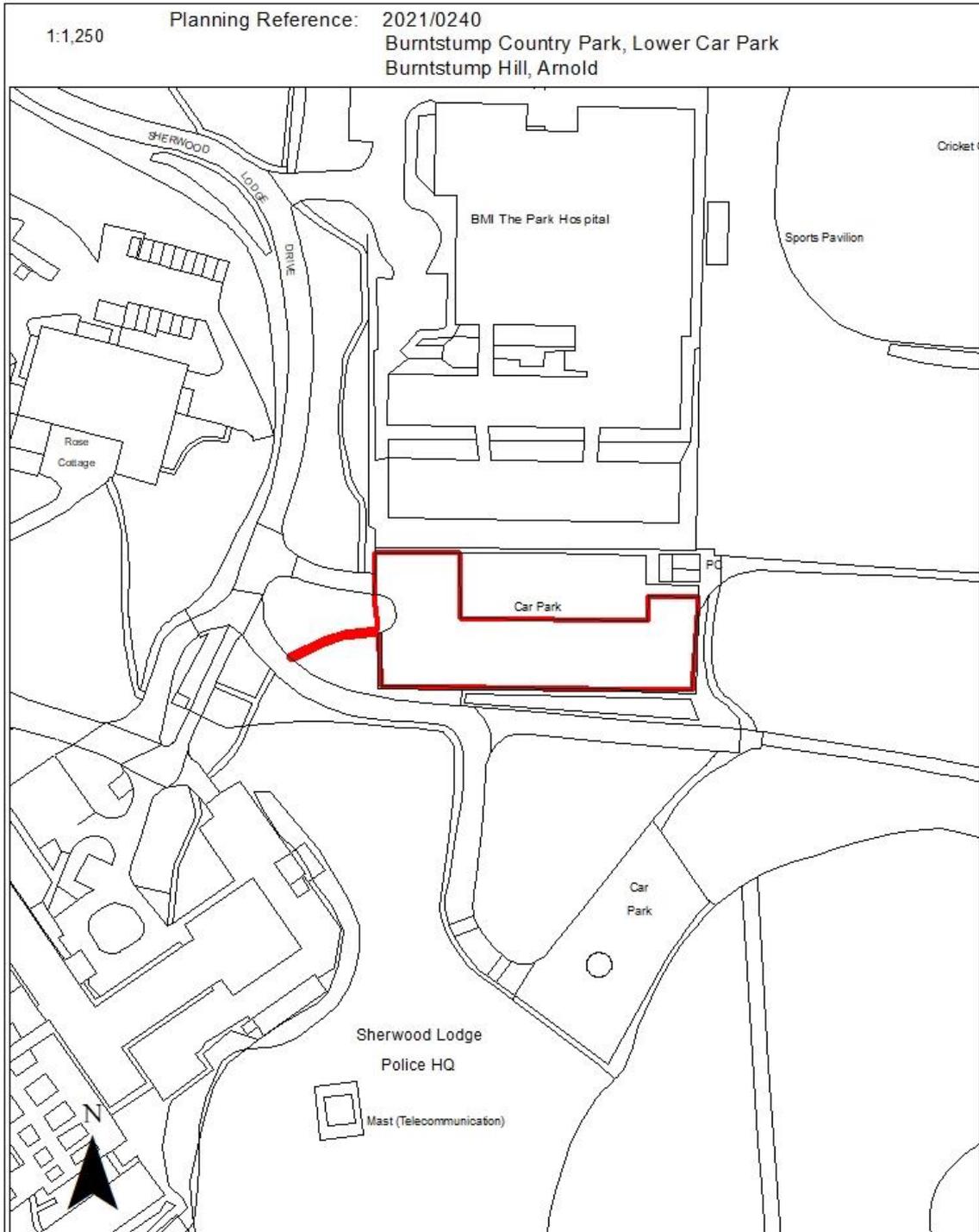




## Planning Report for 2021/0240



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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**Report to Planning Committee**

<b>Application Number:</b>	<b>2021/0240</b>
<b>Location:</b>	<b>Burntstump Country Park, Lower Car Park, Burntstump Hill, Arnold</b>
<b>Proposal:</b>	<b>Alterations to existing car park to include fencing, security barrier, surfacing and footway to adjoining Police HQ</b>
<b>Applicant:</b>	<b>Nottinghamshire Police Force</b>
<b>Agent:</b>	<b>Lambert Smith Hampton</b>
<b>Case Officer:</b>	<b>Bev Pearson</b>

