

Report of the Chief Executive

APPLICATION NUMBER:	24/00486/FUL
LOCATION:	Land Adjacent High Park Cottages, Moorgreen, Newthorpe, Nottinghamshire
PROPOSAL:	Change of use of land to outdoor children's recreation area (use class F2c) and associated works

The application is brought to the Committee at the request of Councillor M Brown.

1. Purpose of the Report

- 1.1 The application seeks retrospective planning permission for the change of use of sections of land adjacent High Park Cottages to form an outdoor children's recreation area within planning use class F2c, along with associated works including the provision of associated parking.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix.

3. Detail

- 3.1 The application seeks retrospective planning permission for the change of use of sections of land adjacent High Park Cottages to form an outdoor children's recreation area within planning use class F2c, along with associated works including the provision of associated parking and a water attenuation basin.

The application site is located within the Nottinghamshire Green Belt on land adjacent High Park Cottages. Directly adjacent the cottages there is an open section of land which is used for the parking of vehicles associated with the children's nursery. Access to the two areas of land being used for the children's nursery is via a visitor walking route which consists of a stoned surface and is not enclosed in any way. The main area which is used by children between the age of 1 – 4 years is located within existing dense woodland and the smaller baby area used for activities with 0 – 1 year old is located directly opposite within an area of grassland with semi-mature trees surrounding.

It should be noted that the only structure of any substantial feature on the site is an open sided structure which is used for storage of associated children's play equipment and rainwater collection. In addition to the above, a small water attenuation basin is proposed to alleviate from previous flooding issues experienced by nearby resident of High Park Cottages.

The main issues in the determination of this application include the principle of development, impact upon the character and openness of the Green Belt, residential amenity, ecology, flooding and highway safety.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers

Nil.

Appendix

1. Details of the application

- 1.1 The application seeks retrospective planning permission for the change of use of sections of land adjacent High Park Cottages to form an outdoor children's recreation area within planning use class F2c, along with associated works including the provision of associated parking and a water attenuation basin.
- 1.2 The application site is located within the Nottinghamshire Green Belt on land adjacent High Park Cottages. Directly adjacent to the cottages there is an open section of land which is used for the parking of vehicles associated with the children's nursery. Access to the two areas of land being used for the children's nursery is via a visitor walking route which consists of a stoned surface and is not enclosed in any way. The main area which is used by children between the age of 1 – 4 years is located within existing dense woodland and the smaller baby area used for activities with 0 – 1 year old is located directly opposite within an area of grassland with semi-mature trees surrounding.
- 1.3 It should be noted that the only structure of any substantial feature on the site is an open sided structure which is used for storage of associated children's play equipment and rainwater collection. In addition to the above, a small water attenuation basin is proposed to alleviate from previous flooding issues experienced by nearby resident of High Park Cottages.

2. Site and surroundings

- 2.1 The application site is located within the Nottinghamshire Green Belt. Access to the car park serving the site is via a unadopted private road leading from Moorgreen/Willey Lane. Directly to the north west of the car park there are residential dwellings High Park Cottages, with woodland areas further beyond. There are also woodland areas located to the south and west, with agricultural land located beyond.

3. Relevant Planning History

- 3.1 No relevant planning history post 1974.

4. Relevant Policies and Guidance4.1 **Broxtowe Aligned Core Strategy 2014:**

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy 3 – Green Belt
- Policy 10 - Design and Enhancing Local Identity.
- Policy 12 - Local Services and Healthy Lifestyles
- Policy 11 – The Historic Environment
- Policy 17 - Biodiversity

4.2 Part 2 Local Plan 2019

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 1 - Flood Risk
- Policy 8 - Development in the Green Belt
- Policy 17 - Place-making, Design and Amenity
- Policy 19 - Pollution, Hazardous Substances and Ground Conditions
- Policy 21 - Unstable Land
- Policy 23 - Proposals affecting Designated and Non-Designated Heritage Assets
- Policy 28 - Green Infrastructure Assets
- Policy 31 - Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making.
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5. Consultations**5.1 Consultees**

