Test as the development is considered less vulnerable it is considered appropriate development in flood zone 2 and therefore the exceptions test does not need to be applied.
- 7.12 The FRA recommends that the minimum finished floor level of the building is 20.71mAOD. The FRA confirms that this is the finished floor level of the building and therefore this combined with the flood resilient construction the building should be safe for the lifetime of the development.
- 7.13 Given the above I am therefore satisfied that provided the development is retained in accordance with the details contained within the submitted FRA the development results in no significant flood risk issues in this instance and does not increase the risk of flooding to adjacent sites.
- 7.14 The application is therefore deemed to comply with the guidance within the NPPF and policy LPD3.

Highway Safety and Parking

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

Impact upon residential amenity

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

8.0 Conclusion

- 8.1 Taking the above into account, it is considered that the proposal would have a harmful impact upon the openness of the Green Belt and would represent inappropriate development within the Green Belt. The proposal is therefore contrary to Section 13 of the NPPF and LPD 15 and planning permission should be refused. Whilst there is not considered to be conflict with other mentioned policies, this is not considered to outweigh the overriding identified harm.

Recommendation: Refuse Planning Permission for the following reasons:

Reasons

- 1 It is considered, given the location, size and scale of the proposed building, the proposal would harm the openness of the Green Belt therefore resulting in inappropriate development in the Green Belt without very special circumstances demonstrated to outweigh the harm identified, contrary to Section 13 of the NPPF and LPD15.

Notes to Applicant

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

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



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Planning Report for 2022/0338

1:1,250 Planning Reference: 2022/0338
4 Deabill Street
Netherfield

NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Gedling   Enriching People. Improving Lives Date: 12/07/2023

Report to Planning Committee

Application Number:	2022/0338
Location:	4 Deabill Street Netherfield
Proposal:	Two storey rear extension, single storey rear extension to create a 6 bedroom property to be occupied by one household.
Applicant:	Mr Osmond Okungbowa
Agent:	NJW Design
Case Officer:	Alison Jackson

The application has been referred to Planning Committee by the Planning Delegation Panel 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.

1.0 Site Description

- 1.1. 4, Deabill Street, Netherfield is a two storey detached brick and painted property. The property is set slightly back from the road. The property offers no off street car parking. There is a rear garden area to the property.

2.0 Relevant Planning History

- 2.1 None.

3.0 Proposed Development

- 3.1 Planning permission is sought for the erection of a two storey and single storey rear extension to the property in order to create a six bedroom property, which the applicants have advised would be occupied as a single household. The layout of the dwelling with a shared kitchen/diner would mean that the occupiers would need to cook and eat together, which would indicate that the occupiers would live as a single household, even if the occupiers are not related or known to each at the time of occupation.
- 3.2 The materials proposed for the construction of the extensions are a render finish.

4.0 Consultations

4.1 Local residents have been notified by letter and a site notice has been posted – two letters of representation were received, the contents of which are summarised below:

- The application is misleading.
- It is unsure who will occupy the property and who owns the property.
- Concerns that the property will be used as a HMO.
- Concerns over anti-social behaviour.
- Noise pollution.
- Significant parking issues.
- The property is unoccupied but the application details state that the property is occupied.
- The rooms are all en-suite with only a shared kitchen/diner and therefore it does not appear that the property would be occupied by a single household.
- Concerns that the work has already commenced.
- Highway safety issues.
- Concerns that occupiers of the property will be exploited.
- The proposal would be out of character in this family area.
- Existing arson and theft issues in the area.

4.2 Nottinghamshire County Council (NCC) Highway Authority – there is no off-street parking with the existing use or the proposed and will continue to rely on on-street parking. The Highways Authority must stress that residents to the proposal site may cause inconvenience to the existing residents and their visitors who also have a current demand for parking in the area. Having taken the road safety into account the highways Authority do not wish to raise any objection to the proposal.

4.4 Environment Agency – originally objected to the application in the absence of an acceptable Flood Risk Assessment (FRA) however following confirmation that the property is to be occupied as a single household advise that the application should be assessed against their standing advice but advise that the occupants should sign up to a Flood Warning System.

5.0 Assessment of Planning Considerations

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

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:
- 6.2 At the national level the National Planning Policy Framework (NPPF) (2021) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The following sections and paragraphs are particularly pertinent.
- Part 5 – Delivering a sufficient supply of homes
 - Part 12 – Achieving well-designed places
 - Part 14 – Meeting the challenge of climate change, flooding and coastal change
- 6.3 Paragraph 124 of the NPPF states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 6.4 Paragraph 127 of the NPPF states that “Planning policies and decisions should ensure that developments ... create places ... with a high standard of amenity for existing and future users.”
- 6.7 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:
- Policy 1 – Climate Change states development proposals will be expected to mitigate against and adapt to climate change.
 - Policy 8 – Housing Size, Mix and Choice states “Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space”
 - Policy 10 – Design and Enhancing Local Identity states that development will be assessed in terms of its “structure, texture and grain including street patterns, plot sizes, orientation and positioning of buildings and the layout of space”.
- 6.8 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:
- LPD 3 – Managing Flood Risk states planning permission will be granted for development in areas at risk of flooding provided that the development does not increase the risk of flooding on the site or elsewhere.
 - LPD 32 - Amenity states “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 43 - Extensions to Dwellings Not in the Green Belt states “Within the existing main built up area of Nottingham, the key settlements of Bestwood Village, Calverton and Ravenshead and the other villages of Burton Joyce, Lambley, Newstead and Woodborough, Planning Permission will be granted for extensions or alterations to dwellings provided:-
 - the appearance of the proposal is in keeping with surrounding character in terms of height, built form and general design;
 - the proposal conserves any historic significance the building may have; and
 - the proposal would not cause a significant adverse impact on the amenity of nearby occupiers.”
- LPD57 – Parking Standards states “Planning permission for residential development will be granted where the development proposal meets the requirement for parking provision set out in Appendix D, or otherwise agreed by the local planning authority.”
- LPD 61 – Highway Safety states “Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.”

6.9 In respect to car parking, regard should be had to the Borough Council’s Supplementary Planning Document ‘Parking Provision for Residential and Non-Residential Developments’ (2022).

7.0 Planning Considerations

Principle of the Proposed Use

- 7.1 The site is located within an urban area where the principle of householder development is considered acceptable subject to the assessment of all material planning considerations. The property is currently unoccupied with its authorised use being as a Class C3 residential dwelling.
- 7.2 Concerns have been raised in regard to the fact that when the application was initially submitted the description of the development stated that the property would be occupied as a House of Multiple Occupation (HMO), this matter has been clarified with the applicant and, as detailed above, the applicant’s agent has advised that it will be occupied as a single household. It is noted that each of the rooms will be en-suite; however, no cooking facilities are provided within any of the rooms and, therefore, occupiers would be required to utilise the shared space e.g. the kitchen/diner, for the production, and likely consumption, of meals. This would indicate that the occupiers would have to live as a single household rather than being self-contained bed-sits.
- 7.3 The Town and Country Planning (Use Classes) Order 1987 (as amended) categorises different types of property and land into classes. The use proposed by the applicant would fall within Class C3(c) residents living together as a single household where no care is provided to residents. The regulations also permit a change of use to Class C4: Use of a dwellinghouse by not more than six residents as a HMO (House in Multiple Occupation).

