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**Thursday, 25 November 2021**

**Chairman: Councillor R Blaney  
Vice-Chairman: Councillor Mrs L Dales**

**Members of the Committee:**

**Councillor L Brazier  
Councillor M Brock  
Councillor R Crowe  
Councillor L Goff  
Councillor Mrs R Holloway  
Councillor Mrs P Rainbow  
Councillor Mrs S Saddington**

**Councillor M Skinner  
Councillor T Smith  
Councillor I Walker  
Councillor K Walker  
Councillor T Wildgust  
Councillor Mrs Y Woodhead**

**MEETING: Planning Committee**

**DATE: Monday, 6 December 2021 at 4.00 pm**

**VENUE: Civic Suite, Castle House, Great North Road,  
Newark, Notts, NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

If you have any queries please contact Catharine Saxton on [catharine.saxton@newark-sherwooddc.gov.uk](mailto:catharine.saxton@newark-sherwooddc.gov.uk).



## AGENDA

### Page Nos.

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| 1. | Apologies for Absence                               |        |
| 2. | Declarations of Interest by Members and Officers    |        |
| 3. | Declaration of any Intentions to Record the Meeting |        |
| 4. | Minutes of the meeting held on 2 November 2021      | 5 - 12 |

### **Part 1 - Items for Decision**

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| 5. | Staunton Works, Alverton Road, Staunton In The Vale, NG13 9QB - 21/01879/FUL  | 13 - 25 |
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### **Part 2 - Items for Information**

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### **Part 3 - Statistical and Performance Review Items**

There are none.

### **Part 4 - Exempt and Confidential Items**

12. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

There are none.

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 2 November 2021 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)

Councillor L Brazier, Councillor M Brock, Councillor R Crowe, Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow, Councillor Mrs S Saddington, Councillor M Skinner, Councillor T Smith, Councillor I Walker, Councillor K Walker and Councillor Wildgust

ALSO IN ATTENDANCE: Councillor J Lee

APOLOGIES FOR ABSENCE: Councillor Mrs L Dales (Vice-Chairman) and Councillor Mrs Y Woodhead (Committee Member)

### 63 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs S. Saddington declared a Non-Registerable Interest in Agenda Item No. 67 – The Bothy, Mill Lane, Caunton (21/01704/FUL) as she had visited the applicant.

Councillor Mrs R. Holloway declared an Other Registerable Interest in Agenda Item No. 69 – Former Noble Foods Ltd., The Moor, Bilsthorpe (21/01503/RMAM) as a Member of Bilsthorpe Parish Council.

### 64 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

### 65 MINUTES OF THE MEETING HELD ON 5 OCTOBER 2021

AGREED that the Minutes of the meeting held on 5 October 2021 were approved as a correct record and signed by the Chairman.

### 66 LAND OFF A17, CODDINGTON (20/01452/OUTM)

The Committee considered the report of the Business Manager – Planning Development which sought outline planning permission for the development of a site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping. It was noted that the report had been considered and deferred at the previous meeting to allow Officers to push the Agent for a named occupier. Subsequently the applicant had provided additional information as details in the report.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda had been published from Fieldsend Associated on behalf of Tritax and Simons Developments; NSDC Planning Policy; Councillor Mrs L. Dales; and Curry's Group Limited.

Councillor D. Armstrong, on behalf of Coddington Parish Council, spoke in accordance with the views of Coddington Parish Council, as contained within the report. He noted that the name of the tenant was still unknown despite the application being deferred at the previous meeting to allow Officers to acquire the information.

Councillor J. Lee, Local Ward Member for Balderton North & Coddington, spoke against the application on the grounds that it would set a precedent for largescale industrial development to take place adjacent to the small village of Coddington. He stated that there were more suitable sites in the Newark area for such development.

It was reported that subsequent to the last meeting of the Committee, a meeting had taken place with the applicant, the Chairman, Vice-Chairman and Planning Officers. The applicant was asked for the name of the occupier but stated that until planning permission was approved an occupier would not sign any agreement and therefore the information was not available.

Members considered the application and reiterated their comments from the previous meeting in relation to it being a speculative development in the open countryside with the loss of green field land and the impact that a development of that size would bring to existing traffic congestion.

The Business Manager advised that prior to submission of the application, the applicant had sought advice from both Highways England and the Highways Department at Nottinghamshire County Council. It was noted that the application was contrary to the Development Plan but would potentially form part of the first phase of the NewLink Business Park. It was further noted that the big box sector was a growing business to support the increase in online shopping. Large scale sites were required to facilitate this, providing onshore storage of goods. Noting that the East Midlands region was attractive to investors in this type of business, the levelling up funding could provide such development in the southern area of the district.

Members proceeded to discuss the economic benefits of the current application together with the uncertainty as to whether the dualling of the A46 would proceed. It was suggested that the development of big box sites would change the landscape of the district and a strategic discussion on the matter should be held at the Local Development Framework Task Group.

A vote was taken to approve planning permission and was lost with 3 votes for, 9 votes against with 1 abstention.

**AGREED** (by 9 votes for, 3 votes against with 1 abstention) that contrary to Officer recommendations, planning permission be refused on the grounds of the application being contrary to strategic employment policies of the adopted Development Plan and it would have a detrimental visual impact on the character and appearance of the open countryside.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendations, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
R. Blaney	For
L. Brazier	For
M. Brock	Abstain
R. Crowe	For
Mrs L. Dales	Absent
L. Goff	For
Mrs R. Holloway	For
Mrs P. Rainbow	For
Mrs S. Saddington	For
M. Skinner	For
T. Smith	Against
I. Walker	For
K. Walker	Against
T. Wildgust	Against
Mrs Y. Woodhead	Absent

67 THE BOTHY, MILL LANE, CAUNTON, NG23 6AJ (21/01704/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the erection of a 3 bedroom detached dwelling. It was noted that the report had been considered and deferred at the previous meeting to allow discussion to be held with Environmental Health on what mitigation measures would be desirable to compensate for the drainage impact to the surrounding area.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from a local resident.