**This application site is within the ownership of the Borough Council and therefore, in accordance with the Council's Constitution, this application has been referred to Planning Committee.**

**1.0 Site Description**

- 1.1 This application relates to a car park which predominately serves the public and visitors to Burntstump Country Park and which has a secure fenced section used by the Park Hospital. The car park is located at the Sherwood Lodge Drive accessed from Burntstump Hill adjacent to the Nottinghamshire Police Headquarters and the Park Hospital. Burntstump Country Park lies to the north and east.
- 1.2 A section of the existing car park has been leased from Gedling Borough Council by Nottinghamshire Police.

**2.0 Relevant Planning History**

- 2.1 2019/0648 – conditional planning permission was granted in December 2019 for the erection of a 3 storey building to include training centre, control room, canteen, gym/multi-use facility, changing rooms and associated accommodation. Reconfiguration of existing car parking and creation of new parking and access routes and demolition of 4no. ancillary buildings

**3.0 Proposed Development**

- 3.1 This application seeks planning permission to carry out alterations to a section of the existing car park as summarised below:-

The erection of a section of 1.8m high palisade fencing – this would separate the car park to be used by the Police HQ from the public spaces.

The provision of barriers to allow secure access and egress from the car park

The provision of lighting columns and CCTV columns

The provision of a formal footpath linking the car park to an existing footpath a serving the Police Headquarters

- 3.2 A supporting statement has been submitted which outlines that the car park would serve the Police HQ site. The proposed barriers would be left open between 6pm and 6am daily and at weekends so that the general public could access this section of the car park when not in use by the Police Headquarters and access to the County Park for maintenance vehicles and pedestrians would be retained as required by the lease with Gedling Borough Council as confirmed by email dated 25<sup>th</sup> August 2021.

#### **4.0 Consultations**

- 4.1 Adjoining neighbours have been notified of the proposal, a press notice posted and site notice posted on the 18<sup>th</sup> March 2021 – No comments have been received.

- 4.2 Bestwood Parish Council – no objections are raised

- 4.3 Nottinghamshire County Council Highways Authority –no concerns are raised.

- 4.4 Arboricultural Consultant – identifies a potential for the proposed footpath to impact on the roots of adjacent trees. This could be mitigated by the imposition of a condition requiring a meeting prior to the commencement of any excavation works and a condition requiring a watching brief so that installation can be directly overseen by the council's nominated tree consultant.

- 4.5 Gedling Borough Council Parks and Street Care – No objections. Have verbally advised that trees within the Burntstump Country Park would be reviewed every 6-12 months.

- 4.6 Gedling Borough Council Environmental Health – The proposal is unlikely to cause any Environmental Protection issues.

- 4.7 Nottinghamshire County Council have verbally advised that there is no legally recorded Right of Way through the site.

#### **5.0 Assessment of Planning Consideration**

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

## **6.0 Development Plan Policies**

6.1 The following national and local planning policies are relevant in the consideration of this application:-

6.2 At the national level the National Planning Policy Framework (NPPF) (2021) sets out the national policies for delivering sustainable development. Section 2 (Achieving sustainable development), 9 (Promoting sustainable transport), 12 (Achieving well-designed places) and 13 (Protecting the Green Belt) are particularly relevant.

6.3 The Greater Nottingham Aligned Core Strategy (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:-

- Policy 3 – (The Green Belt) establishes the principle of retaining the Nottingham Derby Green Belt.
- Policy 10 - (Design and Enhancing Local Identity) sets out the criteria that development will need to meet with respect to design considerations.

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

- LPD 19 - Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.
- LPD 32 -Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD 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.

## **7.0 Planning Considerations**

### The Principle of development

7.1 The site is located within the Green Belt and accordingly relevant national and local Green Belt policies apply.

7.2 Section 13 (Protecting the Green Belt) outlines at paragraph 137 the importance the Government attaches to Green Belts and the aim of Green Belt policy to prevent urban sprawl and to retain its essential openness and permanence.