While the proposed use would not require planning permission, a licence under the Housing Act 2004 would be required, if the property is to be occupied by 5 or more tenants. Any licence granted would include conditions relating to mandatory national minimum sleeping room sizes and waste disposal requirements.

Impact of the proposed Use on Residential Amenity

- 7.4 As the existing property and the proposed extension would be occupied for residential purposes, there is no reason to conclude the proposal would have a greater impact on the amenity of neighbouring residential properties or the area in general.
- 7.5 Whilst the concerns of neighbouring residents are noted in respect to the fact that the use would not be as a 'family home' and the proposed use would affect what existing residents consider to be a 'family area' with the use adversely affecting the community in the area, it is not considered that there is any justification for this assertion. The use of the property would not be at variance with the existing residential character of the area.
- 7.6 The concerns raised in respect to potential anti-social behaviour as a result of the occupants of the property are noted. Again, it is not considered that there is any justification for this assertion or that any potential occupants of the property would be exploited.
- 7.7 It is not considered that the occupation of the property by up to six people living as a single household will result in any significant noise issues. As a result the application is deemed to comply with polices LP32

Design and Impact of the Proposed Extension on Neighbouring Amenity

- 7.8 It is considered that the proposed rear extension will be visually acceptable and will not detract from the existing dwelling.
- 7.9 The proposed extensions do not appear dominant on the site, with sufficient amenity space to serve the extended property. Whilst it is noted that the proposed extension would be constructed with a flat roof, given that the extension is to the rear of the property where views will be limited, it is considered that the construction of the extension with a flat roof would not justify a refusal of permission
- 7.10 It is considered that the proposed extensions will result in no undue overbearing or overshadowing impact onto neighbouring properties.
- 7.11 It is also considered that, given the location of windows/doors there will be no undue overlooking impact onto neighbouring properties.
- 7.12 The concerns raised are noted in regard to some works having commenced on site. If the applicant has undertaken any works these are undertaken at their own risk and the commencement of works on site does not influence the assessment or determination of an application. The application is therefore deemed to comply with ACS10 and LPD43.

Highway Safety and Parking

- 7.13 The Highway Authority has raised no objection to the proposal but comment that demand for on street parking may cause inconvenience to neighbouring residents however this is an amenity issue and does not raise any highway safety issues. Therefore, it is considered that there are no highway safety implications arising.
- 7.14 In regard to the availability of off road car parking to serve the site, it is noted that the property currently does not offer any off street parking and is only served by on street parking, the proposal also does not offer to provide any off street parking and whilst this would be welcomed, given that the property does not currently offer off street parking and the property, whilst extended would remain occupied by a single household, it is not considered reasonable in this instance to request that off street parking is provided at the site. It is also noted that due to the nature of the site which is set amongst terraced properties with no or limited front curtilages, that it would not be achievable to provide off street parking on the site.
- 7.15 Whilst it is noted that neighbouring residents have raised concerns in regard to the lack of off street parking and that there will be a greater demand for on road car parking on neighbouring streets preventing existing residents from being able to park the use of the property remains as existing and the existing on street parking will remain as existing where anyone can park on the street.
- 7.16 There are no specific relevant parking standards contained within the Parking Provision for Residential and Non-Residential Developments: Supplementary Planning Document (SPD).
- 7.17 Given the above it is considered that there are no highway safety or parking implications arising in this instance.

Flood Risk Issues

- 7.18 The revised comments of the Environment Agency (EA) are noted. In accordance with the EA's Standing advice that there are no flood risk issues arising given that the floor levels of the proposed extensions will be set no lower than the floor level of the existing dwelling and the property will be occupied as a single household. A note is proposed to be to the decision notice identifying that occupiers should be made aware of the EA's Flood Warning System. The application is therefore deemed to comply with policy LPD3.

Other

- 7.19 The concerns that have been raised in regard to arson and theft issues in the area are noted. These matters are Police are not considered to be material to the determination of this planning application.

8.0 Conclusion

- 8.1 The proposed development results in no undue impact on neighbouring properties, the area in general and there are no highway safety or parking implications arising. The development is also acceptable in respect to flood risk issues. The development therefore accords with the National Planning Policy Framework 2021, policies 1, 8 and 10 of the Aligned Core Strategy 2014 and policies 3, 32, 43, 57 and 61 of the Local Planning Document 2018; and Supplementary Planning Document 'Parking Provision for Residential and Non-Residential Developments' (2022).

Recommendation: GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development shall be undertaken in accordance with the details as set out within the revised application form received on the 25th April 2023, the e-mail received on the 7th April 2022 confirming that the property would be occupied by a single household, the location plan received on the 17th March 2022 and the plan showing the proposed floor plans and elevations received on the 17th March 2022, drawing number: 21-2319-2 Rev XXX.
- 3 The extensions shall be rendered in accordance with the approved details before the extensions are first brought into use.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure that the development is visually acceptable, in accordance with policy 10 of the Aligned Core Strategy 2014.

Reasons for Decision

The development results in no undue impact on neighbouring properties, the area in general and there are no highway safety or parking implications arising. The development is also acceptable in respect to flood risk issues. The development therefore accords with the National Planning Policy Framework 2021, policies 1, 8 and 10 of the Aligned Core Strategy 2014 and policies 3, 32, 43, 57 and 61 of the Local Planning Document 2018.

Notes to Applicant

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

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

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Your attention is drawn to the standing advice of the Environment Agency (EA) in respect of potential flood risk and it is advised that the occupants sign up to the EA's Flood Warning System.

Please note that this application has been assessed on the understanding that the property is to be occupied by upto 6 occupants living as a single household, if circumstances were to change there would be a requirement to seek the advice of the Local Planning Authority to determine whether or not a material change of use has occurred.

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



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Planning Report for 2020/0581

1:2,500 Planning Reference: 2020/0581
Land to the Rear 169
Mansfield Road, Papplewick

NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Gedling   Serving People. Improving Lives. Date: 10/07/2023

Report to Planning Committee

Application Number:	2020/0581
Location:	Land To Rear 169 Mansfield Road Papplewick
Proposal:	Demolition of buildings (single storey arched and flat roof structures) and proposed 5no 3 bedroom bungalows.
Applicant:	KML Property Developments
Agent:	SJI Designs Ltd
Case Officer:	Joe Davies

The application has been referred to Planning Committee by the Planning Delegation Panel so the highway impacts and openness of the Green Belt can be assessed.

