

Report of the Chief Executive

APPLICATION NUMBER:	19/00317/MMA
LOCATION:	LAND NORTH OF COMMON LANE AND WEST OF COMMON FARM, COMMON LANE, WATNALL
PROPOSAL:	MINOR MATERIAL AMENDMENT TO PLANNING REFERENCE 19/00047/MMA TO ALTER THE HIGHWAY ACCESS

Councillor J M Owen requested this application be determined by the Committee.

1 Executive Summary

- 1.1 This application is a Minor Material Amendment which seeks to amend the position of the approved junction on Main Road serving the development. A revised plan shows the junction position has been moved approximately 10 metres further south along Main Street. The central refuge on the pedestrian crossing has also been removed but the crossing remains in the same position. Part of the footpath to either side of the access has been reduced from 2m to 1.5m in width. The alterations are required following further site surveys being carried out on the site which showed that it was not possible to construct the road junction as approved.
- 1.2 The principle of the development on this site has been established through the previous permissions (18/0176/FUL and subsequent minor material amendment 19/00047/MMA).
- 1.3 Following the receipt of revised plans during the course of the application, the Highways Authority raises no objection to the proposed alterations.
- 1.4 The benefits of the development are that without the alterations to the junction layout, a safe and suitable access cannot be provided to the development which is now under construction. There may also be significant delay to the opening of the building. The removal of the pedestrian refuge may be considered a negative amendment however the Highways Authority have assessed the change and consider it will not result in highway or pedestrian safety issues.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX 1

1 Details of the Application

- 1.1 This application seeks to amend the approved junction on Main Road serving the development. A plan shows the right turn ghost island has 3.2m wide running lanes and the junction position has been moved approximately 10m further south along Main Street. The central refuge on the pedestrian crossing has also been removed but the crossing remains in the same position. A 2m footway on either side of the access has been reduced to 1.5m for a short length where it ties into the existing footway at the south-west corner of the site. No changes within the application site are proposed.
- 1.2 The changes are required following further on-site surveys identifying that it was not possible to construct the access in the approved location. This resulted in a pinch-point at the north-western corner of the site making it geometrically impossible to construct the road junction.
- 1.3 In addition to the proposed plans, a Highway Statement has been submitted in support of the application to provide further justification and explanation regarding the proposed changes.

2 Site and surroundings

- 2.1 The site is located on the eastern side of Main Road with allotments to the north, agricultural land to the east, the existing industrial units on Common Lane to the south and the highway with dwellings beyond to the west. The site comprises a narrow strip of agricultural land which is relatively flat. A public footpath is adjacent to the rear of the site. There is a hedgerow beside Main Road, part of which has been removed in accordance with the landscape plan. However, the landscape scheme secures replacement planting along this boundary. The whole site lies within the Green Belt.

3 Relevant Planning History

- 3.1 Outline planning permission was granted in 1980 for the industrial development at the adjacent site (80/00889/OUT). Subsequent applications followed to gain full consent for individual units across this adjacent site.
- 3.2 Planning permission was granted (18/00176/FUL) for a major hybrid planning application for the construction of a B1/B2 industrial building with offices, a link building to the existing Aero Fabrications industrial units on Common Lane, access and parking. Phase 1 of the application was in full and comprised the site access and highway works, car parking and yard areas. The front part of the site would accommodate offices and a new manufacturing unit with attenuation pond set towards the south-eastern part of the site. The Phase 1 footprint would be 7,130sqm and the building would be single storey with a maximum height of 10.7 metres. A detailed landscaping scheme, including planting to the site frontage and along the boundaries, was also proposed. This element of the development is now under construction.