- Cllr H L Crosby - Greasley Ward – No comments received.
- Cllr M Brown - Greasley Ward – No comments received in respect of the planning application but has requested the application goes to Planning Committee.
- Greasley Parish Council – No comments received.
- Environmental Health - No objections, satisfied with the submitted assessment of the land and no further remedial works are required. Recommend a note to applicant against having open fires on the ground site.
- The Coal Authority – No objections.
- Nottinghamshire Wildlife Trust – No objections, provide general advice.
- The Highway Authority – No objections, advise visibility at the junction appears sufficient. Advise the access track to the land is a single lane width and will force some drivers to reverse for oncoming traffic but not all users of the nursery are likely to arrive together, but the track isn't adopted highway or a public right of way.

5.2 Ten Neighbours were consulted on the application along with the posting of a site notice. There have been 85 responses in support and 15 comments received raising objections on the grounds of:

- Impact on the natural environment and wildlife;
- Increased noise;
- Traffic and access concerns;
- Flooding;
- Contaminated land;
- Precedent for further development on the land.

6. Assessment

6.1 Principle

6.1.1 The main issues in the determination of this application include the principle of development, impact upon the character and openness of the Green Belt, residential amenity, ecology, flooding and highway safety. These will be discussed in turn as follows:

6.2 Impact on the Green Belt

6.2.1 Policy 8 of the Local Plan 2019 states that applications for development and diversification of the rural economy in the Green Belt will be supported, provided that they are in accordance with the NPPF. Policy 154 of the NPPF states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with purposes of including land within it. These include the provision of appropriate facilities including buildings for outdoor recreation.

6.2.2 The proposed change of use also supports the rural diversification of the local economy through supporting the growth of a small local business alongside the provision of a facility which serves the local community as an outdoor nursery. The proposal includes one small open timber structure. This is located within the established woodland of the Main Area and so benefits from being screened by existing trees and is considered to be a very minor addition to built-form. Because of this, the proposed timber structure is not considered to harm the openness of the Green Belt in this instance. All other equipment, toys and decorations are also located within the woodland areas and are temporary and are removable.

6.2.3 The principle of development is therefore considered for the proposed change of use and associated works, subject to residential amenity, ecology, flooding and highway safety issues.

6.3 Amenity

- 6.3.1 Policy 10 of the Local Plan Part 1 and Policy 17 of the Local Plan Part 2 seek to ensure that the proposal would not impact on the amenity of nearby residents or occupiers.
- 6.3.2 The proposed nursery is located within the established woodland, and approximately 100m southeast from the residential gardens associated with High Park Cottages. Any noise will be limited to a few of hours a day in terms of comings and goings, and in any case limited to children's voices and will cause no harm to nearby residents. The hours of operation are Monday to Friday 10am to 3pm and Saturday and Sunday 10am – 4am. These hours are not considered to be unsociable hours of operation during the day time and are weather dependant. In view of the above, it is not considered the proposal will give rise to any significant impact upon the residential amenity of the occupiers of High Park Cottages in terms of noise impacts.

6.4 Ecology

- 6.4.1 Policy 31 of the Local Plan Part 2 and the NPPF seek to ensure that planning proposals protect and enhance valued landscapes and sites of biodiversity value.
- 6.4.2 An Ecological Assessment has been prepared by Turnstone Ecology to support the change of use of the land. The assessment confirms a local wildlife site (High Park Colliery cLWS) is located on site. Notwithstanding this, due to the small scale of the development and the general retention of the habitat on site, the Ecological Assessment concludes that it is unlikely there will be any significant impact. Furthermore and again due to the small nature of the proposal, it is unlikely the proposal will have any impact on LWS within 2km of the site. In terms of general habitats and flora, the Ecologist has calculated there will be limited habitat loss throughout and that the stream would remain unaffected. It is not considered the proposal will give rise to any significant impacts upon ecology within the site or surrounding area.
- 6.4.3 Whilst trees have been felled on surrounding land, this area is not within the red line of the application site. Furthermore, the trees were not located within a Conservation Area or covered by Tree Preservation Orders and did not require consent to be removed.