1.0 Site Description

The application relates to a site currently with a lawful use for commercial storage (within use class B8 of the The Town and Country Planning (Use Classes) Order 1987 (as amended)). Built form is comprised of single storey buildings, the majority of which have a brick front/rear with a corrugated roof, similar in style to polytunnels or Nissen huts; there are 8 in total and they are sited toward the centre of the site. Towards the northern boundary are smaller and more modest single storey flat roof structures, with a driveway providing access off the adjoining un-adopted farm track that connects to Mansfield Road (A60). The site has an area of 0.36ha and the buildings – all single storey, have a cumulative floor area of 743.56sqm.

Neighbouring properties are comprised of residential properties to the north and east and farm fields to the south and west.

2.0 Relevant Planning History

- 2.1 2016/1157 – Certificate of Lawfulness granted for existing use of the land and buildings for commercial storage.

3.0 Proposed Development

- 3.1 The application seeks full planning permission to demolish the existing buildings and erect 2No. pairs of semi-detached bungalows and 1No. detached bungalow. The proposed layout comprises a single access point to

the north to all plots that would be set to the south and east side of the site and a meadow area to the north-west.

Plot 1 – L-shaped footprint measuring 13.37m x 20.0m; pitched roof measuring 2.24m to eaves and 3.7m to ridge; 3 bedrooms;

Plots 2 & 5 – L-shaped footprint measuring 12.28m x 17.86; pitched roof measuring 2.3m to eaves and 3.4m to ridge; 3 bedrooms;

Plots 3 & 4 – footprint measuring 8.99m x 15.33; pitched roof measuring 2.33m to eaves and 3.8m to ridge; 3 bedrooms.

The following were submitted with the proposal:

- Bat Activity Survey;
- Biodiversity Net Gain Metric Report;
- Arboricultural Report;
- Ecology Report.

4.0 Consultations

- 4.1 The Highways Authority – No objections subject to conditions regarding access width, hard surfacing and bin collection point.
- 4.2 Cadent – Cadent Gas Limited must be notified of certain demolition works and before demolition, all practicable steps must be taken to prevent danger to persons.
- 4.3 Papplewick Parish Council – Concerns regarding the access and whether the road is wide enough; concerns that this may lead to further development on pieces of land off the access road which would be excessive; the policies within the Neighbourhood Plan should be considered; the removal of the trees is not supported; border trees and hedges should be planted around the site perimeter and between properties; a plan should be submitted showing how the biodiversity is to be improved by 10% and the buildings should be surveyed for presence of bats.
- 4.4 Notts Wildlife Trust – No comments to provide due to the scale of the development.
- 4.5 Public Protection – No objection subject to conditions regarding air quality, a construction emissions management plan and land contamination.
- 4.6 Arboricultural Officer – Agree with the report submitted by Amber Arboricultural Consultancy in that the trees identified for removal as part of the development process do not hold significant public visual amenity value, specifically from Mansfield Road; however in their own right do contribute to the local landscape. The loss of the trees can be compensated by adequate landscaping, which should reflect the indigenous nature of the trees to be removed and provide long term and significant screening the site access. The trees to be retained on site should be protected as directed within the Amber Arboricultural Consultancy report which should be used as a non-standard condition of development including site monitoring.

- 4.7 Adjoining Neighbours have been notified by letter and a Site Notice posted. Three letters of representation have been received as a result from two neighbouring properties, raising the following concerns:
- Overlooking;
 - The access drive is not wide enough for this development;
 - Highway safety;
 - The maintenance of the access track;
 - Noise and disturbance.

Following submission of revised proposed plans, adjoining neighbours and the Parish council were re-consulted. One further letter of representation was received as a result, raising the following concerns:

- Impact on wildlife.

5.0 Relevant Planning Policy

- 5.1 The following policies/documents are relevant to this proposal:
- National Planning Policy Framework (2021) (NPPF): 5.Delivering a sufficient supply of homes; 12.Achieving well-designed places; 13.Protecting Green Belt land; 15.Conserving and enhancing the natural environment;
 - Gedling Borough Aligned Core Strategy: Policy 10 – Design and Enhancing Local Identity; Policy 8 – Housing Size, Mix and Choice.
 - Parking Provision for Residential and Non-Residential Development: SPD (February 2022).
 - Low Carbon Planning Guidance for Gedling Borough (May 2021)

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 Contaminated Land;
- LPD 11 – Air Quality;
- LPD 18 – Protecting and Enhancing Biodiversity;
- LPD 19 – Landscape Character and Visual Impact;
- LPD 32 – Amenity;
- LPD 35 – Safe, Accessible and Inclusive Development;
- LPD 40 – Housing Development on Unallocated Sites;
- LPD 57 – Parking Standards;
- LPD 61 – Highway Safety.

The Papplewick Neighbourhood Plan was adopted in July 2018 and covers the period 2017-2028. Relevant policies are outlined below;

Policy 2 – The Natural Environment
Policy 3 – Setting of Papplewick
Policy 7 – Local Distinctiveness of Papplewick
Policy 12 – Highway Impact

6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise, with the Local Planning Document forming part of the development plan. 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. Green Belt;
- ii. Impact on the Landscape Character;
- iii. Impact on residential amenity;
- iv. Highways safety and off-street parking provision;
- v. Biodiversity; and
- vi. Air quality and land contamination.

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.

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

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with a few exceptions of which one is relevant to this proposal – g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.

The scheme proposes the complete redevelopment of the site for residential purposes of 5 bungalows in detached and semi-detached formation. The proposed bungalows would have a cumulative floor space of 728.54sqm and maximum ridge height of 3.8m whilst the existing buildings have a cumulative floor space of 743.564sqm and maximum ridge height of approximately 4 metres, particularly the huts have a maximum height of 3.8m.

Given the current use of the site for storage purposes, confirmed by a certificate of lawful development, the land is considered previously developed

land and given the proposed use, scale and cumulative floor space, it is considered the proposed scheme would be appropriate development in the Green Belt as it would not have a greater impact on the Green Belt than the existing development. Whilst the proposed built form would be more spread throughout the site than the existing buildings, it is considered there is scope for other improvements and gains from the proposed layout, including a wild meadow area. The proposal is therefore in accordance with the NPPF Section 13 and Policy 3 of the ACS.

Impact on the Landscape Character

- 6.3 The application has been assessed against the Landscape Character Assessment (LCA) which assists 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 Borough and contains information about the character, condition and sensitivity of the landscape.

The site falls within landscape zone S PZ 3 – Papplewick Wooded Estatelands, where the main actions should be to conserve and reinforce. Whilst the proposal is to completely redevelop the site for residential purposes, this gives the opportunity to provide the site with hedgerows and deciduous species trees in a layout that would conserve the existing field pattern of the area and together with the proposed style and scale of the built form it is considered the proposal would reinforce the vernacular style of buildings by replacing the existing huts and other buildings on site with bungalows of an appropriate style and design for this rural area.