- 3.3 Phase 2 of 18/00176/FUL was in outline and would provide an additional 4,000sqm of floorspace to allow the future expansion of Aero Fabrications when the company leases expire on their other site at Moorgreen.
- 3.4 A Minor Material Amendment Application was subsequently approved (reference 19/00047/MMA). These changes comprised relocating the Phase 2 expansion building to adjacent the southern boundary and to be of a rectangular footprint; the approved scheme depicted the Phase 2 expansion building further to the north of the site and of a squarer footprint. The attenuation pond shown on the approved plan was no longer needed as part of the drainage scheme and was omitted. To the north-east of the site a nature pond was proposed as part of the landscaping scheme. The parking area was also reduced from the approved plans from 160 spaces to 155 spaces. The approved indicative footprint changed and the detailed size and layout of this building will require further reserved matters applications.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy A – Presumption in Favour of Sustainable Development
- Policy 1 - Climate Change
- Policy 3 - The Green Belt
- Policy 4 - Employment Provision and Economic Development
- Policy 10 – Design and Enhancing Local Identity
- Policy 12 – Local Services and Healthy Lifestyles
- Policy 14 - Managing Travel Demand
- Policy 16 - Green Infrastructure, Parks and Open Spaces
- Policy 17 - Biodiversity

4.2 **Saved Policies of the Broxtowe Local Plan (2004):**

4.2.1 The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy E8 – Development in Green Belt
- Policy H8 – Businesses in Residential Areas and Properties
- Policy T11 – Guidance for Parking Provision

4.3 **Part 2 Local Plan (Draft)**

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policy 17. Whilst this is not the Inspector's final report, and the examination into the local plan has not been concluded, it does mean that this

policy can now be afforded moderate weight. As amendments are sought in respect of Policy 8, this can still only be afforded limited weight.

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, Design and Amenity

4.4 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 6 – Building a strong, competitive economy
- Section 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.
- Section 13 – Protecting Green Belt land

4.5 Other Documents

Greasley Neighbourhood Plan

4.5.1 The Greasley Parish Council Neighbourhood Plan has undergone consultation on the interim draft plan. It contains presumptions to seek to retain existing business and to facilitate the creation of new jobs and to protect the Green Belt from development. Due to the current stage of plan preparation, only very limited weight can be attached to this plan.

5 Consultations

5.1 **Nottinghamshire County Council as the Highway Authority:** Following the submission of an amended plan, confirm the layout of the proposed junction is suitable to serve the proposed development and the right turn ghost lane is now a suitable width. A condition is recommended that no part of the development should be brought into use unless or until the new right turn facility and zebra crossing have been provided in accordance with the submitted plan.

5.2 Councillor Willimott initially raised concerns to the scheme as originally submitted as the proposed widths would be substandard and the residents would be asked to accept a solution to a problem that is not their making. Following receipt of the revised plans consider the revisions are the best which can be expected but still has some concern regarding the uncontrolled crossing point to the north of the junction still being shown without a central refuge.

5.3 71 neighbouring properties were consulted on the application and a site notice was posted. During the application, four letters were received objecting on the following grounds:

- Traffic access to the site will now endanger pedestrians who may wish to cross at the junction which no longer has a central refuse;
- Noise and pollution generated by articulated lorries waiting to turn right on a very busy road;
- The road through Watnall has always been considered narrow for a central reservation to be installed;

- Design ignores residential privacy and existing public access to footpaths in a village that has already had to suffer the loss of green belt land to support this appalling venture;
- The changes are encroaching on the privacy of residents;
- Increased noise, pollution and increased traffic.

6 Assessment

6.1 The main issue relates to the principle of the change to the access location and whether the alterations are acceptable in respect of highway safety.

6.2 Principle of Development

6.2.1 The principle of the development on this site has been established through the previous permissions. The proposed development was inappropriate development in the Green Belt and by definition was therefore harmful to the designation and was considered to affect openness. In such cases, very special circumstances were required to outweigh the harm to the Green Belt by reason of inappropriateness. A convincing case was made to demonstrate that very special circumstances would outweigh the harm and this case was accepted by the Secretary of State when he declined to call the application in for his own determination. There has been no change in circumstances or material changes to policy to divert from supporting the principle of the development and the original permission has now been implemented. The principle of an access from Main Road was also established as part of the previous planning permission. The amendments proposed as part of this application do not result in any additional impact on the openness or purposes of the Green Belt.

