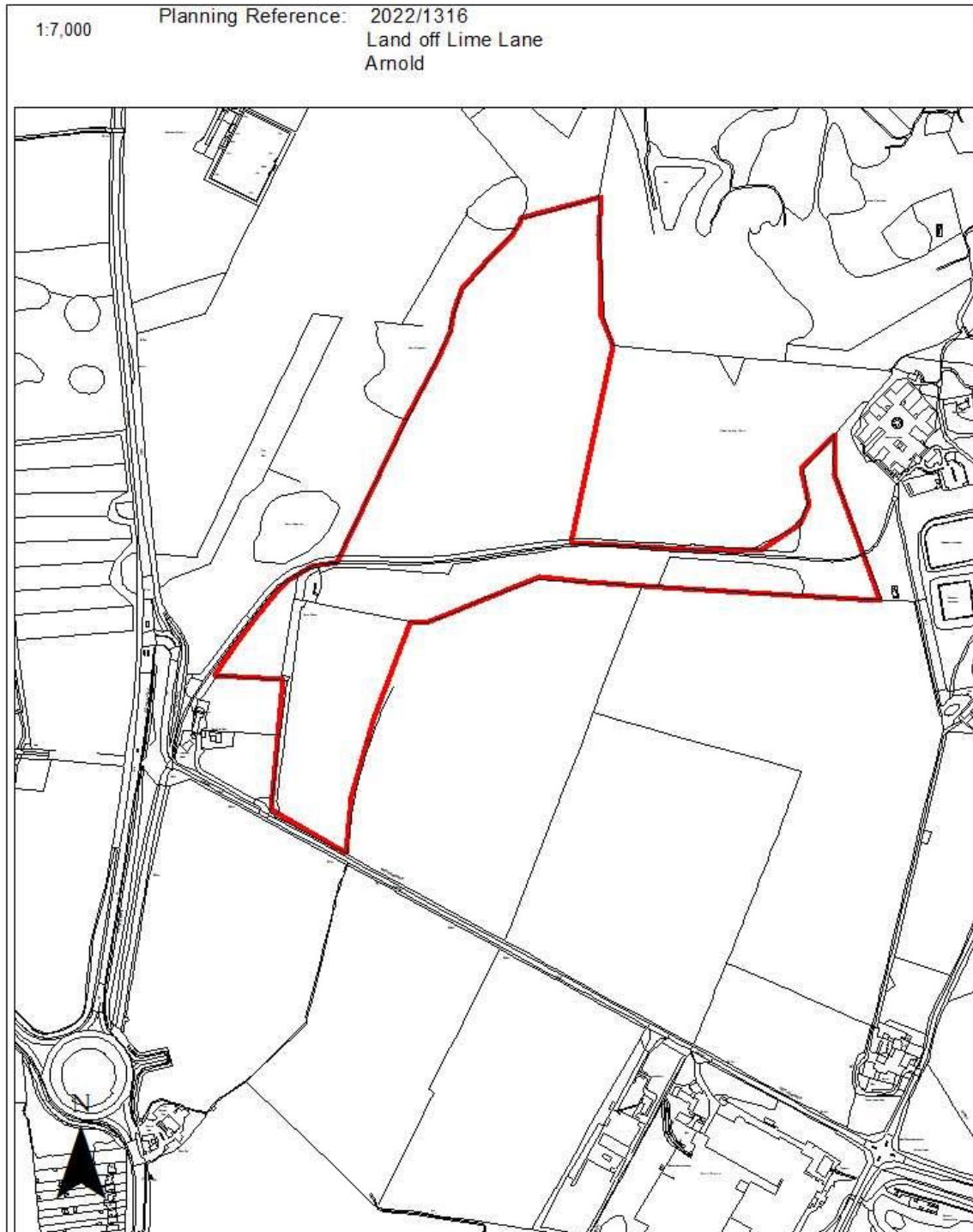




Planning Report for 2022/1316



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.
Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Report to Planning Committee

Application Number: 2022/1316

Location: Land Off Lime Lane Arnold. NG5 8PW

Proposal: Use of land for outdoor sports and recreation, siting of structures for ancillary storage, office and refreshments, and associated track, car park and infrastructure (additional details of car parking and zone layouts).