It is therefore considered the proposed scheme, by virtue of its scale, design and layout, would conserve and enhance the landscape character of the area, in line with the landscape strategy identified in S PZ 3 Papplewick Wooded Estatelands. The proposal is therefore in accordance with Section 12 of the NPPF, Policy 10 of the ACS, policies LPD 19 and LPD 35 of the Local Planning Document and Policy 3 of the Papplewick Neighbourhood Plan.

Impact upon residential amenity area

- 6.4 Neighbouring properties are located to the north and east, at considerable distance from the proposed dwellings and given the proposed dwellings would be single storey and would be located towards the eastern and southern area of the application site, it is considered the proposed development would not result in a significantly undue impact on the residential amenities of the occupiers of adjoining properties by way of overlooking, overbearing and overshadowing. Furthermore, there is no reason to conclude that noise generated from the development would be detrimental to amenity, with the proposed use likely to be less than could be generated from the existing use. The proposal is therefore in accordance with the policies LPD 32 and LPD 40 of the Local Planning Document.

Highways safety and off-street parking provision

- 6.5 Given the comments received from NCC (Highways), it is considered that there would be no detrimental impact on highway safety subject to conditions to secure improvements to the access as identified on submitted drawings, with it apparent that the site has a lawful commercial use. Therefore the development is not considered to have a detrimental impact on highway safety and is deemed to comply with policy LPD61 and Policy 12 of the Papplewick Neighbourhood Plan

Each dwelling will have 3-bedrooms and the drawings indicate each plot will have space for 2 vehicles with ample room for additional spaces if required. The application is therefore deemed to comply with policy LPD57 and the requirements of the Borough Council's Supplementary Planning Document on residential parking provision.

Biodiversity

- 6.6 The proposed scheme is for the complete redevelopment of the site for residential purposes. The buildings have not been identified as bat roosts and therefore no further surveys or mitigation measures are required.

No badger sets were observed immediately offsite although activity patterns of this species can change over a short time and therefore an updated badger survey should be undertaken before commencement of works. This would be dealt with via condition.

With regards to hedgehogs, several recommendations were made in the Ecology Report which would be attached or included in conditions.

Site enhancements are also proposed with regards to badgers, hedgehogs and flora in order to achieve bio-diversity enhancements. These enhancements would dictate the detailed layout of the site, including the Wild Meadow area, which can be secured via condition.

Given the comments received from Nottinghamshire Wildlife Trust and the comprehensive surveys completed, which were undertaken by fully qualified and licenced ecologists, including a Biodiversity Net Gain Metric. It is considered that the application complies with Section 15 of the NPPF and policy LPD 18 of the Local Planning Document.

Other matters

It should be noted that permitted development rights e.g. the right to extend the properties without the benefit of planning permission, have been removed by condition with it considered that extending the properties in the future is likely to have a detrimental impact on the openness of the Green Belt over and above the current situation, and is justified having regard to pertinent Green Belt policy outlined in the NPPF.

Air quality

- 6.7 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. This is supported by Policy LPD 11.

Given the proximity of the site to other residential properties and number of dwellings to be erected, combined with some demolition, it is recommended that a condition be added requiring the submission and approval of a Construction Emission Management Plan, as recommended by the Environmental Health Officer, and to comply with Policy LPD11.

7.0 Conclusion

- 7.1 By virtue of the size, scale, design and layout proposed, the redevelopment on the site for 5No.bungalows would be appropriate development in the Green Belt, it would conserve and enhance the landscape character of the area, it would not result in harm to protected species and it would be acceptable from a residential amenity and highway safety perspective; in accordance with Sections 5, 11, 12, 13 and 15 of the National Planning Policy Framework, Policies 8 and 10 of the Aligned Core Strategy and Policies LPD 7, LPD 11, LPD 18, LPD 19, LPD 32, LPD 35, LPD 40, LPD 57 and LPD 61 of the Local Planning Document; and policies 3 and 12 of the Papplewick Neighbourhood Plan. Accordingly it is recommended that planning permission is granted.

8.0 Recommendation: Grant Full 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 received on 19th June 2020 and deposited plans, drawing no's SI21/1078/3-01A, SI21/1078/5-A, SI21/1078/2-D, SI21/1078/4-B, SI21/1078/9 and SI21/1078/8, received on 31st March 2022. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 Before development hereby approved is first commenced a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include full details of both soft and hard landscape works together with detailed landscape plans and particulars which 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 landscape scheme would need to

demonstrate compliance with Section 4 of Biodiversity Net Gain Metric and Section 5 of the Preliminary Ecological Assessment. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.

- 4 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 3, 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.
- 5 The access driveway shall be surfaced in a hard-bound material (not loose gravel) for a minimum of 10.0 metres behind the Highway boundary and 4.8m in width as shown on drawing no. SI21/1078/2-D, before development is commenced. The surfaced drive shall then be maintained in such hard-bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the bin storage/ store/ collection point has been constructed and positioned within 25.0m of the public highway.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, AA, B, C, D, E and/or F of Part 1 of Schedule 2 to that Order shall be carried out.
- 8 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 2010. 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.
- 9 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 and
 - 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.

- 10 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.
- 11 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.
- 12 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.
- 13 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP.
- 14 Prior to above ground works commencing details of materials to be used in the external appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
- 15 Development shall proceed in accordance with the approved Arboricultural Implications Assessment and Arboricultural Method Statement (dated 09 June 2020) in respect of trees to retained and protective fencing to be erected.
- 16 Development shall proceed in accordance with the conclusions and recommendations outlined in Biodiversity Net Gain Metric report, dated 05 January 2023.
- 17 Prior to the commencement of development, a further badger survey shall be completed and submitted for written approval by the

Local Planning Authority. Any mitigation identified in the approved report shall thereafter be adhered to.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure a satisfactory development in accordance with the aims of policy LPD 10 of the Aligned Core Strategy.
- 4 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy.
- 5 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
- 6 To enable the bins to be collected by the refuse team on collection day.
- 7 In order to protect the openness of the Green Belt.
- 8 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 Local Planning Document.
- 9 To ensure the development is safe and suitable for use, thereby taking into consideration the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 10 To ensure the development is safe and suitable for use, thereby taking into consideration the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 11 To ensure the development is safe and suitable for use, thereby taking into consideration the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 12 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy.
- 13 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.
- 14 To ensure that the character of the area is respected and to comply with policy ACS10.

- 15 To comply with policies LPD18 and LPD19.
- 16 To comply with policy LP18
- 17 To comply with policy LP18.