6.3 Design and Layout

6.3.1 The access would be sited further to the south but would have no greater visual impact than the approved junction. Landscaping in the form of a hedgerow and additional planting are still shown to either side of the access. The proposed changes are visually acceptable and comply with policies and guidance.

6.4 Residential Amenity

6.4.1 The proposal relates only to amending the approved access and to highway changes. Due to the type of alterations proposed, it is not considered the proposal would have an additional adverse impact on the amenities of occupiers of neighbouring properties to any greater degree than the approved scheme. The proposed changes are therefore acceptable and comply with policies and guidance.

6.5 Highway Safety

6.5.1 The alteration to the position of the access is required as a fundamental issue was identified at detailed design stage with the junction drawing submitted and approved as part of the earlier permission. The on-site situation regarding land boundaries and existing retained hedges around the south and western sides of the allotments to the north differs from the basic land information available at the

time of drafting the original site access, resulting in a pinch-point at the north-western corner of the site making it geometrically impossible to detail up the road junction.

- 6.5.2 Having assessed the problem, the applicant's highway consultants identified the only solution was to move the junction several metres to the south. A further revised plan amended the width of the right turn ghost island to 3.2m width from the originally proposed 3m.
- 6.5.3 Other changes include the uncontrolled crossing facility to the north of the site access being amended. Originally, this had a central pedestrian refuge however, due to site constraints, it has not been possible to fit this in. Therefore, the uncontrolled crossing is still shown in the same position as the approved scheme but without the central refuge. On either side of the access the footway width has been reduced to 1.5m for a short length where it ties into the existing footway at the south-west corner of the site.
- 6.5.4 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.5.5 Following the receipt of revised plans, the Highway Authority raises no objection. They consider the alterations will not increase highway safety risks to either vehicles or pedestrians. Based on these comments, it is considered that there would be no justification for refusing the application on highway grounds.

6.6 Ecology

- 6.6.1 An Ecological Appraisal was submitted with the original application and concludes the proposal would have no impact on any of the nearby SSSI's due to lack of connectivity across the intervening landscapes. Four non-statutory designated sites are within 1km of the application site and would not be affected. The site comprises mainly arable habitat bordered in part by a small amount of unimproved grassland. The loss of these habitats would not affect biodiversity locally and to compensate for the loss of some sections of hedgerow, the landscaping scheme can incorporate new species rich native hedgerow planting to enhance habitat corridors. No evidence of potentially suitable habitats for protected, rare or notable species were noted. It is considered that the proposed changes would not have any additional impact on habitats or ecology.

6.7 Flood Risk and Drainage

- 6.7.1 A Flood Risk Assessment and Sustainable Drainage Strategy was submitted with the original application. This did not identify any significant pluvial, groundwater or sewer-based risks. The closest watercourse, the Gilt Brook, is 1.7km away from the site and modelling shows there to be no risk posed to this site. External levels on the site would be arranged to provide routes away from building thresholds to manage any residual risk associated with groundwater, sewer and pluvial sources. A surface water drainage assessment has concluded discharge to the surface water sewer along Main Road is suitable and a restricted discharge to the

surface water sewer along Main Road is proposed. Attenuation will be provided in a pond on the south-eastern side of the site. The report concludes the development represents sustainable development.

6.7.2 It is not considered the situation has materially changed since that time and the drainage of the site is dealt with via a condition.

6.8 Other Issues

6.8.1 It is acknowledged objections have been received raising concerns on the grounds of development in the Green Belt, traffic and access issues and harm to residential amenity. The recommendation to approve is based on the principle of the development already having been established and it being considered that there are no highway safety issues arising from the proposals which would justify refusal.