The Business Manager advised that the report had been updated since the last meeting to provide Members with information in relation to the alleged removal of trees within the Conservation Area and issues surrounding drainage. She advised that the trees had formed part of a different application and permission had been granted for their removal. In relation to the drainage issues, Environmental Health had advised that it would be for building regulations to ensure how the appropriate drainage and sewerage systems were installed. It was recommended that the applicant be informed via an informative that they would need to engage with building regulations and specialist drainage engineers should planning permission be granted and subsequently implemented.

In considering the application a Member commented on the open ditch which ran alongside the road, stating that it carried sewage; it was open to the elements which could lead to overflowing; and the sides of the ditch were not reinforced which could

lead to collapse. The Business Manager advised that proposed Condition 10 would ensure the provision of satisfactory means of foul sewage/surface water disposal for the proposed development.

AGREED (with 11 votes for, 1 vote against with 1 abstention) that full planning permission be approved subject to the conditions and reasons contained within the report.

68 LAND AT GREEN PARK, TOLNEY LANE, NEWARK ON TRENT, NG24 1DA (21/00891/S73M)

The Committee considered the report of the Business Manager – Planning Development which sought planning permission for the variation of Condition 1 of Planning Permission 18/01443/FUL to amend the temporary permission to permanent. The application had been considered by Planning Committee at its meeting on 7 September 2021 where it was resolved to grant a temporary permission, subject to a re-notification with the Environment Agency at their request. The matter was reported back to Committee as the Agency continued to object.

Members considered the presentation from the Planning Case Officer, which included photographs and plans of the proposed development. The Planning Case Officer updated Members, stating that the Agency continued to object.

Members considered the application and commented that traveller sites had been situated on Tolney Lane for many years and that the travellers were aware of the associated flood risks for the site. A Member commented that additional sites were needed to allow the travellers to move to alternative locations. Another Member commented on his concerns for the safety of the emergency services should they be required to attend to evacuate the occupants should flooding occur.

The Chairman referred to the comments of the Environment Agency who had acknowledged the challenges faced in finding suitable alternative sites. He added that a consultation had recently been completed by the Council to source alternative sites, the outcome of which was awaited.

AGREED (unanimously) that planning permission be approved subject to the conditions and reasons contained within the report.

*Having declared an interest, Councillor Mrs Holloway left the meeting during the following item and did not take part in any discussion or voting thereon.*

69 FORMER NOBLE FOODS LTD, THE MOOR, BILSTHORPE (21/01503/RMAM)

The Committee considered the report of the Business Manager – Planning Development which sought planning permission for the erection of 136 No. dwellings.

Members considered the presentation from the Business Manager – Planning Development which included photographs and plans of the proposed development.

A schedule of communications was tabled at the meeting which detailed correspondence received after the Agenda was published by the Agent.

Councillor M. Ward, on behalf of Bilsthorpe Parish Council, spoke in accordance with the views of Bilsthorpe Parish Council as contained in the report. She commented that should the application be successful, that consideration be given to what conditions could be put in place to mitigate the effects of three planning permissions being developed simultaneously. In response, the Business Manager advised that conditions could not be applied retrospectively to applications already granted but that Officers could liaise with the developers of all three sites to highlight the parish council's concerns.

In considering the application, Members commented that they hoped that the CCG would acknowledge the pressure which would be placed on the doctors' surgery by the development of some 360 additional dwellings in the area.

AGREED (by 11 votes for, 1 vote against with 1 abstention) that reserved matters approval be given subject to the conditions and reasons contained within the report and subject to the amendments set out in the late representations.

*Councillor Brazier left the meeting at 17:21 hours.*

70 LAND AT SHANNON FALLS, TOLNEY LANE, NEWARK ON TRENT, NG24 1DA (21/01900/FUL)

The Committee considered the report of the Business Manager – Planning Development which sought retrospective planning permission for use of land at Shannon Falls, Tolney Lane as a Gypsy and Travellers' site for the erection of amenity blocks and associated works.

Members considered the presentation from the Planning Case Officer, which included photographs and plans of the proposed development.

A schedule of communications was tabled which detailed correspondence received after the Agenda had been published from the Applicant; the Agent; and NCC Highway Authority.

The Planning Case Officer informed Members that works had already commenced and that the site was currently partially occupied. She also informed Members that additional plans had been submitted showing a visibility splay and swept paths. This had resulted in the Highways Authority raising no objections, subject to the imposition of 2 conditions. The recommendation to Members had therefore been amended to remove the second reason for refusal.

In considering the report a Member commented that the occupants of the sites knew the associated risks of living within a flood plain, adding that better alternative sites were needed. Another Member agreed with this, noting that the site was not subject to flash flooding and that it was possible to safely evacuate prior to flood water levels rising. A Member queried what, if any, building works could be carried out to mitigate



flooding. The Case Officer advised that the site was located within a functional floodplain and therefore waters should be able to flow freely. Any mitigation works would merely disperse the waters and worsen the situation on adjacent sites.

The Chairman noted that the Council had investigated whether it was possible to raise the level of the road or provide an alternative access towards the A46, which would be extremely costly.

Members commented that if the application was for temporary permission, it would provide time for alternative sites to be sought, noting that to grant a permanent permission would put residents at risk. In response to where the families had lived previously, it was noted that they had moved to Shannon Falls from other sites on Tolney Lane.

The Chairman advised that the results of the consultation new site availability for gypsy and travellers was awaited and alternative sites may be identified therefrom, and that these would not be located in Flood Zone 3.

AGREED (by 7 votes for with 3 votes against) that planning permission be refused in line with the reasons contained within the report with the omission of the second reason for refusal.

71 LAND NEXT TO 53 PHILIP ROAD, NEWARK ON TRENT, NG24 4PD (21/02176/FUL)

The Committee considered the report of the Business Manager – Development Planning which sought planning permission for the demolition of existing outbuildings, the creation of 2 parking spaces with associated dropped kerbs, the relocation of an outbuilding to the rear garden of No. 55, a proposed one detached dwelling with 2 parking spaces with associated dropped kerbs, with secure storage for 2 bicycles (resubmission).

