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Dear Councillor

**PLANNING COMMITTEE - TUESDAY, 27TH APRIL, 2021**

I enclose the late representations received after the agenda was published.

**Agenda No    Item**

**Part 1 - Items for Decision- Late representations**

**PLANNING COMMITTEE - 27 April 2021**

**Schedule of Communication Received after Printing of Agenda**

<b>Item</b>	<b>Correspondent</b>	<b>Date</b>	<b>Points Raised (Summary)</b>	<b>Officer's Response</b>
6 21/00379/FULM  Bankwood Farm, Oxton Road, Thurgarton	Planning Officer	23.04.2021	<p>On page 47 of the Agenda, the report makes reference to Counsel's advice stating that legally only one person can apply for a derogation licence concerning bats which makes the currently extant permission not implementable in legal terms and this therefore reduces the weight that can be afforded to the extant permission. This is incorrect.</p> <p>In fact, Counsel's advice confirmed that a single application, using the group approach could adequately deal with this matter.</p> <p>As such, the legal technicality reducing the weight to be applied in the overall planning balance on page 50 must be removed and <u>full weight</u> must be afforded to the ability to implement the existing extant permission.</p>	This adds more weight to the recommendation of approval presented to Members.

**Schedule of Communication Received after Printing of Agenda**

<p>6 21/00379/FULM</p> <p>Bankwood Farm, Oxton Road, Thurgarton</p>	<p>Agent</p>	<p>26.04.2021</p>	<p>Email from agent highlighting the matter raised above and requesting that Members have access to the covering letter with the application, which has not been visible on the Council’s website.</p> <p>The email states that on the advice of the applicants’ marketing agent, the applicants have recently agreed the sale in principle to a niche developer – who has a good track record and who is very excited about carrying out the development in accordance with the approved plans.</p> <p>The need for this application is simply to allow them, rather than a series of individual self-builders, to carry out the development.</p> <p>The advantage of a single developer carrying out the development rather than a series of individual self-builders is that there will be one lot of construction traffic rather than 6 lots of construction traffic – and the duration of the development is likely to be significantly less than a series of self-builders who are of course not necessarily likely to be carrying out the development all at the same time.</p> <p>This being the case, the agent has absolutely no idea why the Local Highway Authority would wish to object to a proposal that they previously supported (given less construction over a shorter duration ought to clearly be a benefit in terms of impact on the users of the bridleway than the consented self-build scheme) – and can only imagine that this is due to a lack of clarity in the absence of my application letter being placed into the public domain.</p> <p>The other benefit (to the Authority) is that CIL will be applicable to the development scheme, whereas it would not with regard to the extant self-build scheme.</p>	<p>Copy of Agent’s letter attached at Appendix A to be noted.</p>
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**PLANNING COMMITTEE - 27 April 2021**

**Schedule of Communication Received after Printing of Agenda**

<p>7 20/02394/S73</p> <p>Park View Caravan Park, Tolney Lane, Newark</p>	<p>Planning Officer</p>	<p>23.04.2021</p>	<p>At the top of page 67 of the Agenda, the EA comments that “Application 18/01430/FUL at Tolney Lane didn’t have an accompanying Flood Risk Assessment, so no mitigation measures were proposed.” For clarification, this is incorrect, a FRA was submitted with the application but it did not include any technical information and relied solely on site evacuation at a flood warning as mitigation.</p>	<p>To be noted.</p>
<p>9 20/02508/FULM</p> <p>Southwell Racecourse, Station Road, Rolleston</p>	<p>Planning Officer</p>	<p>22.04.2021</p>	<p>To support Condition 04 (no raising of the ground level permitted) the agent has supplied a full Topographical Survey of the Racecourse track which could be used for comparative purposes if required. Condition 04 is proposed to be amended to add in reference to this plan as follows:</p> <p><i>04</i></p> <p><i>For the avoidance of doubt, there shall be no raising of the existing ground level (as shown on the Topographical Survey plans ref. MSL13419-AB-RevC-1 - MSL13419-AB-RevC-20) as a result of the development hereby permitted.</i></p> <p><i>Reason: To ensure that the development does not increase the risk of flooding</i></p>	<p>To be noted.</p>
<p>6 20/02508/FULM</p> <p>Southwell Racecourse, Station Road,</p>	<p>Planning Officer</p>	<p>26.04.2021</p>	<p>On page 120 of the committee agenda pack the report notes that there are estimated to be 2,000 HGV movements over a 10-12 week construction period. For the avoidance of doubt this is 2,000 movements overall (bringing the new material in and removing the old).</p>	<p>To be noted.</p>