- 7.3 Paragraph 138 of the National Planning Policy Framework states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.4 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. A number of exceptions are listed however the development proposed does not fall within any of these categories.
- 7.5 Paragraph 150 of the National Planning Policy Framework 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. Again, the development proposed does not fall within any of these categories.
- 7.6 The development proposed is therefore inappropriate development 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. Paragraph 148 of the NPPF 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.
- 7.7 The proposed structures would not fall within any of the exceptions of development considered in paragraph 150 of the NPPF as being appropriate and would therefore by definition be considered harmful to the openness of the Green Belt. As such in line with paragraph 147 and 148 of the NPPF substantial weight should be given to such harm unless very special circumstances are demonstrated which would outweigh the harm.

#### Very Special Circumstances

- 7.8 Following the re-development of main Police Headquarters site which has resulted in reconfiguration of existing parking within the Headquarters site itself additional secure parking is required for staff and visitors. The lighting and CCTV cameras, are required to ensure the safety of users of the car park (including members of the public).
- 7.9 It is clear that the proposal would serve the Police Headquarters which is undergoing expansion and would provide significant benefits to the operation of the emergency services, enhancing existing parking facilities that are available to staff and visitors.

### The Planning Balance

- 7.10 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.
- 7.11 It is therefore necessary to determine whether the considerations advanced by the applicant clearly outweigh the harm to the Green Belt from this inappropriate development, and therefore whether they represent Very Special Circumstances that would allow the development to be permitted.
- 7.12 I am mindful that the barriers are of a very modest design in terms of height and scale and would have a single arm which reflects the existing barrier at the entrance to the secured area of the car park used by the Park Hospital. The proposed fencing would be of a design and height to reflect that already existing on the site and the lighting and CCTV columns are of a height and design similar to those within the vicinity of the site. Taking the above into consideration and being mindful of the very modest scale, design and appearance of the proposed structures which would be secured by condition and the factors advanced by the applicant in support of the proposal it is considered that the benefits of the proposal outweigh the harm that would be caused to the Green Belt in terms of its inappropriateness and the impact the development has upon openness. It is therefore considered that very special circumstances have been demonstrated subject to consideration of any other potential harm.

### Impact on the landscape character and visual amenity

- 7.13 The application site falls within policy zone SPZ3 (Papplewick Wooded Estatelands) of the Greater Nottingham Landscape Character Assessment. The surrounding landscape has a good condition and a moderate sensitivity to development. The structures as proposed in the drawings and details submitted with the application and as noted above are considered to be of an acceptable scale, design and appearance and are not considered to result in any harm to the landscape character setting of the site.
- 7.14 Taking this into account I am satisfied that the proposal would not result in undue harm to the landscape character and wider landscape setting of the site and is in accordance with Section 12 of the NPPF (2021), Policy 10 of the GBACS (2014), and Policy LPD 19 of the LPD (2018).

### Impact on Amenity

- 7.15 The comments of the Environmental Health officer are noted. Given separation distances, it is not considered that the proposed lighting or CCTV cameras would result in any harm to the amenity of the nearest adjacent building, the Police HQ, Park Hospital and Rose Cottage.

- 7.16 It is therefore considered that the proposal therefore fails to accord with Sections 12 of the NPPF (2021), Policy 10 of the GBACS (2014) and Policy LPD 32 of the LPD (2018).

#### Highways Matters

- 7.17 The operation on site is unique and does not relate directly to any of the uses set out in Parking Provision Supplementary Planning Document. As such there is no minimum parking requirement prescribed in the document. In these circumstances parking provision is assessed on a site specific basis.
- 7.18 It is noted that the site is currently a public car park which is also used by visitors to the Country Park. Although a large section of the car park would be barriered to prevent public access during the day the barriers will be raised and the car park available for general public use during the evenings and at weekends.
- 7.19 It is noted that the Highway Authority have raised no concerns with regards to the proposal in terms of parking provision and highway safety subject to parking bay dimensions and aisle widths. From the scaled layout plans submitted the required dimensions would be achieved. It is considered that the proposal would therefore not raise any highway safety or parking issues.
- 7.20 Taking the above into account I am satisfied that the proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2021), Policies LPD 57 and LPD 61 of the LPD (2018).