Reasons for Decision

It is considered, given the scale, design and layout of the proposal, the proposed scheme would be appropriate development in the Green Belt, it would conserve and enhance the landscape character of the area, it would not result in harm to protected species and it would be acceptable from a residential amenity and highway safety perspective; in accordance with Sections 5, 11, 12, 13 and 15 of the National Planning Policy Framework, Policies 8 and 10 of the Aligned Core Strategy and Policies LPD 7, LPD 11, LPD 18, LPD 19, LPD 32, LPD 35, LPD 40, 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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

The 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

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.

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

As part of the approval of details reserved by Condition 3 it is necessary to demonstrate how each of the plots is to be accessed from the shared access by virtue of materials.



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Planning Report for 2023/0385TPO

1:1,250 Planning Reference: 2023/0385TPO
All Hallows Church
Arnold Lane Gedling

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Gedling   Serving People. Improving Lives. Date: 12/07/2023

Report to Planning Committee

Application Number:	2023/0385TPO
Location:	All Hallows Church Arnold Lane Gedling
Proposal:	14 Lime trees within G1 & G2 – Re-pollard back to old points. Remove epicormics growth up to grown break.
Applicant:	Gedling Borough Council
Agent:	
Case Officer:	Joe Davies

This application is referred to Planning Committee as the applicant is Gedling Borough Council.

1. Site Description

- 1.1 The trees are located within the grounds of a Grade 1 listed church dating back to the 13th century.
- 1.2 There is a group of 14 Lime trees on the north and western boundary of the site.
- 1.3 The trees are under the protection of a group Preservation Order no. 0015 dating back to 31st October 1975 and titled “Rectory Drive, The Rectory and The Church, Gedling”.

2. Relevant Planning History

- 2.1 On the 12th January 2016 permission was granted to pollard 10 Lime trees. App Ref: 2015/1322TPO.
- 2.2 On the 2nd November 2015 permission was granted to re-pollard 5 Lime trees to old cuts. App Ref: 2015/0752TPO.
- 2.3 On the 17th November 2010 permission was granted to re-pollard 7 Lime trees and remove epicormics growth to a height of 4 metres, including the cutting back of branches to give 2m clearance of the building (north end). App Ref: 2010/0875TPO.
- 2.4 On the 17th April 1996 permission was granted for the crown cleaning, crown lifting and targeted pruning of 15 Lime trees. App Ref: 96/0346.

- 2.5 On the 14th February 1996 an application for the crown lifting of 15 Lime trees and the removal of laterals where necessary was withdrawn. App Ref: 96/0123.
- 2.6 On the 24th July 1989 permission was granted for the lopping of 16 trees. App Ref: 89/0679.
- 2.7 On the 24th April 1981 permission was granted to trim and lop branches. App Ref: 81/0632.
- 2.8 On the 23rd August 1978 permission was granted to trim back trees. App Ref: 78/1458.

3. Proposed Development

- 3.1 This application seeks permission to re-pollard 14 Lime trees back to old points and remove epicormic growth to grown break.

4. Consultations

- 4.1 Gedling Borough Council Forestry Officer – Stated that he had attended the site and was satisfied that the works described were satisfactory in terms of keeping and managing the mature Lime trees without affecting the visual amenity of the tree offer at the site. Recommended that planning permission was granted subject to a condition ensuring that all works must be carried out in accordance with BS3998:2010 and as specified within the application.
- 4.2 *Neighbouring residents* were notified and a site notice was displayed near to the application site – No representations were received.

5. Planning Considerations

- 5.1 The main planning consideration for this application is to consider whether the proposed works to the trees are appropriate in terms of maintaining their visual amenity and health.
- 5.2 In line with the Forestry Officers comments it is considered that proposed works to the trees in groups G1 and G2 are appropriate to maintain the trees and would not have an adverse impact on the visual amenity of the surrounding area or longevity of the trees in question.
- 5.3 As such it is recommended that conditional consent be granted for the works outlined in para. 3.1 of this report.

6. Recommendation: Grant consent subject to the following conditions:-

Conditions

- 1 The works must be carried out in within 2 years beginning of the date of this permission.

- 2 The works hereby permitted shall be carried out in accordance with the application form and details submitted to the Local Planning Authority on 5th May 2023.
- 3 All works are carried out in accordance with BS 3998 2010 and by good arboricultural practice.

Reasons

- 1 In order to comply with Section 17 2(d) of Part 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interests of safety and good tree husbandry.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were considered to be no problems for which the Local Planning Authority had to seek a solution in relation to this application.



When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.



Planning Report for 2023/0386TPO

1:1,250 Planning Reference: 2023/0386TPO
Land Adjacent to Pavilion Road
Bestwood

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Gedling   Serving People. Improving Lives. Date: 12/07/2023

Report to Planning Committee

Application Number: 2023/0386TPO

Location: Land Adj Pavilion Road Bestwood

Proposal: T! – Oak – Reduce lateral branches by 50% that are growing towards property fence.

Applicant: Gedling Borough Council

Agent:

Case Officer: Joe Davies

This application is referred to Planning Committee as Gedling Borough Council is the applicant and land owner.

1. Site Description

- 1.1 The site comprises an area of open space between Roebuck Close, Bestwood Park Drive, Bestwood Lodge Tennis Club and Teggath Square.
- 1.2 There is a group of trees to the south-east of the area of open space, including the Oak tree that is the subject of this application.
- 1.3 The tree is under the protection of a group Preservation Order no. 0031 dating back to 21st October 1977 and titled “G31 TPO Bestwood Lodge”.

2. Relevant Planning History

- 2.1 None relevant

3. Proposed Development

- 3.1 This application seeks permission to reduce the lateral branches of one Oak tree by 50%, which are growing towards a property fence.

4. Consultations

- 4.1 Gedling Borough Council Forestry Officer – Stated that he had attended the site and was satisfied that the works described were satisfactory in terms of keeping and managing the woodland without affecting the visual amenity the trees offer.

Recommended that consent was granted subject to a condition requiring all works to be carried out in accordance with BS3998:2010.

4.2 *Neighbouring residents* were notified and a site notice was displayed near to the application site – No representations were received.

5. Planning Considerations

5.1 The main planning consideration for this application is to consider whether the proposed works to the tree is appropriate in terms of maintaining its visual amenity and health.

5.2 In line with the Forestry Officers comments the proposed works to the Oak tree are appropriate to maintain the tree and would not have an adverse impact on the visual amenity of the surrounding area or longevity of the tree in question.

5.3 As such it is recommended that conditional consent be granted for the described works in para. 3.1 of this report.

6. Recommendation: Grant consent subject to the following conditions:-

Conditions

- 1 The works must be carried out in within 2 years beginning of the date of this permission.
- 2 The works hereby permitted shall be carried out in accordance with the application form and details submitted to the Local Planning Authority on 5th May 2023.
- 3 All works are carried out in accordance with BS 3998 2010 and by good arboricultural practice.

Reasons

- 1 In order to comply with Section 17 2(d) of Part 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interests of safety and good tree husbandry.