Applicant: J Hammond & Co

Agent: Savills UK Ltd

Case Officer: Bev Pearson

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

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

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

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

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

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

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

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

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

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

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

1.0 Site Description

- 1.1 The application site is located on the northern side of Lime Lane approximately 1.7km from the northern edge of the urban area of Redhill. The site area is circa 23 hectares based on the completed planning application form. It was previously agricultural land with areas of dense woodland but is currently operating as a recreational/outdoor activities use comprising a maze, bush craft, outdoor cinema, laser tag and archery/axe throwing separate zones. The site is accessed from Lime Lane by a gravel track leading to an informal car parking area. Within the site are a number of ancillary structures including several storage containers, box trailer café, ticket hut and portaloos adjacent to the car parking area, various structures/paraphernalia within the laser tag zone, within the forest school/bush craft and outdoor cinema zone and within the archery/air rifles/crossbows/axe throwing together with a large spectator stand within the maze zone.
- 1.2 The main part of the application site is at a higher level with the land and access track rising from the Lime Lane towards the north and east. To the west of the access track are a number of residential properties whilst to the east and north is arable land
- 1.3 The site is located within the Nottingham-Derby Green Belt.
- 1.4 The site activities are operated by B2B Limited and 'Into the Forest'.

2.0 Proposed Development

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

- 2.2 Laser Tag – with an average of approximately 8-10 games per month with approximately 10-30 players. Games would take place between 10am and 4pm. This would operate all year round. Items and structures within this zone include metal barrels, tyre walls, pallet clusters, satellite dish and wooden enclosures.
- 2.3 Archery/air rifles/crossbows/axe throwing – with an average of 10-15 persons per session between 10am and 5pm. This would operate all year round. Structures within this zone comprise wooden target boards and shooting stands fixed to the ground with the shooting area delineated by fencing.
- 2.4 Forest school/Bushcraft – this would operate on Tuesdays and Thursday throughout August between 10am and 1pm with an average of approximately 20 children. The operator works closely with Catch 22 an initiative for young people funded by the Education department and has associations with a number of schools and cubs/scouts and guide groups. Structures associated with this use include a wooden shelter and fire pit.
- 2.5 Maize Maze – this would operate from the end of July to the end of October open daily from 10am-5pm throughout the school holiday period with an average of 50-60 people daily. There would also be seven night time sessions which would run throughout October between 7pm-11pm with an average of approximately 100 people per session. The maze location is rotated each season and is harvested after October. There is a large spectator stand associated with this zone. Which is relocated each season to the maze area.
- 2.6 Outdoor Cinema nights – 8no. events would take place between May and October between 6.30pm and 11pm. Structures on site associated with this use include tarpaulin covers and stage for the screen.
- 2.7 It should be noted that although a bonfire night is referred to in the Planning Statement, this does not form part of the application. This has been confirmed by the applicant
- 2.8 In addition to the paraphernalia noted above there is lighting and several buildings/structures located within the site comprising:-
- Storage containers/solar panels/trade waste bins/generator/portable external light.
 - Portaloos and Picnic Benches
 - Ticket booth
 - Spectator Stand
- 2.9 The surfaced access track which extends from Lime Lane for a distance of 335m leading to circa 1,410 sq.m of surfaced parking area which accommodates up to 55 vehicles.
- 2.10 The application has been accompanied by and assessed against the following plans and supporting documents:-
- Revised Site location Plan (deposited on the 15th February 2023)
 - Floor Plans of buildings (drg. no. 438579/02 deposited on the 27th January 2023)

- Elevations of storage buildings (drg. no. 438579/03 deposited on the 31st January 2023)
- Revised Site Layout Plan deposited on the 10th March 2023
- Detailed Layout Plan of Activity Zones deposited on the 17th March 2023
- Car Park layout Plan deposited on the 29th March 2023.
- Planning Statement
- Noise Impact Assessment
- Ecology Survey and Addendum
- Transport Statement and Car Park Statement
- *Covering Letters and Appendices received on the 16th May 2023 and 1st June 2023*

3.0 Relevant Planning History

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

4.0 Consultations

- 4.1 Nottinghamshire County Council Highways Authority – outdoor activities are understood to have been taking place since 2018. Taking account of the 1 incident noted in the Transport statement (which is not shown on Highway Authority Data) this represents a low risk of further incidents taking place as per the Institution of Highways and Transportation Personal Injury Collision Plot Table (PIC) – the Highway Authority are therefore unable to conclude that the development will exacerbate an existing road safety problem. The Transport Statement states that a visibility splay of 2.4m x 215m can be achieved at the site access looking left commensurate with the 60mph speed limit and 2.4 x 164m when looking right which is considered sufficient when vehicles come first into view around the 90 degree bend. In terms of traffic generation the majority of trips will take place outside of peak times and is unlikely to materially change the existing situation in these time frames. The likelihood of the development causing severe impact on the network is therefore considered low. With regards to parking provision the Transport assessment shows a theoretical demand of 48 spaces with 55 marked spaces shown on the plan. Existing parking practices have had no adverse impact on the public highway – formalised parking should however provide disabled spaces in line with the Highway Design Guide. No objections are therefore raised subject to conditions requiring the site access being surfaced in a bound material for a minimum distance of 10m from the back edge of the highway which should be provided with a means of

drainage within 3 months any permission and three disabled parking spaces shall be provided in accordance with details to be submitted to and approved in writing by the LPA.