Members considered the presentation from the Business Manager – Planning Development which included photographs and plans of the proposed development.

A schedule of communications was tables at the meeting which detailed correspondence received after the Agenda had been published from Newark Town Council.

Members considered the application to be acceptable.

AGREED (unanimously) that planning permission be approved subject to the conditions and reasons contained within the report and subject to no new material planning considerations being raised that had not been considered before the expiry of the consultation period on 3 November 2021.

*Councillor R. Crowe left the meeting at 17:50 hours.*

72 HAMILTONS BUTCHERS, MAIN STREET, FARNSFIELD, NEWARK ON TRENT, NG22 8EF  
(21/01386/FUL)

The Committee considered the report of the Business Manager – Planning Development which sought retrospective planning permission for the retention of an external canopy and food serving counter operating in connection to an existing butchers.

Members considered the presentation from the Planning Officer which included photographs and plans of the proposed development.

Members considered the application noting the reasons for the Officer’s recommendation of refusal and noted the comments of the Conservation Officer in relation to the canopy not being in keeping with a barn and that it was situated in the Farnsfield Conservation Area.

A vote was taken to refuse planning permission which lost unanimously.

AGREED (unanimously) that contrary to Officer recommendation that planning permission be approved subject to the following additional conditions:

- To remove the canopy in the event the food counter use ceases;
- The hours of operation to be the same as the butchers shop; and
- The food counter to remain ancillary to the butcher’s shop and not create an independent facility.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
R. Blaney	For
L. Brazier	Left the meeting
M. Brock	For
R. Crowe	Left the meeting
Mrs L. Dales	Absent
L. Goff	For
Mrs R. Holloway	For
Mrs P. Rainbow	For
Mrs S. Saddington	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	For
T. Wildgust	For
Mrs Y. Woodhead	Absent

73 APPEALS LODGED

AGREED that the report be noted.

74 APPEALS DETERMINED

AGREED that the report be noted.

75 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

AGREED that the Development Management Performance report be noted.

76 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

AGREED that the Quarterly Enforcement Activity Update report be noted.

Meeting closed at 6.15 pm.

Chairman

## PLANNING COMMITTEE – 6 DECEMBER 2021

<b>Application No:</b>	<b>21/01879/FUL</b>		
<b>Proposal:</b>	<b>Part Retention (Retrospective) &amp; Part Proposed Erection of Open-Ended Structure for Casting Equipment</b>		
<b>Location:</b>	<b>Staunton Works, Alverton Road, Staunton In The Vale, NG13 9QB</b>		
<b>Applicant:</b>	<b>J P Concrete Products Ltd</b>		
<b>Agent:</b>	<b>Nick Grace</b>		
<b>Registered:</b>	<b>10.09.2021</b>	<b>Target Date:</b>	<b>29.10.2021</b>
	<b>Extension of Time Agreed until 08.12.2021</b>		

The application has been referred to the Planning Committee by the Local Member, Cllr I Walker given its potential impact on the visual amenity of the area, its retrospective nature which allows Members to consider these impacts and given the recent decision relating to the adjacent site, it is considered this warrants the wider consideration of the committee in the interests of consistency and transparency.

### The Site

The site is situated at the long established Staunton Industrial Estate, approximately 750m to the north-west of Staunton-in-the-Vale which is located in the open countryside to the south of the District. This part of the industrial estate comprises a mix of concrete, compacted bare ground and field.

The proposed development site is located adjacent (east) of existing industrial buildings within the Estate. An existing industrial estate access lies to the south of the application site and connects to the public highway C3 (Grange Lane) that runs parallel with the A1 to the east. A further access to the site is from the north also from the C3 road which appears to exclusively serve the adjacent Farrell Transport Ltd site.

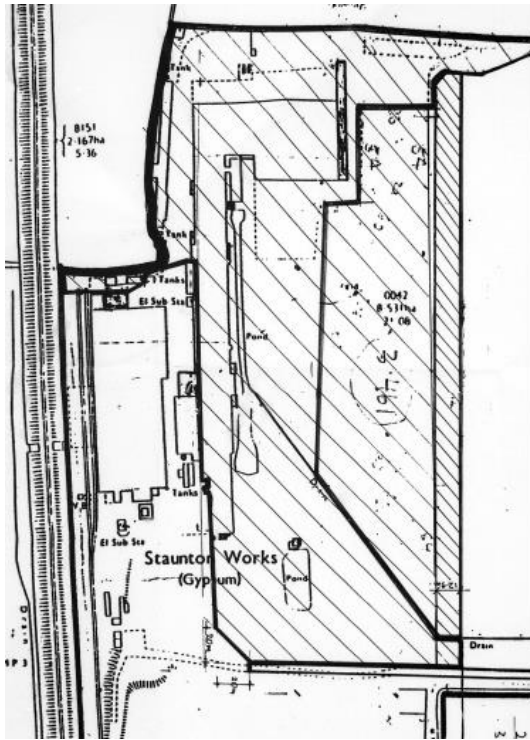
The site lies within flood zone 1 although lies in an area that is prone to superficial deposit flooding according to the Environment Agency maps.

### Relevant Planning History

- 94/51746/LDC – Use of site (wider site including land to the east) for general industrial purposes within Use Class B2, certificate issued 04.12.1995.
- 94/51747/LDC – Retention of existing buildings (non-compliance with planning conditions requiring removal of such buildings) certificate issued, 04.12.1995.
- 94/51748/OUT – Demolition of some existing buildings and replacement with new buildings and use of site for B1, B2 and B8, Approved 18.09.1995.
- 98/51825/FUL – Change of use of agricultural land for open storage, approved

25.08.1998.Condition 4 states:

04  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 1987, or any amending legislation, the premises shall not be used other than for the purposes of the storage of materials which will be used in the manufacture of timber products at, and storage of those timber products manufactured from, that adjacent land occupied by Bullock and Driffill Ltd, unless otherwise agreed in writing, by the Local Planning Authority.  
Reason:  
To ensure that the use is or remains compatible with the surrounding area, and that the proposal accords with local plan policy.