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Rolleston				
<p>9 20/02508/FULM</p> <p>Southwell Racecourse, Station Road, Rolleston</p>	<p>Planning Officer</p>	<p>26.04.2021</p>	<p>For the avoidance of doubt and to ensure the old fibre sand is removed from the site within a reasonable timeframe I propose to amend condition 09 so that the fibre sand must be removed within 6 months from the commencement of the development.</p> <p><i>09</i></p> <p><i>Within 6 months of the commencement of the development, the existing stockpiled Fibresand must be removed from the site in accordance with a Material Disposal Programme which shall first be submitted to and approved in writing by the Local Planning Authority. The Programme shall include details of phasing, quantities to be removed, method of removal, lorry routing details, signage and timescales for removal. No works to export the existing Fibresand material from site shall commence until this Programme is agreed and all works to dispose materials from the site shall be carried out in accordance with the approved Programme.</i></p> <p><i>Reason: In the interest of highway safety and flood risk, to ensure materials are exported from the development site in a safe and expedient manner.</i></p>	<p>To be noted.</p>
<p>12 Validation Checklist</p>	<p>Balderton Parish Council</p>	<p>20 April</p>	<p>Members would like to suggest that the following is included in the 'Local List' please:</p> <p>That details of surface water disposal are included on <b>all</b></p>	<p>The Council, as Local Planning Authority, is required to be proportionate in its considerations to and requirements resulting from</p>

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**Schedule of Communication Received after Printing of Agenda**

			<p>applications, not just major applications or those in flood zones. Members consider this to be a very relevant issue when debating applications and it would enforce the importance of addressing surface water disposal when householders apply to extend properties.</p>	<p>the risk that is posed. In the case of surface water management, this applies to major developments or certain proposals within areas of high flood risk (i.e. zone 2 and 3). It is therefore not reasonable for the planning authority to include this request within the local list.</p>
<p>12 Validation Checklist</p>	<p>Officer</p>		<p>Prior approval application type has been omitted from the application types listed on page 254 of the agenda: Renewable Energy</p> <p>This application type needs to be added to those applications listed on page 255 headed 'Retail or betting office or pay day loan shop to assembly and leisure'</p>	<p>Update checklist subject to Members approving it</p>



Ms Lisa Hughes  
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Newark and Sherwood District Council  
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CresseyBankwoodDeveloperScheme/1

12 February 2021

Dear Ms Hughes

**Residential redevelopment of farm complex comprising 5no. new dwellings and the residential conversion of a traditional stone barn**

**Bankwood Farm, off Oxtan Road, Southwell**

**Resubmission of 19/00746/FULM**

You will recall detailed planning consent was granted for the above development on 21 August 2019 under LPA reference 19/00746/FULM.

Our clients have, in the interim, been working through some of the precursory investigatory details required by the *pre-commencement* conditions and in readiness for the sale of the property – and have recently carried out a formal marketing campaign.

There has, as a consequence, been significant interest in the development, both from serious prospective purchasers and the general public passing through the site along the bridleway and seeing the artist's impressions of the consented scheme on the agent's boards.

The consensus of opinion expressed is that the development is a high quality, exciting one that will sit well on the site.

**The Studios Church Farm Edwinstowe Nottingham NG21 9NJ**

During the formal marketing process, a number of developers have submitted offers – and this has, as the Council is aware from our discussions in connection with the same, raised a query regarding the ability of a *non* ‘self-builder’ to construct the development within the terms of the existing consent.

Whilst the Counsel’s Legal Opinion in connection with the same very helpfully highlighted the process by which a developer could proceed within the scope of the existing consent, our clients wish in the circumstances to alter the description of the development over that originally sought to remove any uncertainty for those purchasing the property altogether.

Since it is not possible to amend the description of the development by way of a Section 73 application (i.e. as a minor material amendment), please find enclosed our **full application** seeking the residential redevelopment of the existing farm complex comprising 5no. new dwellings and the residential conversion of a traditional stone barn which is, as before, submitted on behalf of J and B Cressey and Sons Ltd.

In the above connection, the development as originally approved will remain exactly the same.

The **only difference** between this application and the extant consent is that the description of the development removes the reference to ‘self-build plots’ from the title - and will enable a developer to build the scheme out to the very high standards required by the consent.

The Council will recall that the issue of whether the proposal would ultimately be developed by a series of self-builders or a developer was discussed at Planning Committee in the lead up to Members’ unanimous decision to approve the application.

The consensus was that Members would not have an issue with a developer building the scheme out since it was felt i) there was a more likely prospect that the scheme would be constructed ‘as approved’ (rather than varied – as might be the case with a series of individual self-builders); ii) the development was likely to proceed towards completion in a more expeditious manner (than might be the case with a series of individual self-builders); and iii) the Council and Parish Council would receive a CIL payment (which of course would not be the case with the self-build scheme).

The above concerns regarding ensuring as far as possible that the scheme was built out as per the approved plans (and in a expeditious and cohesive manner) had previously been echoed by Thurgarton Parish Council.

This all being the case, I see no reason why this application should present any controversy.

As a consequence of the recent marketing campaign, it is more likely than not that the consent will be sold to a developer rather than a series of self-builders – and those who have submitted formal offers will no doubt, on completion of the acquisition, be keen to commence development on site at the earliest opportunity.



Approval of this further alternative consent will allow for the same by removing any compliance issues arising from the current reference to self-build plots.

As earlier, other than the amended description of development, all other aspects of the application remain identical to what was originally submitted and approved.

