

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>19/00619/FUL</b>
<b>LOCATION:</b>	<b>Temple Lake House, 53A Kimberley Road, Nuthall, NG16 1DA</b>
<b>PROPOSAL:</b>	<b>Construct pump house and sluice gate</b>

The application has been reported to the Planning Committee as it is inappropriate development within the Green Belt.

1 Executive Summary

- 1.1 This application seeks permission to construct a single storey outbuilding to be used as a pump house and a sluice gate between the lake and the pond on the north side of the lake.
- 1.2 The application site is located within the Green Belt and it is considered that the proposed development is not appropriate development as defined by paragraphs 145 and 146 of the National Planning Policy Framework. However, it is considered that the need for the pump house and sluice gate has been demonstrated within the supporting documents. An inspection of the lake was undertaken in April 2019 and the report concluded that two pumps were required to pump the reservoir in an emergency to reduce the potential for flooding downstream. Under The Reservoir Act 1975, the recommendations must be acted upon within a set period, in this case within 12 months of the report. It is considered that this constitutes very special circumstances that outweigh the harm to the Green Belt.
- 1.3 The Environment Agency raises no objection to the proposed works.
- 1.4 The proposed development is within the Nuthall Conservation Area. Due to the design and position of the development, it is considered that the proposal would not be detrimental to the character or appearance of the Conservation Area.
- 1.5 Due to the positioning of the pump house and sluice gate, it is considered that the proposal will not have a harmful impact on the amenity of any neighbouring residents.
- 1.6 Overall, it is considered very special circumstances have been demonstrated. It is therefore recommended that planning permission be granted in accordance with the resolution contained in the appendix.

**APPENDIX 1****1 Details of the Application**

- 1.1 This application seeks permission to construct a single storey outbuilding to be used as a pump house and a sluice gate between the lake and the pond on the north side of the lake.
- 1.2 The proposed pump house will be situated adjacent to the north west boundary of the site, to the west of the dwelling and north west of the lake. The pump house would measure 5m by 6m, with a dual pitched roof with a maximum height of 4.16m. It will be constructed using reclaimed stone and slate roof tiles.
- 1.3 The sluice gate will be located on the south side of the bridge between the pond and the lake. The sluice gate will be prefabricated with a width of 1.2m and height of 1.975m, with the top being approximately in line with the top of the bridge.
- 1.4 The proposal has been amended since its original submission with the size of the pump house being significantly reduced upon request (the original proposal was for a building measuring 6m x 12m with a height of 5.3m). A re-consultation on the amended scheme has been carried out.

**2 Site and surroundings**

- 2.1 The application site is located to the south of Kimberley Road with access points off Kimberley Road and Edward Road. The proposed pump house will be adjacent to the north west boundary of the site, with the garden of 9 Edward Road beyond. There is a stone wall along the boundary. The main dwelling is positioned on the northern part of the site. The lake is to the south with the A610 beyond. To the east there is Home Farm and the M1 motorway is beyond this. There are various residential properties to the north.
- 2.2 The application site is set within the Nottinghamshire Green Belt and within the Nuthall Conservation Area. The Grade II listed bridge lies to the south-west of the site, with the Grade II listed farm buildings to the east. Adjacent to these is the summerhouse which is Grade II\* listed.
- 2.3 There are various trees within the site which, whilst not subject to Tree Preservation Orders, are protected due to being situated within the Conservation Area.
- 2.4 The lake which would be serviced by the proposed pump house and sluice gate is classified as a reservoir under the Reservoirs Act 1975.

**3 Relevant Planning History**

- 3.1 In 2003, planning permission 03/00293/FUL was granted for the demolition of the existing building at Temple Lake and the construction of a new dwelling with garage.

- 3.2 In 2006, a revised scheme under planning application 06/00231/FUL was submitted as during the construction of the dwelling, a number of amendments had taken place which had not been approved by the Council. The planning application was refused permission by Planning Committee, a decision which was subsequently overturned on appeal whereby planning permission was granted for the application in March 2008.
- 3.3 In 2019, planning permission 18/00695/FUL was granted on appeal for a detached masonry double garage. This is situated to the north side of the dwelling at Temple Lake House.
- 3.4 Whilst outside the application site, it should also be noted that planning permission (18/00026/FUL) was granted in 2018 for a single dwelling which is to the rear of 9 Edward Road and close to the boundary with the application site.

#### **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 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment

##### **4.2 Part 2 Local Plan (2019)**

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

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, design and amenity
- Policy 23: Proposals affecting designated and non-designated heritage assets

##### **4.3 Nuthall Neighbourhood Plan**

4.3.1 The Nuthall Neighbourhood Plan was made in December 2018 following a 'yes' vote at the referendum.

- Policy 5 (Design and the Historic Environment)

##### **4.4 National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt Land

## 5 Consultations

- 5.1 **Council's Conservation Adviser:** The design and size of the pump building reflects the proposed use and the siting would be a secluded location adjacent to landscaping. It is not considered that the proposed pump house or sluice would be detrimental to the character or appearance of the conservation area. The siting of the pump house would be on the edge of the site and rather secluded due to the mature landscaping. Furthermore, given the siting of the proposals, the nature of the proposals and the separation distances, the setting of the listed buildings would not be harmed. The sluice would be a limited scale structure and one often found by such water bodies. From a conservation perspective no objection is raised.
- 5.2 **Council's Environmental Health Officer:** No objection subject to a note to applicant reminding the applicant to limit noisy work to between 08.00 and 18.00 hours Monday to Friday, 08.00- 13.00 hours on Saturday and no noisy works on Sundays.
- 5.3 **Council's Tree Officer:** No objection as the proposal has been designed to allow the passage of air and water to the root systems.
- 5.4 **Environment Agency:** No objection. It is best practice to raise the floor of the building above the reservoir full level and to keep all meters and electricity supply controls above 600mm to enable the pumps to still operate in a flood situation.
- 5.5 **Nuthall Parish Council:** No objection.
- 5.6 22 properties either adjoining or opposite the site were consulted and a site notice was displayed. 5 responses were received, 2 of which raise objections and 2 of which support the proposal. The other response requested further information which was provided. The reasons for objections can be summarised as follows:
- Damage to trees
  - No regular flooding in the area
  - Noise generation
  - Loss of amenity to neighbouring properties
  - Design is too large
- 5.7 The reasons for support can be summarised as follows:
- Proposal will regularise the flow of water from the lake and enable it to be managed during heavy rainfall.
  - It will benefit properties downstream.

## 6 Assessment

- 6.1 The main issues for consideration are whether or not the proposal is in accordance with local and national Green Belt policy, the design and appearance of the proposal and whether it would harm the Conservation Area or the setting of any listed buildings, the impact on neighbouring amenity and the impact on the trees.

## 6.2 Green Belt

- 6.2.1 Policy 8 of the Broxtowe Part 2 Local Plan states that planning applications for development in the Green Belt will be determined in accordance with the NPPF. Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Paragraphs 145 and 146 set out a list of exemptions to inappropriate development. It is considered that a pump house and the sluice gate would not fit into any of these categories. Therefore, very special circumstances must be demonstrated which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.
- 6.2.2 The application is accompanied by a supporting statement, highlighting that the applicant has a duty to maintain the reservoir in good condition and to ensure that overflow arrangements are adequate and measures are in place to control the flow preventing flooding. According to the statement, the lake had over-topped in the past causing flooding to the gardens of houses downstream. Under Section 10 of the Reservoir Act 1975, the reservoir must be inspected on a regular basis. The latest inspection by a qualified civil engineer in April 2019 highlighted the need for pumping equipment on site. The applicant has provided a copy of the report identifying the need for the pump house and sluice gate with the application. The report set a deadline of April 2020 for the works to be undertaken. A further letter was sent by the Environment Agency to the applicant in November 2019 reminding the applicant of the need to carry out the required works and requesting an update on progress.
- 6.2.3 Following the submission of amended plans which significantly reduced the size of the pump house, this building is now considered to be of a suitable size to house the pumps and allow for any required maintenance. The pump house will be positioned close to the boundary of the site, and amongst mature trees, minimising its impact on the openness of the Green Belt. The sluice would be a limited scale structure.
- 6.2.4 Taking into account the requirements set out within the engineer's report and the correspondence with the Environment Agency, it is considered that the need for the pumps and sluice gate to reduce the risk of flooding, along with an outbuilding to house the pumps, represents very special circumstances which must be given significant weight. It is considered that the position of the pump house in close proximity to the boundary of the site and amongst mature trees, along with the size of the building restricts the harm to the openness to the Green Belt to such an extent that the benefits of the proposal, as justified by the very special circumstances demonstrated, outweigh the harm of the development to the Green Belt by reason of its inappropriateness. Whether any other harm will occur will be addressed below.

### **6.3 Design and Heritage**

- 6.3.1 The pump building would be sited to the south west of the dwelling known as Temple Lake House with the new sluice gate located to the south (between the pond and the lake). The building would be constructed of reclaimed Bulwell stone under a slate roof with grey louvres and timber doors.
- 6.3.2 The design and size reflects the proposed use and the siting would be a secluded location adjacent to extensive landscaping. The pump house will not be clearly visible from the public realm and therefore will not have a significant impact on the street scene. It is considered that it will be of a size that is clearly subservient to the host dwelling and therefore is not considered to be out of keeping with the character of the existing dwelling or with the wider site. The sluice gate would have only a very limited visual impact due to the type and scale of this development.
- 6.3.3 Policy 23 of the Part 2 Local Plan states that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance. Policy 5 of the Nuthall Neighbourhood Plan states that developments affecting heritage assets should preserve or ideally enhance the heritage asset in line with its significance. The grounds form part of the former Nuthall Temple and although the host dwelling has been lost, the original lake remains. The Grade II listed bridge lies to the south-west of the site with the listed farm buildings to the east (Grade II). Adjacent to these is the summerhouse which is Grade II\* listed. The whole site is within the Nuthall Conservation Area.
- 6.3.4 It is not considered that the proposed pump house or sluice would be detrimental to the character or appearance of the conservation area. The siting of the pump house would be on the edge of the site and rather secluded due to the mature landscaping. Furthermore, given the siting of the proposals, the nature of the proposals and the separation distances, the setting of the listed buildings would not be harmed. The sluice would be a limited scale structure and one often found by such water bodies. It is therefore considered that the proposal will not be harmful to the Conservation area, or to the grade II\* listed bridge.
- 6.3.5 Overall, it is considered that a satisfactory standard of design has been achieved that will not be harmful to the street scene or detrimental to the character of the Conservation Area.

### **6.4 Amenity**

- 6.4.1 The proposed pump house will be 3.62m from the north west boundary of the site which adjoins 9 Edward Road. This property backs on to the boundary and has a reasonably long rear garden, setting the dwelling back from the proposed pump house. Taking into account the size of the proposed pump house and the separation distance to number 9, it is considered that the proposed development will not result in an unacceptable loss of light or sense of enclosure for the residents at number 9.

- 6.4.2 In 2018, planning permission 18/00026/FUL was granted for the construction of a single storey dwelling in the rear garden of 9 Edward Road. The proposal must therefore be considered in relation to any impact it may have on the future occupiers of such a dwelling. The proposed dwelling will be positioned close to the access road from Edward Road to Temple Lake House. The proposed pump house would therefore be towards the rear of the garden of the new dwelling and away from its rear elevation. Taking this into account, along with the distance of approximately 3.62m between the proposed pump house and boundary, it is considered that the proposal will not result in an unacceptable sense of enclosure or loss of light for the future occupiers of this dwelling.
- 6.4.3 The proposed pump house will not be for residential occupation, and there are no openings proposed on the north west side elevation. It is therefore considered that the proposal will not result in a loss of privacy for the residents of number 9, or the future occupiers of the new dwelling to the rear of number 9.
- 6.4.4 There are no directly neighbouring properties to the south west, south or east of the site that would be affected by the proposal.
- 6.4.5 The Environmental Health Officer has been consulted on the proposal and has not raised any objections with respect to noise generation by the proposal. The proposed building will be constructed using substantial materials, which in combination with its distance from any neighbouring dwellings is considered sufficient to ensure it will not result in an unacceptable level of noise pollution. It is also noted that the pump will only operate on an infrequent basis to prevent flooding.
- 6.4.6 The proposed sluice gate is a relatively minor form of development. It is set well into the site and will not be clearly visible from any neighbouring properties. It is therefore considered that it will not result in a loss of amenity for any neighbouring properties.
- 6.4.7 Overall, it is considered that the proposal will not result in an unacceptable loss of amenity for any neighbouring residents.

## **6.5 Trees**

- 6.5.1 The proposed pump house is set amongst a group of trees. Whilst these trees are not TPOs or part of a group TPO, they are protected by the conservation area status of their location.
- 6.5.2 The Council's Tree Officer has raised no objection as the development has been designed to allow the passage of air and water to the root systems of the trees. It is not a residential building which could result in pressure for the trees to be cut back to allow light into it. It is therefore considered that the proposal will not have a harmful impact on the trees.

## **7 Planning Balance**

- 7.1 The benefits of the proposal are that the pumps within the pump house, along with the sluice gate will manage the flow of water from the lake, reducing the

potential of flooding for, the gardens of residential dwellings downstream. It is considered that there is clear justification to support the need for the development within the application. It is considered that the pump house has a design that is in keeping with the host dwelling and is not harmful to the character of the Conservation Area.

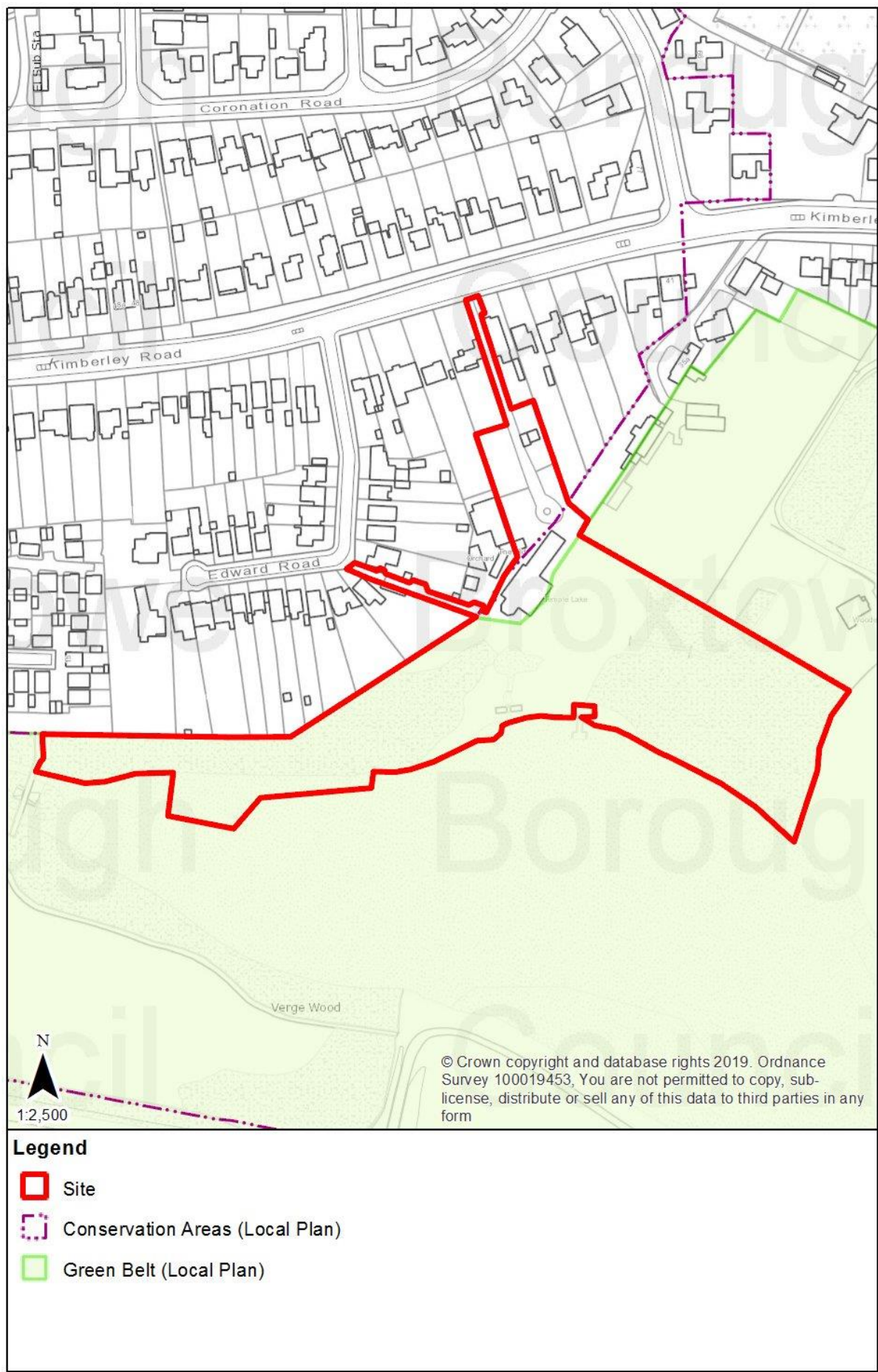
- 7.2 Whilst the proposal is inappropriate development in the Green Belt, it is considered that very special circumstances have been demonstrated that outweigh the harm to the Green Belt. It is considered that no other harm has been identified which would justify reaching a different conclusion.

## 8 Conclusion

- 8.1 Overall, it is considered that very special circumstances have been demonstrated that outweigh the harm to the Green Belt by reason of inappropriateness. It is therefore considered that the scheme is acceptable and planning permission should be granted.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<p><b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b></p> <p><i><b>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.</b></i></p>
<b>2.</b>	<p><b>The development hereby permitted shall be carried out in accordance with the drawing numbered 1902(s)01 F (1:1250), 1902(s)06 B (1:50, 1:200), 1902(s)02 E (1:200), 1902(s)05 e (1:100), 1902(s)03 d (1:200), 1902(s)07 (1:100); received by the Local Planning Authority on 14 October and 6 December 2019.</b></p> <p><i><b>Reason: For the avoidance of doubt.</b></i></p>
<b>NOTES TO APPLICANT</b>	
<b>1.</b>	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>





Photographs



Proposed pump house site  
(looking east towards host dwelling)



Proposed pump house site (looking  
north west towards host dwelling)



Proposed pump house site  
(looking south)

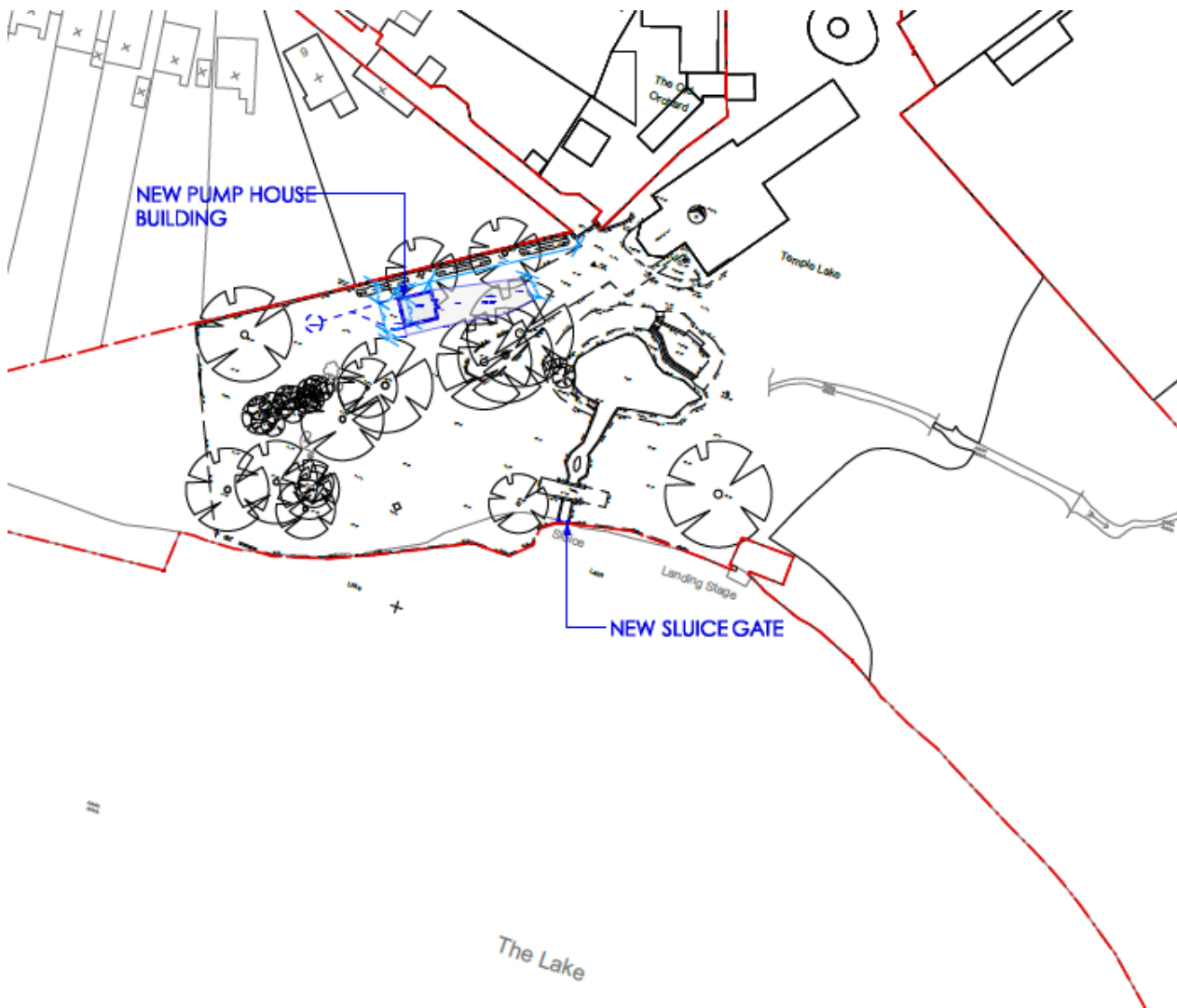


Location of proposed sluice gate



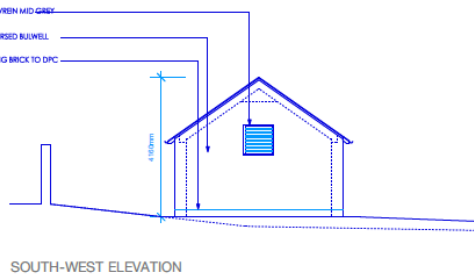
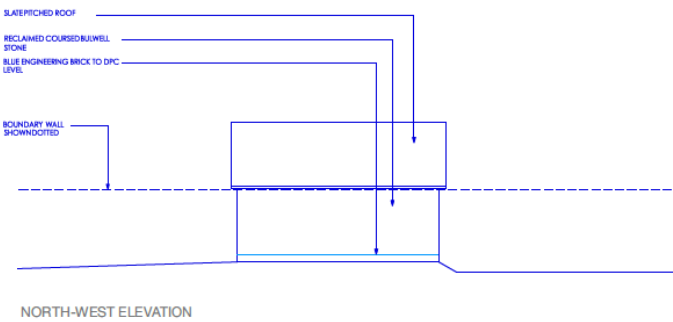
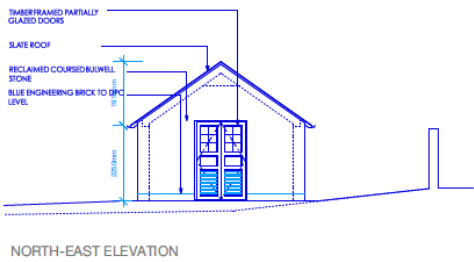
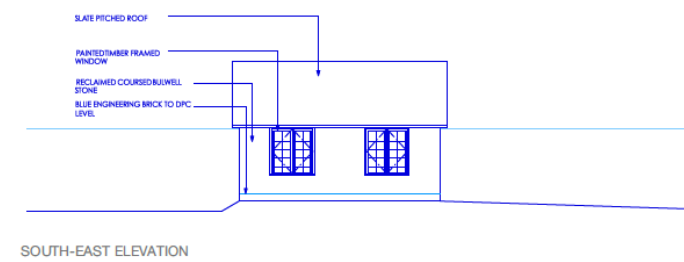
Host dwelling.

**Plans (not to scale)**

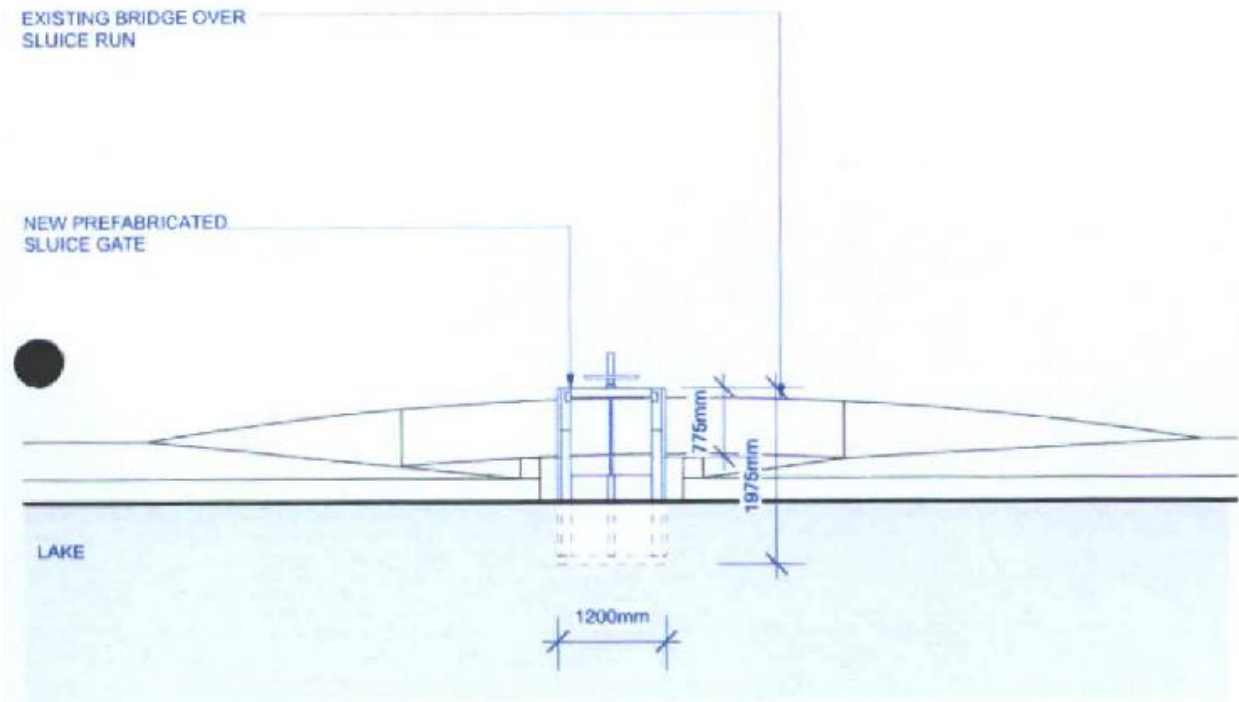


Site Plan





Pump House Elevation Plans



Sluice Gate Elevation Plan