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

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

- 4.2 Gedling Borough Council Environmental Health - advise a suitably worded condition be attached should permission be granted in relation to restriction of noise levels emitting from the site. There has also been no issues reported regarding ASB and Parking other than when there was a festival taking place. *Previous comments are reiterated and a condition regarding noise levels is advised. It is also advised that a suitably worded condition requiring the submission and written approval of precise details of external lighting on the site should be attached should permission be granted.*
- 4.3 Health and Safety Executive – the application does not fall within any HSE consultation zones. Therefore no comments are made.
- 4.4 Environment Agency – the development falls within flood zone 1 and therefore no fluvial flood risk concerns are raised. There are no other environmental constraints which would fall within the remit of the Agency.
- 4.5 Nottinghamshire Wildlife Trust – conclude that the ecology report has not sufficiently assessed the likely impacts of the various activities on the site. The report lacks essential detail such as a desk top study informed by local biological records data, comprehensive habitat descriptions (the site visit was undertaken outside of optimal season for botanical species) and evidence led assessments informed by species specific surveys. It is recommended additional survey effort is secured and subsequent data used to produce an Ecological Impact Assessment and a detailed Woodland Management Plan is produced.
- 4.6 Gedling Borough Council Tree Officer - concerns were initially raised that the use of land as described for recreation activities, siting of structures and car parking, may cause an impact on the long-term safe retention of trees on site. There is no mention of surfacing of carpark areas, proximity to trees, foundation/ base layers for structures or siting of any underground utilities.

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

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

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

4.7 Members of the Public

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

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

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

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

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

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

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

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

Deferment

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

Other matters

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

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

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

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

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

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

5.0 **Assessment of Planning Considerations**

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

Development Plan Policies

The following policies are relevant to the application.

- 5.2 The National Planning Policy Framework (2021) sets out the national objectives for delivering sustainable development. Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 9 (Promoting sustainable transport), Section 12 (Achieving well-designed places), Section 13 (Protecting Green Belt Land) and Section 15 (Conserving and enhancing the natural environment) are particularly relevant in this instance.
- 5.3 The Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:
- Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals
 - Policy 3: Green Belt – sets out the policy with respect to the Green Belt.
 - Policy 4: Employment Provision and Economic Development – sets out criteria for development in rural areas that strengthens or assists diversification of the rural economy and provides a source of local employment.
 - Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.
- 5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:
- LPD18 – Protecting and Enhancing Biodiversity - sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.
 - LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a

significant adverse visual impact or a significant adverse impact on the character of the landscape.

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

5.5 Supplementary Planning Documents/Guidance

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

6.0 **Planning Considerations**

Appropriateness of the development in the Green Belt

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

The site is located within the Green Belt. Paragraph 138 of the National Planning Policy Framework states that the Green Belt serves five purposes:

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

6.2 Paragraph 147 of the NPPF states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt

by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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

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

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

- 6.3 It is noted that there is no planning policy within the Local Planning Document (2018) that is directly relevant to the consideration as to whether this proposal is appropriate or inappropriate development within the Green Belt.
- 6.4 The applicant has stated within the Planning Statement that the proposed retention of the use of the site for recreation and outdoor sporting activities would meet the exception of development which may be considered appropriate set out in paragraph 150 e) of the NPPF and the associated structures to support the use would accord with Paragraph 149 b) of the NPPF and therefore very special circumstances need not apply.
- 6.5 It is considered that this statement is not correct. The application does not just relate to the use of the land but also the structures and equipment and the access track and car park.

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

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

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

facilities do not meet the exception in para 149 b) are inappropriate development. Consequently by virtue of inappropriateness, this would be by definition harmful to the Green Belt.