Notes to Applicant

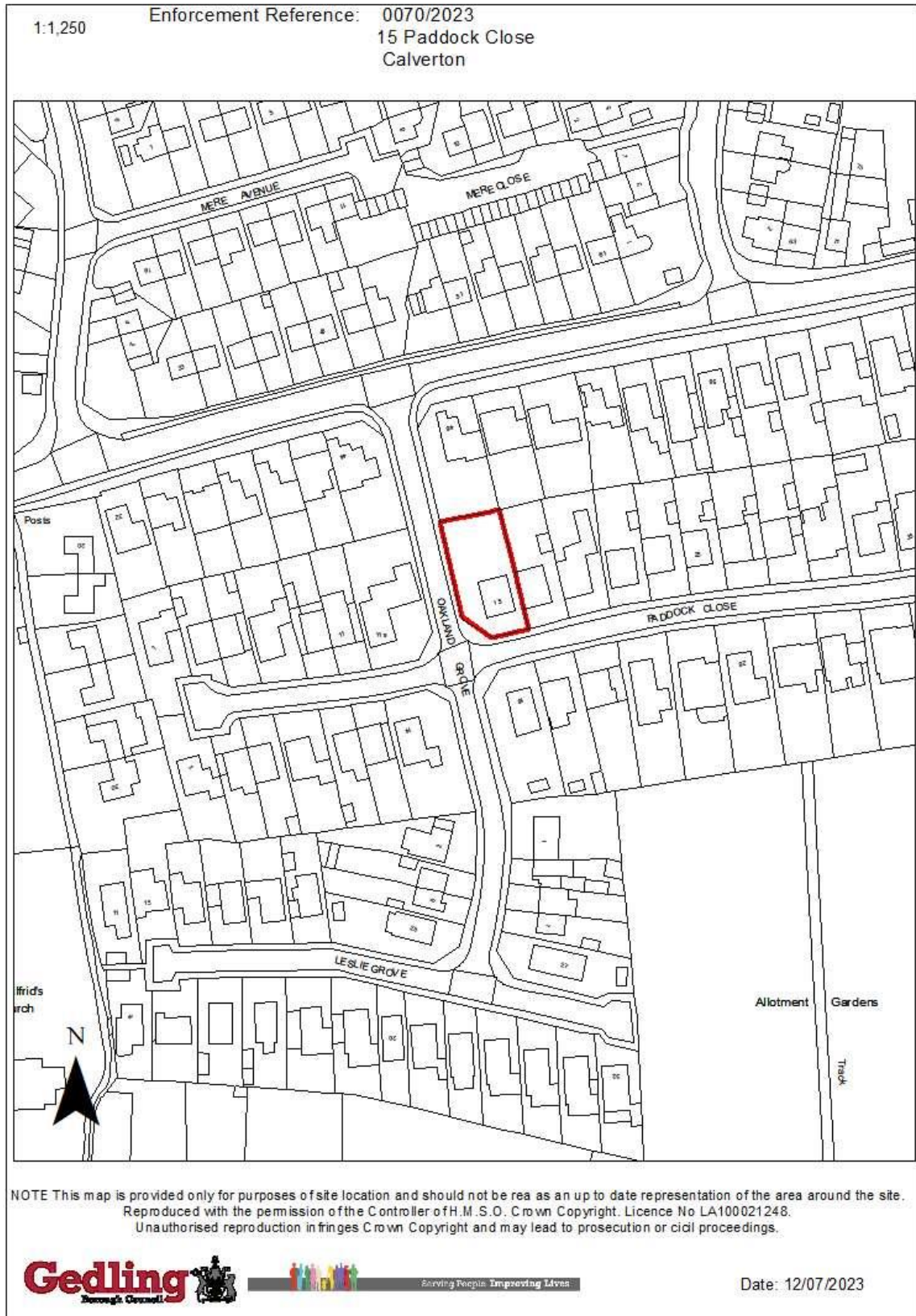
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were considered to be no problems for which the Local Planning Authority had to seek a solution in relation to this application.

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural

habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.



Planning Enforcement Report for 0070/2023



Report to Planning Committee

Reference Number: 0070/2023

Location: Land to the north of 15 Paddock Close, Calverton.

Breach of Planning Control: Unauthorised change of use from residential garden to storage of building materials/equipment with associated siting of storage containers.

1 Background

- 1.1 On 28th April 2023, the Council received several complaints alleging that 2no large portable containers had been placed on land at 15 Paddock Close following removal of the fence along the boundary with Oakland Grove and the removal of a tree. Photos were sent in by residents showing 2no large containers stacked on top of the other within the garden of 15 Paddock Close.
- 1.2 On 28th April 2023, the Council's Planning Enforcement Officer called the person listed as the applicant on a previous planning application for the site. He advised that the containers were placed to provide storage for the main house whilst building works to the interior of the house were on going and in anticipation of approval of a pending application for external alterations. As the land on which the containers had been placed was considered to be within the curtilage of the residential property at 15 Paddock Close, the officer made it clear that use of the containers for storage of building materials, tools or anything not associated with the dwelling at 15 Paddock Close would be unauthorised. He gave assurances that no such unauthorised use had occurred. It was agreed that the top container would be moved to ground level and the conditions required in order to meet permitted development as outlined under Class E of the GPDO were relayed to the gentleman. He advised they would be moved the following week.
- 1.3 On 24th May 2023, a further call was made to the applicant responsible for placing the containers but he did not answer the call. A message was left requesting again that the containers be moved such that they meet the conditions of permitted development.
- 1.4 On 24th May 2023, an email was received from a local residents claiming that someone had recently been seen at 06:45 hammering to gain access to the site by dismantling part of the garden fence. The resident saw "goods being

removed between the site and a car not normally associated with the dwelling". The complainants were asked to notify the Officer of any activity they felt was unauthorised.

- 1.5 On 26th May 2023, an application (2023/0270) under prior notification for a proposed additional storey to 15 Paddock Close was refused.
- 1.6 On 1st June 2023, an email was received from another local resident who was concerned that the containers didn't appear to be in use associated with work at 15 Paddock Close. They said they had seen the applicant for the above prior notification application or one of his colleagues "access the container at ground level to remove either building materials or equipment on at least 3 occasions. They were moved away from the site in either his van or his colleagues car. There are no trade vehicles parked at No 15 to indicate work is being carried out. I have not seen any furniture being moved from No15 to the container." They also claimed that the applicant has previously threatened to use the garden as a builders yard if unsuccessful in his attempts to gain planning permission to build on it.
- 1.7 On 5th June 2023, the Enforcement Officer called the applicant/landowner but again the call was not answered. A message was left to advise that evidence submitted from more than one resident suggests that the containers have been placed on the land as part of an unauthorised use. It was requested that the containers be removed and the land restored to residential garden use by Friday 9th June in order to prevent further action being taken.