6.5 Flooding

- 6.5.1 Policy 1 of the Local Plan Part 2 2019 seeks to ensure that flood risk is not increased elsewhere as a result of development. The proposed change of use application has been supported by a Flood Risk Assessment and Drainage Strategy prepared by M-EC Consulting. This Assessment concludes that the site is located within Flood Zone 1 (Low Probability of Flooding) and that the majority of the site is at a very low risk of surface water flooding.

6.5.2 Historically, earth movement works around the car park area by the land owner have led to flooding issues of the occupiers of High Park Cottages. To alleviate any future issues, surface water will be stored, treated and conveyed to an attenuation basin on the site. Given the land levels of the site, surface water flows will outfall via a swale to an unnamed watercourse running to the east of the application site. A condition is recommended for full details of the attenuation basin to be submitted and approved.

6.6 Highway Safety

6.6.1 Policy 17 of the Local Plan Part 2 seeks to ensure safe suitable access can be achieved, and that there would be no adverse impacts on the surrounding local highway network.

6.6.2 Access to the application site and associated car park along with residents of High Park Cottages is via an unadopted single lane access track located off the main roads of Moorgreen and Willey Lane. The existing point of access into the car park to the south of High Park Cottages is to be utilised and widened to 4.8m.

6.6.3 The proposed change of use is supported by a Transport Statement prepared by M-EC Consulting, and a review of local collision data concludes that there are no highway safety issues or accident trends associated with the local highway network. It goes on to conclude that the unadopted road off the B600 is deemed appropriate to serve the site, with informal passing locations present. The Statement sets out that the site is estimated to generate a maximum of 32 movements to and away from the site at the beginning and after the nursery sessions. It should be noted that the nursery sessions do not run at traditional peak hours and is not currently operated on a daily basis.

6.6.4 No objections, advise visibility at the junction appears sufficient. Advise the access track to the land is a single lane width and will force some drivers to reverse for oncoming traffic but not all users of the nursery are likely to arrive together but the track isn't adopted highway or a public right of way. In view of the above, it is not considered the proposal will give rise to any significant highway safety issues.

6.7 Impact upon nearby Heritage Assets

6.7.1 Although there are Listed Buildings Beauvale Manor Farm and Beauvale Abbey Farm along with a scheduled Ancient Monument Beauvale Corthisian Priory within the local vicinity of the red line of the application site, given the minor nature of the proposal it is not considered the proposal will affect these buildings or their setting.

7. Planning Balance

7.1 On balance, the principle of development is considered acceptable and will enable. It is not considered the proposal will have any negative impact upon the openness of the Green Belt, residential amenity, ecology, highway safety or the

nearby heritage assets and on balance therefore, it is considered the scheme is acceptable.

8. Conclusion

It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments raised in representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