- 6.6 The applicant has proposed to clad the storage containers and to remove those serving the seasonal activities at the times when they are not in use. However, a number of storage containers, the ticket booth, portaloos and the spectator stand together with the paraphernalia sited within the laser tag, bushcraft and archery/air rifle/axe throwing zones would still remain on site. As set out above the remaining structures would be considered to fail to meet the exception of development set out in in Para 149 b) of the NPPF and so would constitute inappropriate development and would be considered to harm the Green Belt setting of the site.
- 6.7 Furthermore Paragraph 150 b) identifies engineering operations as also being an exception of development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Although the track leading from the access on Lime Lane and the car parking area may be considered to result from an engineering operation, given the substantial extent and width of the track and the substantial extent of the car park area (for which there is no clear or reasonable justification for its size other than to provide parking to serve the outdoor activities operating from the site) these features are also considered to further add to the reduction in the openness of the Green Belt's spatial aspect. They would therefore be inappropriate development resulting in harm to the Green Belt and the reasons for including land within it given their urbanising characteristics. Moreover in order to meet the requirements of the Highway Authority, the access would need to be formerly constructed and hard surfaced for a minimum distance of 10m behind the nearside carriageway edge and provided with drainage. This would further exacerbate the impact of the track and car park on the Green Belt setting of the site and result in further harm. There would also still be clear views of access and associated surfacing and views of the car parking area, including parked vehicles, from the public realm which adds to the reduction.
- 6.8 I note that whilst some screening of the track and car park by hedgerow as suggested by the applicant may help to mitigate some visual impact of these features and reduce to some degree their harm there would still be the likelihood of visibility into the site from Lime Lane, particularly including during night time events when lighting would be likely to be evident within the woodland. In my view this is therefore only likely to carry limited weight in the balance.
- 6.9 Furthermore whilst there is no specific definition of openness in the NPPF, there have been a number of high court decisions which have discussed the matter. It is considered that openness is a concept that relates to land that is not built upon. In determining previous appeals for development in the Green Belt at the Ramper Covert site the Inspector, taking due regard with case law, was of the view that openness has both a spatial and a visual aspect. The former can be taken to mean the absence of built form. There is clearly a difference between openness and visual impact. Therefore although a visual impact may be mitigated by screening, spatial openness is epitomised by the lack of built

form and not by built form that is unobtrusive or camouflaged or screened in some way. Therefore the access track and car park fail to meet the exception in paragraph 150 b) and are considered inappropriate development.

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

Very Special Circumstances

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

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

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

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

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

- 6.12 Taking the above into consideration including the comments received in support of the proposal it is not considered that such benefits would be so significant to clearly outweigh the identified harm to Green Belt and would not represent very special circumstances which would justify the retention of the use of and retention of associated structures and access track and car park on the site.

The proposal therefore fails to accord with Section 13 of the NPPF (2021).

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

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

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

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

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

It would remain that in officer opinion the retained storage containers and ticket booth together with the portaloos and spectator stand and other retained structures and equipment would continue to fail to preserve the openness of the Green Belt setting of the site and conflict with the purposes of including land within it. Therefore it is considered that the retained facilities do not meet the exception in para 149 b) and are inappropriate development. Consequently by

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

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

Impact on Character and appearance of the area (including landscape character)

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

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

There is existing lighting amongst the trees, albeit this appears to be low level and it is likely that there would be a need for external lighting for night time activities.

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

- 6.14 Taking into account the above matters it is considered that the retention of the activities with the associated structures and equipment and the retention of the track and parking area would have a significant impact on the character and appearance of the rural area.
- 6.15 The proposal therefore fails to accord with Section 12 of the NPPF (2021), Policy 10 of the ACS (2014) and Policy LPD 19 of the LPD (2018)

Impact on Highway Network

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

- 6.17 The application site is accessed via an existing gated gravel surfaced track from Lime Lane serving the both the existing adjacent agricultural use and the sport and recreational business that has been operating at the site.
- 6.18 The applicant has submitted a Traffic Assessment which indicates that visibility splays of 2.4m x 215m to the east and 2.4m x 164m to the west which is the maximum sight achievable to the corner of Lime Lane can be achieved. Given that whilst activities have been operating at the site official records between 2017 and 2021 show no collisions, with one accident witnessed in 2022, the Transport Statement does not consider that there are any existing highway safety issues that would be exacerbated by the proposals.
- 6.19 The Transport Statement accepts that given the required rural location for the nature of the outdoor activities that are undertaken at the site the majority of journeys to the site would be by car and bicycle.
- 6.20 With regards to vehicular trip generation the Transport Assessment considers that vehicle trip generation would not have a severe impact on the local highway network with trips associated with regular site activities and periodic events being outside peak hours.
- 6.21 The Highway Authority as the LPA's qualified technical advisors on highway safety and parking matters have been consulted and have reviewed the Transport Assessment and plans submitted with the application and have raised no objections subject to conditions relating to the bound surfacing and drainage of the site access and the provision of 3 disabled parking spaces.