6.8.2 The conditions will be updated to reflect that a number have been discharged prior to works commencing on site. All other conditions will be repeated.

6.9 Planning Balance

6.9.1 The benefits of the development are that without the alterations to the junction layout, a safe and suitable access cannot be provided to the development which is now under construction. There may also be significant delay to the opening of the building. The removal of the pedestrian refuge may be considered a negative amendment however the Highways Authority have assessed the change and consider it will not result in highway or pedestrian safety issues.

7 Conclusion

7.1 The proposal seeks an amendment to the previously approved scheme. The principle of development remains acceptable and the impact on the Green Belt, visual impact, residential amenity, flood risk and drainage and ecology issues remain acceptable as before. The changes sought relate to the access and the revised plans illustrate the revised junction and the highway changes would be acceptable and the Highways Authority raise no objection. There is no additional impact on the Green Belt compared to the previously approved development and as a result there is no need to refer this application to the Secretary of State.

7.2 Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would outweigh this.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be commenced before the expiration of three years from the date of permission reference 18/00176/FUL, namely before 24th July 2021.

	<p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>2.</p>	<p>Application for approval of reserved matters in respect of Phase 2 must be made no later than the expiration of five years beginning with the date on which this permission is granted, and the development of Phase 2 must not begin later than five years from the final approval of the reserved matters for Phase 2 or, in the case of approval on different dates, five years from the final approval of the last such matters to be approved.</p> <p><i>Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).</i></p>
<p>3.</p>	<p>Phase 2 of the development hereby permitted shall not be commenced until approval of the details for appearance, layout, landscaping and scale for Phase 2 (the reserved matters) has been obtained from the Local Planning Authority.</p> <p><i>Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).</i></p>
<p>4.</p>	<p>The development hereby permitted shall be carried out in accordance with drawing numbers:</p> <ul style="list-style-type: none"> • Location Plan • 170926-031-09 Site Layout • 170926-034-02 Layout • 170926-035-01 Roof • 170926-036.03 Elevations 1 of 2 • 170926-037-02 Elevations 2 of 2 • 8232-L-01E Landscaping • 8232-L-02E Landscaping • 8232-L-03E Landscaping • SK01 Rev P3 Access Junction Layout. <p><i>Reason: For the avoidance of doubt.</i></p>
<p>5.</p>	<p>The development shall be carried out in accordance with the materials detailed at page 8 of the Design and Access Statement January 2018.</p> <p><i>Reason: To ensure a satisfactory external appearance in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan Part 2.</i></p>

<p>6.</p>	<p>The approved landscaping scheme shall be carried out no later than the first planting season following the substantial completion of Phase 1 or occupation of the building, whichever is the sooner and any trees or plants which within a 5 year period, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure a satisfactory external appearance and to integrate the development into the surroundings in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan Part 2.</i></p>
<p>7.</p>	<p>Prior to the first occupation of the unit, the boundary treatment shall be carried out in compliance with the approved details and shall be retained in this form for the life of the development.</p> <p><i>Reason: No such details were submitted with the application and to ensure a satisfactory form of boundary treatment in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan Part 2.</i></p>
<p>8.</p>	<p>Development shall be carried out in accordance with the full drainage strategy approved 9th July 2019 prior to the first use of the building hereby approved and shall thereafter be so maintained.</p> <p><i>Reason: To ensure adequate justification is provided not to use infiltration as the primary form of drainage in accordance with the aims and objectives of Policy 1 of the Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>The hedge protection measures approved 9th July 2019 shall be maintained throughout the construction phase.</p> <p><i>Reason: To ensure adequate protection for retained hedges.</i></p>
<p>10.</p>	<p>Before the development is occupied, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first use of the building hereby approved.</p> <p><i>Reason: In order to ensure a satisfactory external appearance and to protect residential amenity in accordance with Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>11.</p>	<p>Deliveries by commercial vehicles shall only be made to or from the site between 0700- and 2100-hours Monday to Saturday and</p>