2 Site Description

- 2.1 The site is located on the north side of Paddock Close, Calverton. The garden associated with 15 Paddock Close has previously been sectioned off using fencing such that one third of the plot is now accessed from Oakland Grove This is the area that is the subject of the unauthorised use. The site is surrounded by residential properties; to the north and east are two storey dwellings and to the south and west are bungalows.

3 Planning History

- 3.1 2019/0679 - 2 bed bungalow on land to rear of property. Refused 18th October 2019

2020/1159 - Erection of dwelling. Refused 1st February 2021

2022/1123 - New single storey garage, with new boundary wall and gates. Refused 15th December 2022.

2023/0270 – Prior notification for proposed additional storey. Refused 26th May 2023

4 Assessment

- 4.1 The use of the premises to operate a storage facility and associated placing of containers is not incidental to the enjoyment of the dwelling house and requires planning permission. No such permission has been applied for nor granted. 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 main considerations when deciding whether to take enforcement action in this case are;
- whether the use of the site as a storage facility and associated placing of containers has any detrimental effect on the character of the area or the environment, on the amenities of other occupiers of nearby dwellings or on highway safety.
 - whether the Local Planning Authority is within the ten year statutory time limit for taking action for a material change of use of the land.

Planning considerations

- 4.3 The following policies are relevant to the assessment:

National Planning Policy Framework

The fundamental aim of the NPPF is that the planning system should achieve sustainable development by three overarching objectives and in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. It attaches great importance to positive improvements in the conditions which people live and work and paragraph 134, the NPPF states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”.

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:
- 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:
- 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 34 (Residential Gardens) seeks to protect residential gardens and aims to ensure any development does not result in harm to the character or appearance of an area
 - LPD 35 (Safe, Accessible and Inclusive Development) states that small scale development that is insensitive to existing character can have an adverse impact on the sense of place.
 - 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.

Time Limits

- 4.6 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.

Impact on the character of the area and the environment

- 4.7 Policy LPD34 seeks to protect residential gardens from development and states planning permission should be refused for development in residential gardens unless development proposals would result in a significant improvement to the urban design of an area. It goes on to advise that “in all cases, any development of residential garden land should not result in harm to the character and appearance of an area.” It is considered that given the established character of the area, use of the site and the associated placing of containers does not improve the urban design of the area but actually causes harm to the character and appearance of the area. The use is therefore in conflict with Policy LPD34.

- 4.8 This area of Calverton is characterised by well-kept and well-presented residential properties. There is no other commercial use in the immediate vicinity. The operation of a storage facility is an alien feature at a residential property and is out of character for this residential street. The additional vehicular movement and visitors associated with the business is detrimental to the character of the area. The use is therefore in conflict with the NPPF and Policy 10 of the ACS and Policy LPD 35 of the Local Plan.

Impact on residential amenity

- 4.9 It is considered that the unauthorised use of the site as a storage facility is detrimental to neighbours' amenities and will cause noise and disturbance to the occupiers of nearby dwellings affecting their enjoyment of their homes. It is also considered that the size, massing and siting of the associated storage containers results in a significant adverse impact upon the residential street scene and character of the area, to the detriment of residential and visual amenity. The use is therefore contrary to LPD Policy 32.

Human Rights

- 4.10 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.
- 4.11 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

- 4.12 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.

- 4.13 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

- 4.14 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 which is detrimental to the character of the area, amenities of nearby occupiers of other residential properties and highway safety.
- 5.2 The breach conflicts with both national and local policies. Negotiations with the responsible party have failed to rectify the breach and failure of the Council to act in these circumstances may leave local residents with an operation which adversely affects their well-being and is detrimental to the character and amenity of the area and which is beyond the control of the Council.
- 5.3 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the cessation of the unauthorised change of use and removal of the containers. If the notice is not complied with proceedings should be taken in the courts if necessary.
- 5.4 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.
- 5.5 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 a storage facility and removal of all associated storage containers.

6 Recommendation

- 6.1 That the Head of Development and Place, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services, issue of proceedings through the courts, if required, to ensure the cessation of the unauthorised change of use of the site a storage facility and removal of all associated storage containers.**

2



Report to Planning Committee

Subject: Future Planning Applications

Date: 14/07/2023

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

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

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2019/1080	Land At Broad Close Woodborough	Outline application for 11 no. 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

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

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ACTION SHEET PLANNING DELEGATION PANEL - 16th June 2023

2020/0581

Land to rear of 169 Mansfield Road, Papplewick

Demolition of buildings (single storey arched and flat roof structures) and proposed 5no 3 bedroom bungalows.

The application is to be referred to Planning Committee to assess the impact of the proposal on highway safety and openness of the Green Belt.

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

2023/0078

164 Longdale Lane, Ravenshead, Nottinghamshire

Single storey rear extension, conversion of covered way to living accommodation and internal alterations

The proposed development would have a detrimental impact on the openness of the Green Belt resulting in a dis-proportionate extension to the original dwelling, with no very special circumstances to allow what is considered to be inappropriate development.

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

Decision: Refuse Planning Permission.

2023/0142

Talla Farm, Goosedale Lane, Bestwood

Replacement of permanent residential caravan with dwelling.

The proposed dwelling would have a detrimental impact on the openness of the Green Belt given the size of the caravan it would replace, with no very special circumstances to allow what is considered to be inappropriate development.

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

Decision: Refuse Planning Permission.

2023/0245

49 St Albans Road, Daybrook, Nottinghamshire

Erect a pair of semi-detached dwellings on land adjacent 49 St Albans Road Arnold Nottingham NG5 6JH

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

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

Decision: Grant permission subject to conditions.

2023/0295

The Small Holding, Carrington Lane, Calverton
Change of use to a dwelling (to include extension)

The proposed development would not have a detrimental impact on the openness of the Green Belt, nor have a detrimental impact on highway safety, residential amenity or the character of the area.

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

Decision: Grant permission subject to conditions.

2023/0351

7 Colwick Park Close, Colwick, Nottinghamshire
First floor extension with flat roof

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

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

Decision: Grant permission subject to conditions.

2023/0352

51 Digby Avenue, Mapperley, Nottinghamshire
Erect a new front boundary wall/metal fencing

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

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

Decision: Grant permission subject to conditions.

Video Conference Call Meeting

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

Nigel Bryan – Development Manager

16th June 2023

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ACTION SHEET PLANNING DELEGATION PANEL - 23rd June 2023

2022/0346

40 Breck Hill Road, Woodthorpe, NG5 4GQ

Extend the garden out on to the garage roof and erection of fencing.

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

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

Decision: Grant permission subject to conditions.

2023/0225

11 Raglan Drive, Gedling, Nottinghamshire

Ground and first floor side extensions

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

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

Decision: Grant permission subject to conditions.

2023/0276TPO

4 Blackburn Close, Gedling, Nottinghamshire

7 No. Lime trees - Crown reduction all round to retain a shaped tree at height of 7.0 metres.

The proposal 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.