- 01/00141/CMW – Renewal of permission 97/00599 for the restoration of land by using imported materials.
- 02/02452/FUL – Proposed extension for storage of Glulan & I Beams, approved 19.12.2002
- 09/00995/FULM – Change of use (of this site and wider site including land immediately to the north) for storage and associated haulage, refused 17.02.2010 on the grounds of noise and nuisance to amenity from the proposed operation and number of vehicle movements. However this was allowed on appeal with conditions to restrict the number of HGV's using the site to no more than 25 (at any one time).

#### Land to south

- 12/00224/AGR –open cattle area, prior approval not required, 23.04.2012.
- 97/51912/CMM – Restoration of land to agricultural, county matter

#### Land to East

- 21/00295/FULM - *Erection of commercial storage units and erection of new office with associated parking. Refused 07.07.21 as didn't represent a proportionate expansion of an existing business and the need for a rural location not adequately demonstrated and the harm was not outweighed.*

## The Proposal

Full permission is sought for the retention an existing concrete casting structure and its cover and a proposed new identical additional structure immediately to its east.



The casting structure(s) are open sided fabric (heavy duty PVC) shelters anchored by concrete blocks and portacabin type structures. The structure that is already in situ is placed over a casting table which takes on the appearance of a conveyor belt which tilts to allow concrete to be more readily extracted from their molds. Both (existing and proposed) are required in connection with the adjacent existing business operating from the site; JP Concrete Products Ltd.

The structures are each 12.2m wide by 37.2m in length with a rounded roof that extends to 4.5m at their highest point.

## The Submission

Amended Location Plan, drawing no. 70-001 Rev P04  
New Temporary Shed 101, P01 1/1  
New Temporary Shed 102, P01 1/1  
Topographical Survey  
Proposed Site Plan, 70-002 Rev P04  
Covering Letter 12 July 2021  
Site Photos

## Departure/Public Advertisement Procedure

Occupiers of 18 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

## Planning Policy Framework

### The Development Plan

#### **Newark and Sherwood Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 - Sustainable Transport  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character

## **Allocations & Development Management DPD**

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM10 – Pollution and Hazardous Substances

DM12 – Presumption in Favour of Sustainable Development

## **Other Material Considerations**

National Planning Policy Framework 2021

NPPG

Landscape Character Assessment SPD

## **Consultations**

### **Staunton Parish Meeting – (30.09.2021)**

There were 14 objections, 0 in favour and 0 abstentions.

The main reasons were as follows:

- These two large structures will have a negative impact on the landscape. The fact they are white in colour means they stand out in a particularly unsympathetic way in the rural setting.;
- As they are open structures the lights shine outside causing serious light pollution for the village;
- There is already significant noise from the concrete plant, including at weekends;
- This development will increase HGV traffic on roads already deemed unsuitable for such vehicles due to the County Council imposed 7.5t weight limit.

Also, it is far from clear whether the existing use class for the site allows a concrete batching plant at all (we have repeatedly asked NSDC and have not had an answer). We believe this development is within the Farrell Transport's ownership and this site was granted permission (on appeal) with strict limits on the number of vehicles on site. The increased lorry movements due to the concrete works is likely to breach this limit.

**NCC Highways Authority** – No objection.

**NSDC Environmental Health** – Summary of advice:

This proposal includes reference to the operation of a bulk cement batching plant which is regulated under the Environmental Permitting (England and Wales) Regulations 2016 (as amended). The applicant is required to make a formal application for an Environmental Permit from Environmental Health at Newark & Sherwood District Council. Operation of the plant without a current Environmental Permit is an offence. However this is a separate process from the planning regime and does not prevent the authority from determining the application.

In respect of lighting and noise, the Environmental Health Officers have concluded that based on the information provided (more information was requested) the proposal would be unlikely to have adverse issues and if any arose they could be looked at under the relevant EH legislation and potentially guarding for lights etc. could be requested.

**Representations have been received from three local residents/interested parties raising objections which can be summarised as follows:**

- Will increase the number of HGV'S to the site and traffic along Grange Lane which has a 7.5t weight limit and negative impact to nearby residential dwellings;
- There has been a noticeable increase in the general traffic over the past few years along Grange Lane at speeds over the national speed limit which resulted in a petition requesting a 40mph limit;
- Regular huge articulated lorries carrying huge concrete products travelling through Orston/Alverton, causing a danger to road users as they struggle to get around the bends on the right side of the road.
- Should be noted that the Inspector on granting permission on appeal for Farrells to go ahead imposed some very strict limitations and conditions including no more than 25 HGV's to operate from the site. There is concern that this number of HGV's could be surpassed regularly by both visiting 3<sup>rd</sup> party HGVs as well as those of Farrell itself;
- Believe the applicant is operating from the site without the necessary planning permission environmental certificates etc;
- In last 11 years the estate has expanded/creeped with planning authority not seeming to care about the negative long term impact and degradation;
- It already has negative impacts in terms of visual, light and noise pollution affecting local residents (including at weekends);
- The building is white and an eyesore on the landscape, green would be better
- Illegal building has increased noise especially as it is open sided.

Comments of the Business Manager

Introduction

JP Concrete Products have been operating from this site since c2019 and manufacture concrete products for the construction and agricultural industries amongst others. Concrete mixing takes place within the building whilst storage of their finished products is outside in their yard. The company have recently purchased a casting 'table' (a metal table taking on the appearance of a wide metal conveyor belt that tilts to allow products to be removed easier from their molds) which is housed externally and covered with a temporary structure albeit which has a degree of permanency. This application seeks to regularize the existing covered structure, the casting table and to erect an identical structure immediately adjacent to it.

It is not clear when the concrete storage began; the aerial photographs suggest that this may have been relatively recently. However looking at the planning history at the site, it is clear that the site has had permission in 1998 for open storage on this site (for manufactured timber products) and this would have had similar impacts to the previous use. Given this, a material consideration, it has already been established that outside storage activity on the site is acceptable. I also note the Council has informally confirmed to the occupiers (JP Concrete) in writing, that the site has an established B2 (general industrial) use prior to their occupation. I therefore conclude that the existing business operating at this site appears to be operating lawfully.