	<p>0900 and 1800 hours on Sundays, Bank Holidays and other public holidays, unless the prior agreement in writing from the Local Planning Authority has been obtained.</p> <p><i>Reason: To protect the residential amenities of nearby residents from excessive delivery noise.</i></p>
12.	<p>The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant to this permission, shall not exceed the existing day time or night time background sound levels when measured according to British Standard BS4142:2014 at a point one metre external to the nearest noise sensitive premises.</p> <p><i>Reason: To protect existing residents from excessive plant noise.</i></p>
13.	<p>Development shall be carried out in accordance with the waste audit for the construction phase approved 9th July 2017.</p> <p><i>Reason: In order to reduce waste during the operational phase in accordance with Policy 1 of the Aligned Core Strategy (2014).</i></p>
14.	<p>The building hereby approved shall be first occupied by Aero Fabrications.</p> <p><i>Reason: Permission is granted only due to the very special circumstances of the applicant in accordance with Policy E8 of the Local Plan (2004) and Policy 3 of the Aligned Core Strategy (2014).</i></p>
15.	<p>No part of the development shall be brought in use until the new right turn facility and zebra crossing have been provided on Main Road, as shown on drawing referenced SK01 Rev P3, to the satisfaction of the Local Planning Authority.</p> <p><i>Reason; In the interest of highway safety, to ensure adequate pedestrian and vehicular access is provided to serve the development in accordance with Policy 14 of the Aligned Core Strategy (2014).</i></p>
16.	<p>No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.</p> <p><i>Reason: In the interest of highway safety, to ensure adequate parking and turning provision is provided to the proposed development.</i></p>
17.	<p>No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are constructed with</p>

	<p>provision to prevent the unregulated discharge of surface water from the parking/turning/servicing areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.</p> <p><i>Reason; To ensure surface water from the site is not deposited on the public highway causing dangers to road users.</i></p>
<p>18.</p>	<p>The development shall be carried out in accordance with the approved Travel Plan (Document No. 170926-044.01).</p> <p><i>Reason: To promote sustainable travel in accordance with Policy 14 of the Aligned Core Strategy (2014).</i></p>
<p>19.</p>	<p>The travel plan coordinator shall within 6 months of occupation, produce or procure a Detailed Travel Plan that sets out final targets with respect to the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives, including implementation dates, to the satisfaction of the Local Planning Authority.</p> <p><i>Reason; To promote sustainable travel in accordance with Policy 14 of the Aligned Core Strategy (2014).</i></p>
<p>20.</p>	<p>The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates, to be approved in writing by the Local Planning Authority.</p> <p><i>Reason: To promote sustainable travel in accordance with Policy 14 of the Aligned Core Strategy (2014).</i></p>
<p>21.</p>	<p>The routing of construction traffic, including proposed construction site access arrangements, shall be carried out in accordance with the details approved 9th July 2019 and no other access points for construction traffic shall be used unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety and to protect the amenity of residential areas.</i></p>

22.	<p>Development shall take place in accordance with the wheel-washing facilities as approved 9th July 2019. These facilities shall be provided prior to development commencing and shall be maintained on site during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.</p> <p><i>Reason: To reduce the possibility of deleterious material (loose stones etc) being deposited on the public highway.</i></p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by securing revised plans where required.</p>
2.	<p>Greasley Footpath 18 abuts the site. This footpath shall not be encroached upon and shall remain open, unobstructed and be kept on its legal alignment at all times. Vehicles shall not be parked on the public right of way or materials unloaded or stored on the public right of way so as to obstruct the path. The safety of the public using the path shall be observed at all times. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Nottinghamshire County Council Rights of Way Team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.</p>
3.	<p>No clearance of vegetation shall be conducted during the bird breeding season (March to August inclusive), except under the guidance of a suitably qualified and experienced ecologist.</p>
4.	<p>The lighting scheme shall take account of Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting in order to ensure the lighting scheme is bat sensitive.</p>
5.	<p>Where possible consideration should be given to the provision of a range of birds and bat boxes across the site. These may be positioned on suitable retained trees or on new buildings.</p>
6.	<p>In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.</p>