2023/0394

Street Record, Great Northern Way, Netherfield

Proposed installation of 15m high Phase 8 monopole, 6no. antennae, 2no. ground-based equipment cabinets, 1no. meter cabinet and ancillary development thereto

The proposed siting and design of the mast is appropriate and would not be out of character with the area.

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

Decision: Grant prior notification subject to conditions.

23rd June 2023

Video Conference Call Meeting

Cllr Roy Allan
Cllr David Ellis
Cllr Ron McCrossen
Cllr Ruth Strong

Nigel Bryan – Development Manager

ACTION SHEET PLANNING DELEGATION PANEL 30th June 2023

2022/1330

Sansom Wood Farm Cottage Old Rufford Road Calverton
Erection of detached garage

The proposal would constitute inappropriate development comprising a new building in the Green Belt. There are no very special circumstances which outweigh the harm caused to the openness of the Green Belt.

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

Decision: Refuse Planning Permission.

2023/0031

106 Ramsey Drive Arnold Nottinghamshire
Erection of a single-story bricked outbuilding with double pitched roof.(part retrospective

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

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

Decision: Refuse Planning Permission.

2023/0169

15 Woodthorpe Drive Woodthorpe Nottinghamshire
Retention of fence

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

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

Decision: Refuse Planning Permission.

2023/0186

23 First Avenue Carlton Nottinghamshire
Two storey rear extension

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.

2023/0267

19 Church Street Lambley NG4 4QB

Alteration to roof angle, from 51 to 35 degrees, and re-instatement of pantile roof covering

The proposed development would enhance the setting of the Conservation Area and would result in no harm to designated and non-designated heritage assets. The proposal would result in no undue impact on the amenity of neighbouring occupiers.

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

Decision: Grant Planning Permission subject to Conditions.

Video Conference Call Meeting

Cllr 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

30th June 2023

ACTION SHEET PLANNING DELEGATION PANEL 7th July 2023

2023/0084

326 Spring Lane Lambley Nottinghamshire

Proposed new 'self-build' dwelling (via redevelopment of previously-developed land)

The proposed development would have no undue impact on the openness of the Green Belt, residential amenity or highway safety.

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

Decision: Grant Planning Permission subject to Conditions.

2023/0172

41 Littlegreen Road Woodthorpe Nottinghamshire

New patio to rear of property.

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.

2023/0273

6 Woodthorpe Avenue Woodthorpe Nottinghamshire

Demolition of existing garage. Two storey side extension with integral garage, two storey and single storey rear extension, including a loft conversion with rear dormer. Front entrance two storey extension, re-roof bay windows, window alterations, insulated render to existing dwelling and re-roofing.

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.

2023/0274

18 Cromford Avenue Carlton Nottinghamshire

Two storey rear extension, two storey front extension, single storey rear extension

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

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

Decision: Grant Planning Permission subject to Conditions.

2023/0391
89 Sheepwalk Lane Ravenshead Nottinghamshire
Development of One Detached Dwelling

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

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

Decision: Refuse Planning Permission.

2023/0396
9 Braemar Drive Gedling Nottinghamshire
First floor front extension; reform bay window; single storey side and rear extension

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

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

Decision: Grant Planning Permission.

Video Conference Call Meeting

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

Nigel Bryan – Development Manager
Kevin Cartwright - Principal Planning Officer
Craig Miles – Principal Planning Officer
Grace Francis – Planning Policy Officer

7th July 2023

ACTION SHEET PLANNING DELEGATION PANEL - 14th July 2023

2020/0377

10A Redhill Road Arnold NG5 8GP

Repair and partial rebuilding of boundary wall and erection of gates (Lbc)

It was considered that the proposal would result in no harm to but would conserve the long term future of the listed wall nor would they result in harm to the setting of the listed building (Arnold House).

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

Decision: Grant Listed Building Consent

2020/0836

108 Coppice Road Arnold NG5 7GD

Demolition of existing garage, extension to existing first floor flat and extension to create 2 bed flat.

It was considered that the site is in a sustainable location close to services and amenities. The layout, design and appearance of the development is acceptable which would not be detrimental to the amenity of neighbouring buildings nor to highway safety.

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

Decision: Grant Planning Permission

2023/0003

60 Sheepwalk Lane, Ravenshead, Nottinghamshire

Demolition of existing single storey dwelling; erection of 4, 2-storey, 5-bed dwellings

It was considered that the site by virtue of its size and constraints is unsuitable to adequately accommodate the development as proposed without appearing cramped and over-intensive. The proposed development results in a form of development which is out of character with the established urban form and layout of the immediate area resulting in an incongruous development within the streetscene.

That the proposed dwellings at Plots 1 and 3 by virtue of their scale, and siting in proximity to the side boundaries with no.s 62 Sheepwalk Lane and no. 2 Dover Beck Close would result in undue harm to the occupiers of these adjacent properties in terms of overbearing overshadowing impacts and overlooking impact from first floor windows.

That there is insufficient information to meet the requirements of the highway authority in order to demonstrate that the development would not raise any highway safety issues in terms of access and visibility.

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

Decision: Refuse Planning Permission

2023/0095

Newstead Abbey Park, Lakeside, Station Avenue, Newstead

Construction of new covered swimming pool and garage ancillary to the host dwelling

The proposed development would be inappropriate development in the Green Belt given that it would result in disproportionate additions to the host dwelling. By virtue of its design, scale, bulk and massing the proposed extension would result in a disproportionate and overly prominent addition to the host dwelling. In addition the proposal by virtue of its siting, scale and massing would result in less than substantial harm to the Grade II* Registered Newstead Abbey Park and Garden and the setting of the Grade II* Cannon Fort, Grade II Stable Block and Grade I Newstead Abbey.

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

It was considered that 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 there 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

2023/0279

45 Stoke Lane, Gedling, Nottinghamshire

Single storey rear and two storey and single storey side extension

It was considered that the proposed development would have an unacceptable visual impact by virtue of its proposed size, scale and massing contrary to Policy.

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

Decision: Refuse Planning Permission

2023/0409

Old Manor Farm, Lowdham Lane, Woodborough

Construction of one additional storey above the existing original dwellinghouse

It was considered that the proposed development would not have an adverse impact on amenity and that the external appearance is acceptable.

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

Decision: Prior Approval is not required

2023/0434

257 Carlton Hill Carlton Nottinghamshire

Retrospective application for the erection of a fence and gates

It was considered that the proposed development would not respond to the prevailing character of the site and surroundings which are more open and are bordered by substantially less robust forms of boundary treatment. The sense of enclosure resulting from the proposal is at odds with the established form and appearance of boundary treatment in the locality.

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 David Ellis

Cllr Ruth Strong

Cllr Stuart Bestwick

Nigel Bryan – Development Manager

Kevin Cartwright - Principal Planning Officer

Craig Miles – Principal Planning Officer

14th July 2023

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