## The Principle

The spatial strategy seeks to focus employment development in the sub-regional centre, Service Centres and Principal Villages, with a range sites having been made available in such locations. The Development Plan seeks to ensure that development in the open countryside is strictly controlled (through policies SP3 and DM8) and it is important that any permissions granted do not form a material consideration that undermines the ability of the District Council to resist inappropriate development proposals elsewhere.

The application site lies in the countryside. Policy DM8 (Development in the Open Countryside) strictly controls development in the open countryside limiting it to certain exceptions of which there are 12. Exception no. 8 'Employment Uses' is considered the most applicable to this proposal. This states:

*'Small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment.'*

I therefore assess the scheme against this exception having regard to the following key factors; 1) whether the proposal can be considered to be small-scale and whether it is a proportionate expansion of an existing business and 2) whether there is a need for this development to be in a rural location and 3) whether there would be a contribution to ongoing local employment.

*Whether the proposal is small-scale and whether it is a proportionate expansion of an existing business*

Core Policy 6, underpinning Policy DM8, requires that development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact. Policy DM8 refers to proportionate expansion, so a judgement needs to be reached as to whether the scale of this proposal is acceptable and proportionate. There is no definition in policy DM8 as to what is meant by a 'proportionate' expansion of an existing business. While proportionality should be considered in relation to the existing JP Concrete site, it is reasonable to view this in the wider context of the whole Industrial Estate. In terms of whether the 'expansion' is proportionate, it remains a matter of judgement as to whether such an increase is appropriate.

In this case the use is well related to the existing concrete business and wouldn't be able to operate effectively as a standalone development so I am satisfied that it does represent an expansion of an existing business.

The existing and proposed structure take up only a small part of the application site identified by the land edged red and blue (as requested during the application process).

The site area comprises an area of c1,048m<sup>2</sup> compared with the wider site (excluding the access) that JP Concrete have control of which equates to some c22,380m<sup>2</sup> additional land. Not all of this land is in use for their commercial activities but the majority of the site is now used for storage of the finished concrete products and associated vehicle parking. The proposal does not constitute an extension in physical land take as the land upon which it is sat already has a commercial use for storage albeit it represents an expansion of the built form and so an assessment needs to be made

as to whether this is proportionate. According to the plans the existing buildings have an approximate floor area of c 1430m<sup>2</sup>. The combined two structures forming part of this submission would equate to c848m<sup>2</sup> in floor area which is relatively large in comparison to the manufacturing unit. However taken in the context of the wider yard, I am minded to conclude that this is not disproportionate particularly given the other impacts (including visual) which I shall discuss later in this report.

*Whether there is a need for this development to be in a rural location and where there would be a contribution to local employment.*

The applicant has been asked to justify the need for this development. They state that the casting tables were on sale from a company that had gone into administration but unfortunately due to their size they did not fit into the existing building on the site. They were stored outside but were getting damaged by the weather and given their value (if purchased new would cost in the region of £120K) they had to quickly get them under cover and therefore the shelter was erected in early 2021. The applicant states that this has enabled them to increase output and create additional employment.

They add that the business has grown over a two year period and they wish to expand both their casting facilities and staff levels further to help meet the demand. They add that the existing structure on site does not give sufficient space to cope with this demand and there is a need for more covered space. If approved the other half of the structure would be used to place additional molds that they do not currently have the space for.

I am satisfied that the existing business has demonstrated that they require the additional covered area to allow them to expand their commercial activities. Whether this needs to be located in a rural location is a more interesting consideration. One would expect most concrete manufacturing businesses to be occupying an industrial estate in an established urban area where expansion (externally) could perhaps be facilitated more readily. In fairness to the applicant they occupy a site that is located on an industrial estate (granted through a CLUED) albeit in a rural area and want to utilize the site that they lease to better meet their needs. To allow the business to be retained on this site for the remainder of their (7 year) lease, they say they need the covered structures to expand and grow their activities, a reasonable request for a business occupying a site with an established industrial use. The expansion into the existing yard area has been justified and that this can only really be located on land adjacent to the existing facility such that in this instance there is a need for the rural location.

According to the application form and supporting statement, no new employment would ensue from this proposal. However this meets the minimum policy test by sustaining local employment in accordance with Policy DM8 and CP6. There could, of course, be employment resulting from companies benefitting their products but this is not an easy thing to measure.

### Landscape and Visual Impacts

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion 4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the

## Landscape Character Appraisal (LCA).

A LCA has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The site falls within Policy Zone 10 (Alverton Village Farmlands) within the South Nottinghamshire Farmlands Regional Character Area. Here, landform is predominantly flat with the landscape being in a mix of arable and pastoral farmland. The landscape condition is described as very good with its sensitivity described as moderate giving a policy action of 'conserve'. In terms of built features this means conserve what remains of the rural landscape by concentrating new development around existing settlements of Alverton, Kilvington and Staunton in the Vale.

The two structures proposed are relatively large in scale but it must be noted that they are/would be seen in the context of existing approved structures that are larger as a backdrop. I note that some local residents have raised concerns regarding the colour or the roofing fabric. In my view given that these are seen in the context of existing (white and grey) structures being in the background and against the sky, the white/grey colour is not particularly stark nor harmful.



The landscape character assessment SPD and CP13 sets out landscape actions and objectives (conserve) of limiting development to around the settlements. Clearly this isn't a settlement but it is an established industrial site. However this proposal is for what appears as a fairly lightweight structure with open ends and has a temporary appearance given it is formed of a covered steel frame anchored by concrete blocks and portacabin type structures.