#### Impact on Trees

- 7.21 Having visited the site there are 2no. trees within an area of land immediately to the west of the car park that would have the potential to be affected by the proposed formal setting out of a tarmac footpath which leads from the car park to the upper access road and a formal paved footpath which links to the side access of the Headquarters site to DDA standards. There are no records that these trees are protected by a Tree Preservation Order. However I am mindful that these are mature long established trees which do have visual amenity value.
- 7.22 The proposed footpath would take the route of an informal walked route that currently exists. It is accepted that there would be a change in levels to achieve a Disability Discrimination Act compliant pathway along this route which could impact on some existing roots adjacent to the path.
- 7.23 Although a Tree Protection Plan and details of a specification of Control Measures to be implemented during the construction of the proposed path have been submitted with the application which includes the use of a no dig construction technique the Arboriculture Consultant has identified impact on existing tree roots and has requested as a mitigation measure the attachment of a condition requiring a meeting between the Local Planning Authority tree consultant and the applicants representatives prior to any excavation/installation works taking place and a condition requiring the

implementation of a watching brief so that the installation of the footpath and any exposure of trees roots can be overseen by the Local Planning Authority.

- 7.24 Being mindful of the wider root systems of the trees as a whole it is considered that the imposition of the requested conditions would be a reasonable approach in this instance in order to safeguard the retention and health of the trees.

## **8.0 Conclusion**

- 8.1 Having regard to the above considerations, whilst the application consists of inappropriate development within the Green Belt and the proposal would have an impact upon openness, very special circumstances have been provided that in the planning balance outweigh the harm to the Green Belt by virtue of its inappropriateness. Impact on trees adjacent to the footpath have been given consideration and proposed mitigation measures would be secured by condition in order to safeguard the health of these trees. The proposal would not result in any undue impact on nearby amenity, highways or parking issues.

- 8.2 On balance I am of the opinion that the proposal is in accordance with the National Planning Policy Framework (2021), Policy 3 and 10 of the Aligned Core Strategy 2014, policies, LPD19, LPD32, LPD57 and LPD61 of the Local Planning Document 2018.

- 8.3 Accordingly, I recommend that planning permission be granted subject to the following conditions:

## **9.0 Recommendation: That the Borough Council 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 hereby approved shall be completed in accordance with the following submitted documents and plans :-

Received on the 10th March 2021 - Application form; Tree Survey statement produced by Landscape Science Consultancy General Arrangement (Excluding the route of ductwork)

Received 25th June 2021 - Lighting Details drg. no. 2006025MHGCPB dated 08.03.2021  
Received 27th August 2021 Tree Protection Plan dated 21st July 2021 (excluding the route of ductwork)

Received 23rd August 2021 - Position of lighting and CCTV columns and route of ductwork drg no. 2006023MHGCPB dated 08/03/2021; Lamp Head Details - KENO Flat to Ground LED Luminaire (height of column confirmed as being 7m by email dated 23rd August 2021); Barrier Details - Nicebar System - M3BAR as confirmed by email dated 23rd August 2021; CCTV camera Details HIKVISION - DS-2CD5A46G0-IZ(H)S (height of column confirmed as being 5m by email dated 23rd August 2021).

The development hereby permitted shall be undertaken in accordance with the submitted documents.

- 3 Before any excavation/installation works commence on the proposed footpath the applicant/agent shall notify the Local Planning Authority (LPA) giving 21 days notice of the date of commencement to allow a pre commencement meeting to be held with a representative from the LPA in order to supervise the footpath installation working procedures.
- 4 Prior to the car park being brought into use by the applicant the parking spaces shall delineated in accordance with the approved General Arrangement Plan (excluding the details of the ductwork route) and shall be retained as such thereafter.
- 5 The barriers, CCTV columns and lighting columns shall be installed and maintained in accordance with the details submitted and layout plans drg. no 2006025MHGCPB and details deposited on the 23rd April 2021.

### **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 the health of the tree is preserved.
- 4 For the avoidance of doubt.
- 5 For the avoidance of doubt.

### **Reasons for Decision**

Whilst the application consists of inappropriate development within the Green Belt and the proposal would have an impact upon openness, very special circumstances have been provided that in the planning balance outweigh the harm to the Green Belt by virtue of its inappropriateness. Impact on trees adjacent to the footpath have been given consideration and proposed mitigation measures would be secured by condition in order to safeguard the health of these trees. The proposal would not result in any undue impact on nearby amenity, highways or parking issues. On balance the proposal is in accordance with the National Planning Policy Framework (2021), Policy 3 and 10 of the Aligned Core Strategy 2014, policies, LPD19, LPD32, LPD57 and LPD61 of the Local Planning Document 2018.

### **Notes to Applicant**

The applicant is advised that all planning permissions granted on or 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 given that there is no net additional increase of floorspace as a result of the development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021).