Recommendation

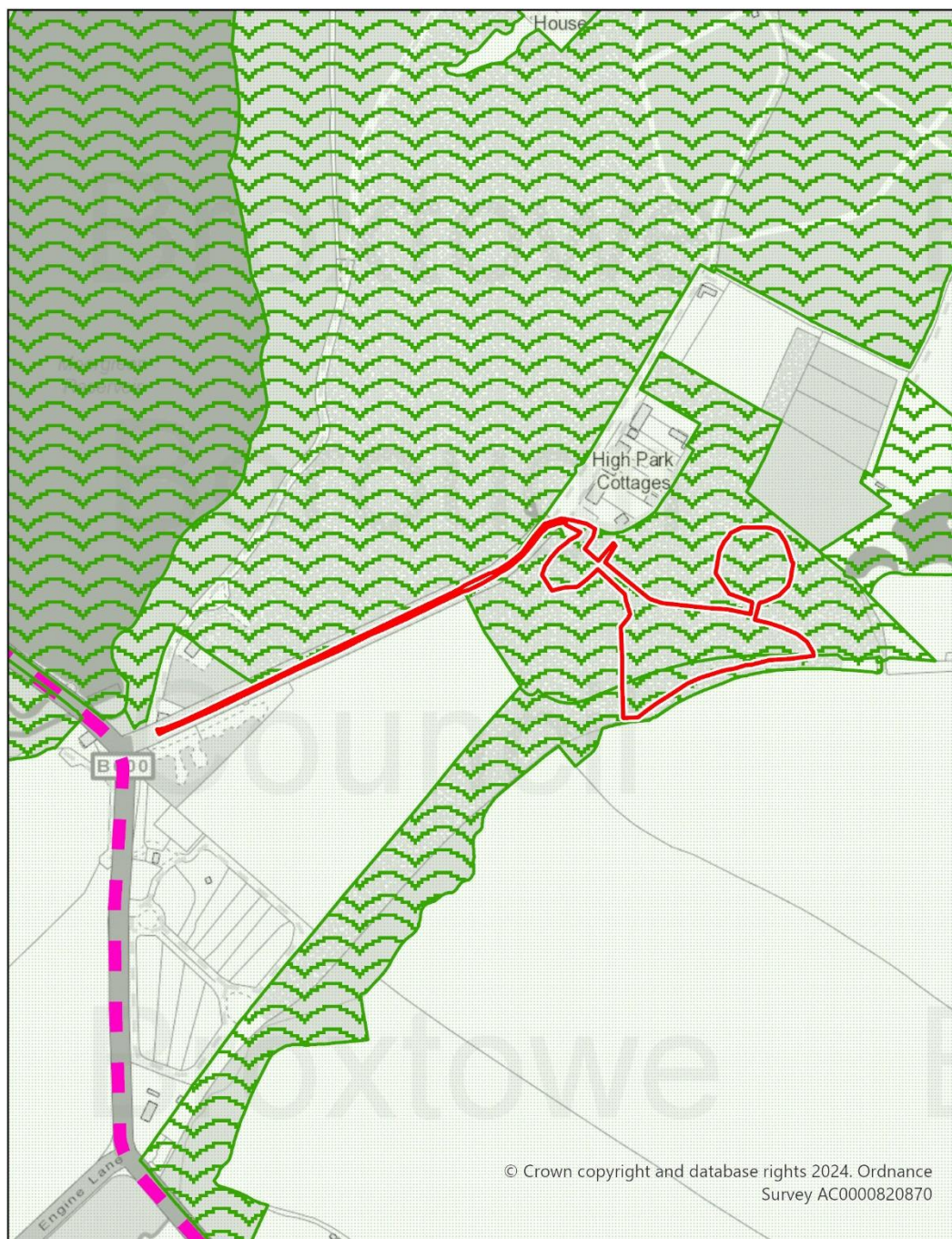
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

1.	The development hereby permitted shall be carried out in accordance with Site Location Plan – LP01 Rev C, Block Plan - BP01 Rev A1 and Rainwater Collection and Storage unit received by the Local Planning Authority 23 July 2024. Reason: For the avoidance of doubt.
2.	Within 3 months from the date of this permission, full details of the attenuation basin and associated works shall be submitted to and approved in writing. The attenuation basin shall then be maintained in accordance with the approved details for the life of the development. Reason: To provide sufficient surface water management in accordance with Policy 1 of the Part 2 Local Plan 2019.
3.	The use of the site shall be limited to the activities contained within Class F2c and for no other purpose (including any other purpose in Class F of the Schedule to the Town and Country (Use Class) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Reason: To ensure the site is used in accordance with the terms of the application only and to protect the openness of the Green Belt in accordance with Policy 8 of the Broxtowe Part 2 Local Plan (2019).

4.	<p>The site shall not be used except between the hours of 10 – 3 Monday to Friday 10am to 3pm and 10 – 4 Saturday and Sunday and at no time on Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.</p> <p>Reason: To protect nearby residents from excessive operational development, in accordance with the aims of policy 17 of the Part 2 Local Plan.</p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from</p>

	<p>The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</p> <p>What is a permit and how to get one? - GOV.UK (www.gov.uk)</p> <p>In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.</p> <p>If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK</p>
3.	<p>It is strongly advised against having open fires (campfires, BBQ etc) on the ground at the site. The submitted report has highlighted that the made ground on site contains ash, clinker and coal fragments. Whilst no combustibility testing was carried out we would recommend that, as a precaution, open fires are not used at ground level.</p>

Map



- Site
- Green Belt
- Classified Road
- Local Wildlife Site

Plans (not to scale)

Block Plan



Rainwater Collection and Storage