Consequently, the application is accompanied by the very same drawings and supporting documents as were previously considered and unanimously approved, other than the enclosed additional ecology surveys update and this short covering letter (which explains the rationale behind the need for this second application).

The need for an ecology update was owing to the passage of time since the original bat surveys were carried out.

As part of the applicant's work towards procuring the details necessary to discharge some of the *pre-commencement* conditions attached the original consent, three further bat surveys were carried out within the last optimal survey period (as required to accompany the bat licence application) – and the aforementioned ecology update simply presents the findings and implications of those surveys.

You will see that the number of bats observed remains consistent with the level at the time of the original surveys – and that the previously approved mitigation is still fit for purpose.

In *development management* terms, the originally consented scheme conflicted with Development Plan policy but was unanimously approved by Members (and supported by Thurgarton Parish Council) in acknowledgement of, and as a preferable outcome to, the applicant's **fallback position** comprising the extant Class Q approval for the same number of dwellings on the site – i.e. the new dwellings were regarded as being of a significantly higher standard than those subject of the Class Q approvals which brought about an **overall enhancement** to the site and surroundings.

Given that this application seeks consent for the exact same development (and differs only in its *description* of development), I see no reason why those same conclusions should not be easily transferred across.

Furthermore, the **extant consent** is also clearly a material consideration providing further justification for the grant of planning consent in this instance.

In light of all of the above, and Officers' very helpful advice to date in connection with this issue, I am hopeful that Officers themselves will feel able to support the application this time around to facilitate a timely decision to prevent the sale of the development onto others being delayed any further than necessary.

In conclusion, the application seeks planning consent for exactly the same development as has already previously been unanimously approved by the Council.

The only difference between this and the originally-approved scheme is the description of the proposed development – which omits reference to the 5no. self-build plots to enable these same dwellings to be constructed by a single developer.

The benefit of such will be that a single developer is more likely to build out exactly in accordance with the approved plans (and to the high standards demanded) and in a more expeditious manner than perhaps a series of self-builders might – and that such development would secure important CIL payments on the commencement of development (where such would be exempt for self-builders).

As before, the application resubmission comprises the following:

- Completed planning application forms
- Completed Certificate C relating to ownership
- [Original] Design and Access Statement
- Location Plan [dwg no 20/238-100]
- Existing Site Photos [dwg no 197-D-01 Rev B]
- Bankwood Farm Evolution [dwg no 197-D-02]
- Existing Site Plan [dwg no 197-D-03 Rev B]
- Proposed Site Plan [dwg no 197-D-04 Rev B]
- Proposed Floorplans - Plot 1 [dwg no 197-D-05]
- Proposed Elevations - Plot 1 [dwg no 197-D-06]
- Proposed Floorplans - Plot 2 [dwg no 197-D-07]
- Proposed Elevations - Plot 2 [dwg no 197-D-08]
- Proposed Floorplans - Plot 3 [dwg no 197-D-09]
- Proposed Elevations - Plot 3 [dwg no 197-D-10]
- Proposed Site Elevation [dwg no 197-D-11 Rev B]
- Proposed Site Section [dwg no 197-D-12 Rev B]
- Aerial View [dwg no 197-D-13]
- Visualisation 1 [dwg no 197-D-14 Rev B]
- Visualisation 2 [dwg no 197-D-15 Rev B]
- Visualisation 3 [dwg no 197-D-16 Rev B]
- Visualisation 4 [dwg no 197-D-17 Rev B]
- Visualisation 5 [dwg no 197-D-18 Rev B]
- Existing Barn – Existing Plans and Elevations [dwg no 17/238-101]
- Existing Barn – Proposed Plans and Elevations [dwg no 17/238-102]
- Existing Barn – Garage Plan and Elevations [dwg no 17/238-103]
- Plot 4 Proposed Plans and Elevations [dwg no 17/238-104 Rev A]
- Plot 4 Garage Plan and Elevations [dwg no 17/238-106]
- Plot 5 Proposed Plans and Elevations [dwg no 17/238-105]

- Plot 5 Garage Plan and Elevations [dwg no 17/238-107]
- Schedule of Materials
- Flood Risk and Runoff Assessment
- Heritage Statement
- Structural Inspection Report
- Protected Species Report
- Ecology update letter by RammSanderson

Please also find enclosed payment to the Authority [REDACTED] which is based on a detailed planning application for the creation of 6no. residential units.

I trust the above enclosed documents together with this covering letter addendum (which should be regarded as a proportionate Design and Access Statement in the circumstances) are sufficient to enable the application to proceed to be favourably determined and look forward to confirmation of registration at your earliest convenience.

Should you require anything further on my part however, please do not hesitate to contact me when you may be assured of my best attention at all times.

In any event, I would appreciate a telephone call immediately upon the expiration of the formal consultation period to ascertain whether there is indeed anything further that you require, but also to establish the proposed method of determination so that I am able to advise my clients accordingly.

I look forward to hearing from you in due course.

Kind regards.

[REDACTED] ely  
[REDACTED] MRTPI  
Director