It is also considered reasonable that a condition be attached requiring the car parking area to laid out in accordance with the submitted car park layout plan.

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

Impact on Residential Amenity

- 6.23 Whilst it is accepted that the outdoor activities use of the site introduces activity and comings and goings to and from the site within the countryside given that the regular activities of laser tag, bush craft, archery/rifle shooting/axe throwing predominantly take place during the day and that some activities are seasonal it is not considered that level of activity that these would generate would be likely to be so significant to result in adverse harm to neighbouring amenity to justify refusal of planning permission on these grounds.
- 6.24 However I note the concerns raised with regards to noise issues from the outdoor cinema and individual evening events that have been previously held on the site which have resulted in noise complaints to Environmental Health Officers. Environmental Health as qualified technical advisors have reviewed the submitted Noise Impact Assessment. Although this refers to ideal conditions in relation to predicted noise levels Environmental Health have advised that it

would be unreasonable to assess every type of potential external condition that may affect noise transference. However they have recommended a condition requiring the monitoring and recording of noise levels of cinema events or any events that include live or recorded amplified music to ensure that that noise levels do not exceed 5db above back ground noise.

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

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

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

Impact on Trees

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

Impact on Ecology

- 6.27 An Ecological Appraisal and Management Plan has been deposited with the application which has been reviewed by the Nottinghamshire Wildlife Trust. Their initial comments are noted. Following the submission of an addendum in response to these comments the Wildlife Trust has been consulted but has offered no further comment.
- 6.28 The findings of the Appraisal notes that some trees have the potential to support roosting bats. Barbestelle bats have been recorded circa 500m east of the site. The land and woodland within the activity zones provide minimum canopy and negligible understorey vegetation for Barbestelle bats that are present in wider woodland area which provides an optimal habitat.

They are less likely to use the open aspect of the site that may sporadically be disturbed by evening activities and would be more likely to commute through the site via the eastern half of the woodland which is unused, undisturbed, unlit and offers a more favourable habitat.

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

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

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

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

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

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

6.34 As such it is considered that the proposal accords with Section 15 of the NPPF (202110 and Policy LPD 18 of the LPD (2018) subject to planning conditions securing the mitigation measures.

Other matters

Rural Diversification

6.35 The Planning Statement states that the outdoor activities have developed to broaden the activities on the site over and above the Maize Maze to provide

further income to support the wider farming business. Policy LPD 47 in relation to rural diversification would be relevant in this instance. This supports rural employment/business development proposals providing it accords with Green Belt policy. As noted within the Green Belt section of this report the proposal is considered to be inappropriate development in the Green Belt and therefore harmful and no very special circumstances have been put forward which would outweigh the harm.

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

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

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

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

Accuracy of plans and submitted documents

- 6.37 An accurate revised red line site location plan has been submitted during the lifetime of the application which has been re-consulted on.

With regards to inaccuracies within the various documents submitted with the application in terms of number of employees and operating hours, the details stated within the planning statement have been confirmed as being correct by the applicant. Details of these within the supporting documents are not so different to those in the Planning Statement to materially alter consideration of the application.

Notwithstanding any discrepancy the applicant has confirmed the following opening hours:-

- Laser Tag take place between 10am and 4pm. This would operate all year round.
- Archery/air rifles/crossbows/axe throwing – session would operate all year round between 10am and 5pm.

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

Consultations

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

Pollution/Hazardous Substances

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

Non material planning considerations

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

Deferment

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

Continued Use of the site

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

Application Advice

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

Precedent

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

Waste

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

7.0 Conclusion

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

7.2 There would be glimpsed views within the site and the parking areas the impact of which would be further intensified by the urbanisation of parked vehicles and associated infrastructure such as any lighting and signage. All these factors result in harm to openness and are therefore should not be approved unless very special circumstances exist.

Very special circumstances will not exist unless the harm can be clearly outweighed by other considerations. It is considered that the very special circumstances of sustainability, economic, community, environmental and ecological benefits and popularity and management of the activities, in this instance do not outweigh the harm.

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

As previously established the use of the site for outdoor and recreational activities would meet one of the exceptions of development identified in the NPPF as being considered appropriate in the Green Belt. Although amendments have been made to the scheme as follows:

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

In terms of the cumulative impact of the retained buildings and structures on site including the portals, retained spectator stand, along with the access track and car park there would still be a cumulative material effect on the openness of the Green Belt. As such this would still be considered to be inappropriate development and by definition harmful to the Green Belt and would conflict with the purposes of including land within it.

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

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

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

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

Notes to applicant

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