Furthermore it is set against an existing structure at the adjacent Farrell Transport site which is larger and the proposal doesn't encroach any further into the countryside than that. I therefore take that view that the impacts of this proposal would have only a minor adverse visual impact. I also consider that in the event of an approval a condition that requires that both structures are removed from the land after 5 years or when the existing occupiers cease to occupy the site (whichever is the sooner) would be reasonable given that this would allow the business to expand whilst allowing further assessment of how the structures have help up to the elements over the approval period.

## Highway Impacts

Together Spatial Policy 7 and Policy DM5 seek to ensure that new development minimises the need for travel, provide safe and convenient accesses for all, be appropriate for the network in terms of volume and nature of traffic generated, ensure the safety of highway users, provide appropriate and effective parking and service provision and ensure schemes do not create or exacerbate existing problems.

The site has access onto the C3 road which links Newark to the north with the A52 at Elton-on-the-Hill to the south. The proposal would utilise the existing access arrangements on site; no changes are proposed to this.

In terms of whether the expansion does or would lead to increased movements, the company indicate that it doesn't/wouldn't as they are taking on fewer, more complex, bespoke orders with better profit margins as a result of having the casting tables thus not impacting on vehicular movements. This is important because this site, in combination with the Farrell site adjacent, is subject to a controlling condition imposed on appeal decision 09/00995/FULM restricting the number of HGV's using the site to no more than 25 (at any one time).

The applicant has confirmed that two HGVs with low loading trailers operate from their site and are used to transport plant and machinery around the UK and are used 3-4 times a week between them. They are not used for the delivery of products (which I understand are collected at agreed times).

I note from our records that an allegation has previously been made that the wider site was operating more than 25 vehicles; this was investigated and no breach was identified. I appreciate that there are concerns that this could happen in the future as a consequence of approving this scheme but there is no reason to believe this to be the case. If it does occur and is reported, our planning enforcement team can investigate further. In my view this is not a valid reason to withhold this planning permission.

NCC Highways Authority have commented that the surrounding highway network is covered by an environmental weight limit; the purpose of this weight limit is not to prevent access to premises but to prevent rat running by HGVs along less suitable local roads to avoid unforeseen delays, and closures on the nearby strategic highway network e.g., the A1, A52 and A46. They have accepted that the proposal would not generate additional traffic and that according to the supporting information the more voluminous production is being relocated to another part of the country which has the benefit of reduced traffic generation compared to the extant, existing use. As such NCC Highway Authority raise no objection.

## Residential Amenity

Given the site's isolated location in the countryside, the nearest residential neighbours are some distance from the site, almost 700m away from the site. As such I have no concerns that the scheme would give rise to impacts such as overlooking, overlooking, loss of light etc. Concern has been expressed regarding general disturbance from noise and light pollution which it is said are already occurring from uses already operating closer to the objector in question. The concerns regarding light pollution from the Parish Meeting are also noted.

From visiting the site and noting the lighting already installed it is clear that these are located well inside the structure and are orientated so that they do not illuminate the surrounding yard or countryside. No other external lighting is present or proposed.



Existing lighting installed on site inside the structure

Indeed it noted that the internal lights are only on until 6pm. Our EHO has raised no objection to this and has stated that if it were to be an issue it could be considered under environmental health nuisance legislation. I am satisfied that subject to conditions to require details of any further external lighting, the lighting should neither be a source of nuisance to amenity nor have a harmful visual impact on the countryside. Any nuisance arising from the lighting installed can be considered by Environmental Health as required under their legislation.

In terms of general disturbance the EHO has raised no concerns about this given the distance between the site and residential properties. Furthermore, outside activities including storage is already a fallback position on this site as previously noted from a 1994 permission and the appeal decision to allow Farrells Transport to operate a haulage business from the site, which in itself generates outside activity, not subject to any restrictive controls (other than the number of HGV's allowed to operate).

For these reasons I conclude that the proposal would not cause harm to residential amenity and in this regard would comply with CP9 and DM5.

### Other Matters

The application did not need to be accompanied by a flood risk assessment as the site area is under the 1ha size threshold. The proposal would make no changes to the ground as the hard standing upon which the structures are to be mounted is already in situ. It is therefore not considered that the proposal would amount to harm in terms of either drainage or ecology.

### Planning Balance and Conclusion

Development in the countryside is strictly controlled and requires careful scrutiny. Having assessed the scheme, I have concluded that the scheme represents a proportionate expansion of

an existing rural business and that a need has been demonstrated for the erection of the structures to enable the business to expand and thrive. I therefore conclude that the principle of this expansion is acceptable and would bring about some economic benefits such as sustaining jobs with the potential to create jobs in the future.

Whilst the concerns from both the Parish Meeting and some local residents are noted, it is not considered that the proposal, if conditioned as suggested, would amount to unacceptable harm to residents' amenity either in terms of general disturbance nor from the external lighting proposed.

No highway harm has been identified and there is no objection from the statutory consultee.

The site lies within an area that has a fallback position for use as outside storage and is adjacent to an existing haulage yard. Whilst the structures would add more clutter to the landscape, taking into account the context and backdrop of industrial buildings I do not consider that the visual appearance of the structures in question would be demonstrably harmful particularly when weighed against the economic benefits of the scheme. Indeed one structure is already in place and is viewed against a higher structure erected on the adjacent site. Notwithstanding this, I do however consider it would be reasonable to condition that the structures are only given a temporary consent given that they are not designed for permanency and these should be removed after 5 years or when the business ceases to operate from this site.

On balance I therefore recommend approval subject to the conditions below.

#### Recommendation

**That planning permission is approved (partly in retrospect) subject to the conditions and reasons shown below**

#### Conditions

01

The structures hereby permitted shall be removed and the land restored to its former condition on or before 7<sup>th</sup> December 2026 or when the premises cease to be occupied by the existing leaseholders/applicant, whichever is the sooner.

Reason: To allow the existing occupier to expand but whilst recognising that the nature of the structure and the position in a countryside location make it unsuitable for permanent permission.

02

There shall be no external lighting installed on site unless prior details have first been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and measures to reduce overspill and light pollution and shall be retained for the lifetime of the development. The internal lighting shall be installed and retained in accordance with the details contained within this application (maximum of 150 lumens) and shall only be switched on between the hours of 0700 and 1800 on any day.