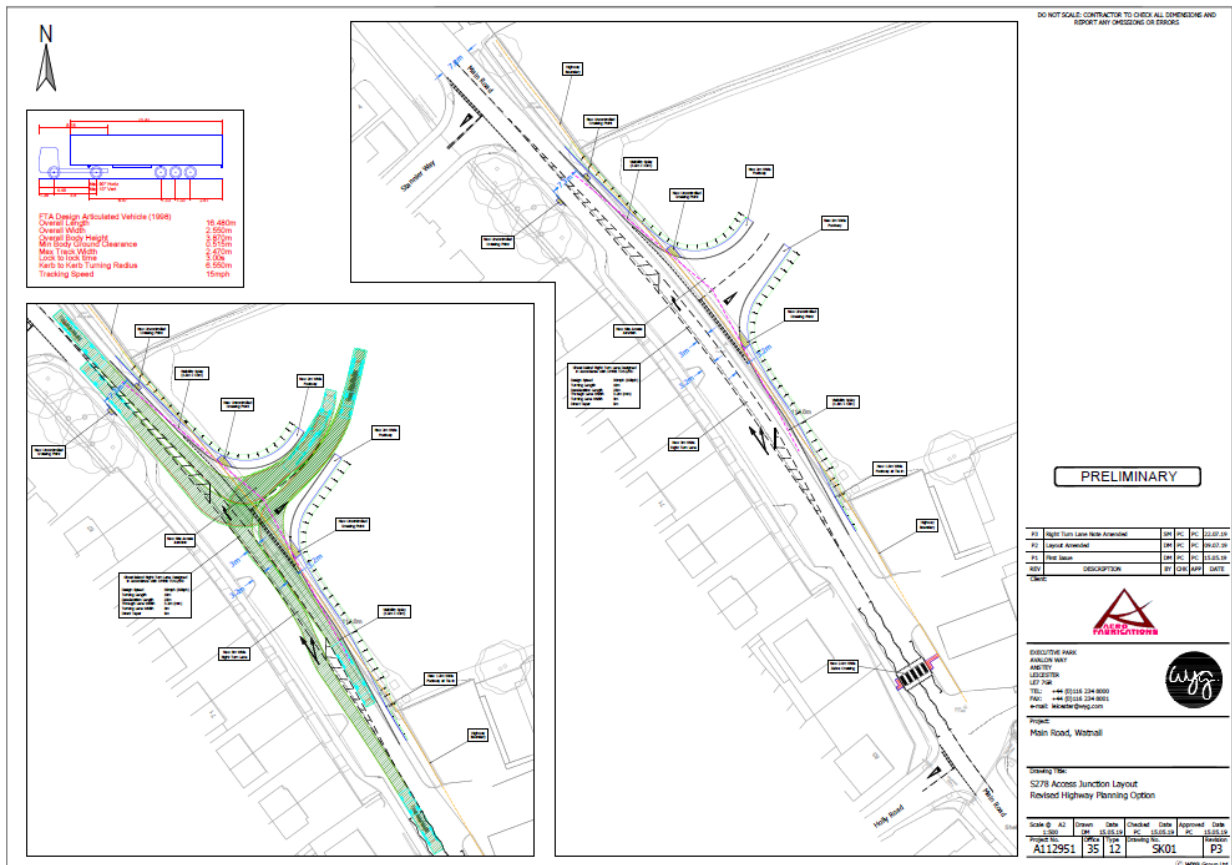


Legend

-  Site
-  Local Wildlife Site
-  Byway open to all traffic
-  SSSI
-  Bridleway
-  Green Belt
-  Footpath

Plans (not to scale)

Plans showing amended access location



Position of originally approved access:

