



Planning Committee

16 December 2019

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	Land East Of Main Road And South Of Stragglethorpe Road Main Road Cotgrave Nottinghamshire		
APPLICATION REFERENCE	18/02821/FUL		
APPEAL REFERENCE	APP/P3040/W/19/3229908		
PROPOSAL	Development of crematorium and memorial gardens with associated access, parking and landscaping.		
APPEAL DECISION	ALLOWED	DATE	24 September 2019

PLANNING OFFICERS OBSERVATIONS

This application was reported to the Planning Committee on the 14th March 2019 with an Officer recommendation to support the grant of planning permission subject to the applicant entering into a S106 for the provision of funding for bus stop infrastructure. Members resolved to refuse planning permission on the following grounds:

The site falls within the Green Belt as defined by Saved Rushcliffe Borough Local Plan 1996 Policy ENV15. The proposal would involve a new building in the Green Belt and a form of development which does not feature as one of the exceptions to inappropriate development within the closed lists in paragraphs 145 and 146 of the National Planning Policy Framework. Therefore, the proposal amounts to inappropriate development, which is harmful by definition. The Borough Council, as Local Planning Authority, does not consider that it has been adequately demonstrated that very special circumstances exist, including quantitative and qualitative need for a crematorium at this location, to outweigh the harm to the Green Belt. A decision to refuse planning permission would accord with paragraph 143 of the NPPF which states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' and would be contrary to the objectives of Chapter 13 'Protecting Green Belt Land' of the National Planning Policy Framework and the objectives of Policy 4 'Nottingham - Derby Green Belt' of the Rushcliffe Local Plan Part 1: Core Strategy.

The Inspector agreed that the proposal would be inappropriate development in the Green Belt and would reduce openness in this location. It would also represent an encroachment

into the countryside and so would offend one of the 5 purposes that Green Belts serve. The Framework states that substantial weight should be given to any harm to the Green Belt. In addition, the potential loss of 'best and most versatile' agricultural land must be added to this harm. Set against this, he considered that there is the clear quantitative and qualitative need for a new crematorium, which attracts considerable weight in favour of the proposal. He concluded that any new crematorium in this area is likely to require a Green Belt location, with similar implications for openness and encroachment into the countryside. The appeal site is not subject to any significant constraints other than its Green Belt designation and is well located to serve the needs of the proposed catchment. It has also been identified as being the most suitable location for such a development and would also offer the opportunity for biodiversity gains.

Together, he concluded that these considerations carry substantial weight in favour of the proposal. Overall, he found that the other considerations in this case clearly outweigh the harm that is identified. Accordingly, he considered that very special circumstances exist which justify the development. It would therefore accord with saved Policy ENV15 of the Rushcliffe Replacement Local Plan (2006), Policies CS1 and CS4 of the Rushcliffe Local Plan Part 1: Core Strategy (2014), and guidance in the Framework relating to Green Belts.

Planning permission has therefore be granted subject to planning conditions. A S106 agreement is in place for contributions towards improvements to bus stop infrastructure.

LOCATION	Land South West Of 98 Nicker Hill Keyworth Nottinghamshire		
APPLICATION REFERENCE	18/02578/FUL		
APPEAL REFERENCE	APP/P3040/W/19/3229690		
PROPOSAL	Proposed erection of new dwelling.		
APPEAL DECISION	Appeal Allowed	DATE	6th November 2019

PLANNING OFFICERS OBSERVATIONS

This application was reported to the Planning Committee on the 17th January 2019 with an Officer recommendation to support the grant of planning permission. Members were concerned that the proposal would involve a new dwelling situated in the garden area of no.98 Nicker Hill with access located in between numbers 182 and 184 Mount Pleasant which would result in the access being shared by 184 Mount Pleasant and the proposed dwelling, resulting in a loss of one parking space at 184 Mount Pleasant, leading to the demand for parking on street where parking is already restricted. The Committee resolved to refuse planning permission on the following grounds:

“The proposal would be likely to generate increased vehicular movements and lead to reduced parking space for 184 Mount Pleasant which would result in a detrimental impact to the residential amenity of the neighbouring properties at number 182 and 184 Mount Pleasant by reason of increased noise and disturbance from vehicle movements, contrary to paragraph 127 of the National Planning Policy Framework (NPPF) 2018 and Policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan.”

A noise assessment was submitted with the appellant's appeal. The Inspector was satisfied the proposal would not give rise to significant harm to the occupiers of the adjoining houses. The Inspector was also satisfied with the off-street parking provision at both the application site and no.184 Mount Pleasant. He considered that the space available to turn a car around on the drive would be limited, at the present time a car which has pulled onto the drive in forward gear would have no alternative than to reverse onto the road to which he concluded that the proposed arrangement would not be unusual for such a property, and the highways authority has no objection on safety grounds.

The Inspector concluded on the main issue in the appeal that the proposal would not cause harm to the living conditions of the occupiers due to the additional vehicle movements that would arise as a result of the proposal, and the noise associated with that, and would therefore comply with Policy 1 of the RLPP2, which requires, amongst other things, that a suitable means of access can be provided which does not harm living conditions or highway safety, and the Framework which seeks to create places that are safe, accessible and provides a high standard of amenity for existing and future users.

Planning permission was therefore granted subject to planning conditions.