Reason: In the interests of residential and visual amenity.

03

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference

Amended Location Plan, drawing no. 70-001 Rev P04

New Temporary Shed 101, P01 1/1

New Temporary Shed 102, P01 1/1

Topographical Survey

Proposed Site Plan, 70-002 Rev P04

Reason: So as to define this permission.

#### Notes to Applicant

01

The applicant is required to make a formal application for an Environmental Permit from Environmental Health at Newark & Sherwood District Council if they have not already done so.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

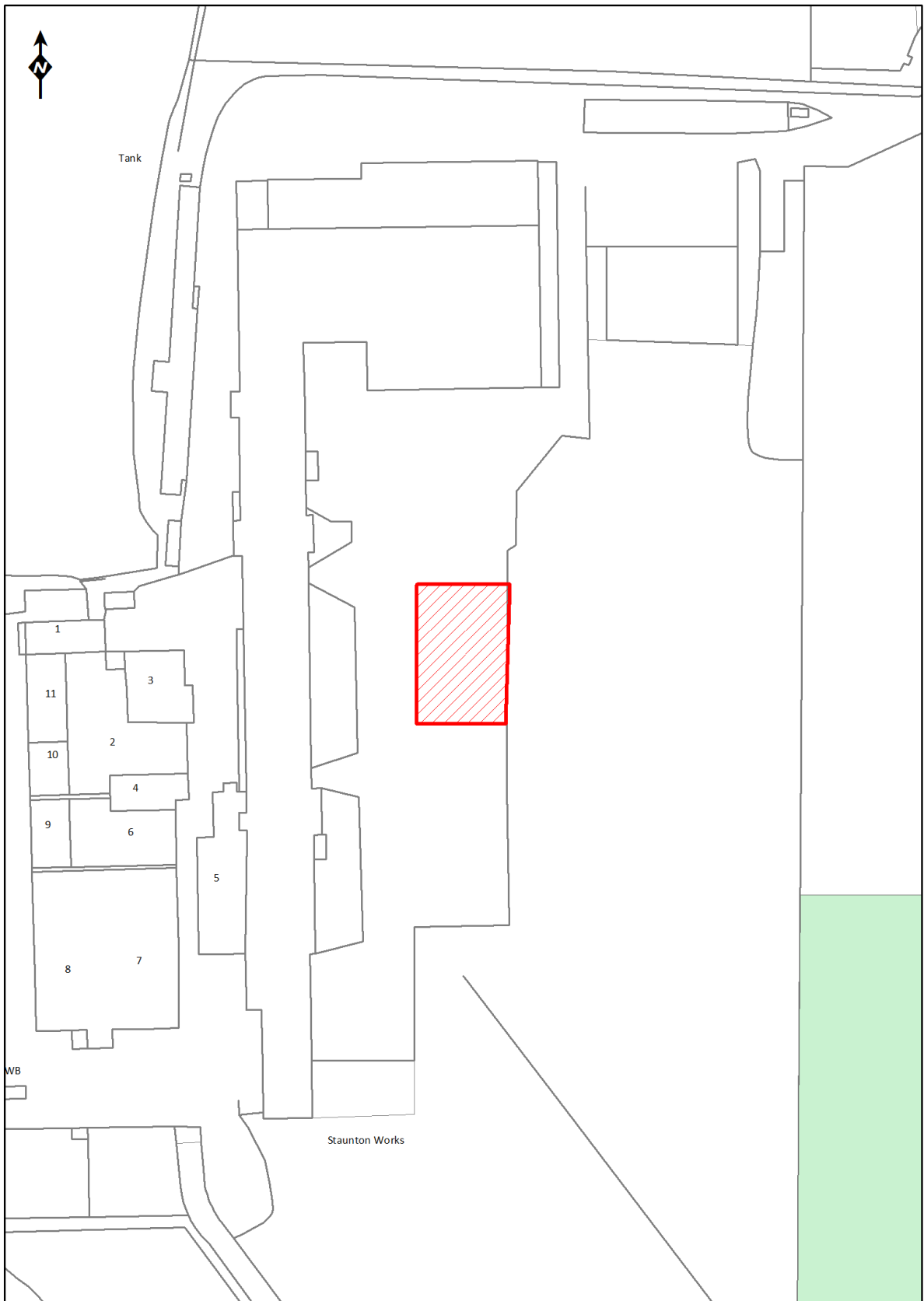
#### BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**





## PLANNING COMMITTEE 6 DECEMBER 2021

<b>Application No:</b>	<b>21/02104/FUL</b>	
<b>Proposal:</b>	<b>Replacement Dwelling</b>	
<b>Location:</b>	<b>Bramley Hedge, Boat Lane, Bleasby, NG14 7FT</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs G Staniforth</b>	
<b>Agent:</b>	<b>GraceMachin Planning &amp; Property</b>	
<b>Registered:</b>	<b>28<sup>th</sup> September 2021</b>	<b>Target Date: 23<sup>rd</sup> November 2021</b>
		<b>EOT: 8<sup>th</sup> December 2021</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>	

The application is presented to the Planning Committee as it is a departure from development plan with a recommendation of approval, in line with the adopted Scheme of Delegation.

### The Site

The application site relates to an existing detached bungalow, accessed off a private driveway to the south west of Boat Lane, Bleasby. The existing site contains a 3 bed bungalow, outbuildings and associated land. The footprint of the existing buildings on site equates to 144.33 m<sup>2</sup>. The site is partially screened by trees and hedgerow, abutting Boat Lane.

There are no other residential properties within 100m of the application site. A holiday rental site for caravans lies to the north east and north west. Other than this, the site is surrounded on all sides, by open fields.

The site is situated to the north east of the settlement of Gibsmere and Bleasby lies to the north and north west.

The site lies within Flood Zone 3 as defined by the Environment Agency's flood mapping.

### Planning History

**21/00733/FUL** - *Replacement Dwelling*. Application Refused 27<sup>th</sup> August 2021 for the significant increase in built form and position within the site in comparison to the existing dwelling which would result in a material adverse impact on the character and appearance of the site and surrounding open countryside. The proposed dwelling was not considered to be of a similar size or scale to that being replaced. In addition to this, the proposal failed to satisfy all three tests set out within Part 5, Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended).

**20/02400/HPRIOR** - *Householder prior approval for the enlargement of a dwelling by an additional storey. Height of building increased by 2.75m. New height of the building is 8.75m.* Prior Approval Required and Granted 12<sup>th</sup> January 2021.

## The Proposal

The proposal seeks planning permission for the demolition of all existing buildings on the site and the erection of a two-storey 3-bed dwelling. The replacement dwelling would be positioned in a relatively similar position in the site.

The existing dwelling has a footprint of approximately 100.58m<sup>2</sup> (excluding any outbuildings). The new dwelling has a footprint of approximately 155.96 m<sup>2</sup> (which represents a 55.06% increase) it is two storey in height, with the ridge height measuring approximately 8.75. Gross Internal Area of the existing dwelling measures approximately 82.96 m<sup>2</sup> excluding the outbuildings and garage and the proposed dwelling measures 175.64 m<sup>2</sup>, which is an increase of 111.72% over the existing.

The following drawings and documents have been submitted with the application:

- Application Form, received 28<sup>th</sup> September 2021;
- Topographical Survey, ref 20-257-01. Received 28<sup>th</sup> September 2021;
- Building Layout Plan, ref 20-257-02. Received 28<sup>th</sup> September 2021;
- Basic Building Elevations, ref 20-257-03. Received 28<sup>th</sup> September 2021;
- Proposed Floor Plans, ref 2044-110. Received 28<sup>th</sup> September 2021;
- Proposed Elevations, ref 2044-210. Received 28<sup>th</sup> September 2021;
- Proposed Elevations, ref 2044-211. Received 28<sup>th</sup> September 2021;
- Site Location and Block Plan, ref 2044-PL-001. Received 28<sup>th</sup> September 2021;
- Existing Site Plan, ref 2044-PL-050. Received 28<sup>th</sup> September 2021;
- Proposed Site Plan, ref 2044-PL-060 Rev A. Received 28<sup>th</sup> September 2021;
- Bat Activity Surveys: Final Report (July 2021), undertaken by Archer Ecology. Received 28<sup>th</sup> September 2021;
- Design and Access Statement, received 28<sup>th</sup> September 2021;
- Flood Risk Assessment (January 2021), undertaken by Roy Lobley Consulting. Received 28<sup>th</sup> September 2021;
- Natural England Licence Return Form. Received 28<sup>th</sup> September 2021;
- Planning Statement, received 28<sup>th</sup> September 2021;
- Proposed Elevations, ref 2044-210 Rev A. Received 13<sup>th</sup> October 2021;
- Proposed Elevations, ref 2044-211 Rev A. Received 13<sup>th</sup> October 2021.

## Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter.

A Site Notice was posted near the site on the 10<sup>th</sup> October 2021, an advertisement was placed in the Newark Advertiser on the 7<sup>th</sup> October 2021.

## Planning Policy Framework

### The Development Plan

#### **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 9 – Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character

### **Allocations & Development Management DPD**

Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM8 – Development in the Open Countryside  
Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2021
- Planning Practice Guidance online resource
- Newark and Sherwood Landscape Character Assessment SPD
- Residential Cycle and Car Parking Standards Design Guide SPD 2021
- District Wide Housing Needs Assessment (December 2020)

### **Consultations**

**Bleasby Parish Council** – *This application was considered at the meeting of Bleasby Parish Council on Monday 11 October 2021. The Parish Council SUPPORTED this application.*

**NCC Highways** – *Please note that our standing advice is applicable for this proposed development.*

**The Environment Agency** – *The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is included and informatives are added to the application.*

**Tree Officer** – *Proposal is acceptable subject to recommended conditions.*

**NCC Rights of Way** – *No Comments Received.*

**Ramblers Association** – *No Comments Received.*

***No representations have been received from neighbouring/interested parties.***

### **Comments of the Business Manager**

#### **Principle of Development**

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Council's position is that it can demonstrate a 5 year housing supply. Therefore the Development Plan is up-to-date for the purpose of decision making.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD (Policy DM8).

Development in the Open Countryside is then to be assessed under Policy DM8 which under subsection 3 refers specifically to new and replacement dwellings. The policy states that *"Planning permission will be granted where it can be demonstrated that the existing dwelling is in lawful residential use and is not of architectural or historic merit. In the interests of minimising visual impact on the countryside and maintaining a balanced rural housing stock, replacement dwellings should normally be of a similar size, scale and siting to that being replaced."*

The existing bungalow represents a lawful residential use and it is of modern construction with no architectural or historic merit.

The principle of a replacement dwelling in the open countryside is therefore acceptable subject to the criteria set out within this policy including consideration of whether the replacement dwelling would be of a similar size, scale and siting to that being (as considered in more detail in the 'Impact on the Character and Appearance of the Area' section below) .

#### Impact on the Character and appearance of the area

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Core Policy 13 expects development proposals to positively address the implications of the Landscape Policy Zones in which the site lies and demonstrate that the development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The NPPF advocates that where a development is comprised of a poor design, which fails to take the opportunities available to it into account, for the purpose of improving both the character and quality of an area (including, the way it functions), then planning permission should be refused.

The application site lies within Landscape Character Policy Zone TW PZ 09 (Bleasby, Fiskerton and Morton Village Farmlands) with a policy to 'Conserve'; distracting features are noted as 'few' and the visual unity is 'strongly unified'. Core Policy 13 states that new development should positively address the relevant policy landscape zones. The Landscape Character Assessment SPD states that development within this area should be contained within historic boundaries, as to conserve the historic field pattern and any new development should respect the scale, design and materials used traditionally. As the proposal site lies outside of the settlement, within the open countryside

and is surrounded to the east, west and south by agricultural fields, it will be particularly prominent within the landscape. This is due to its scale, mass and the topography of the site.

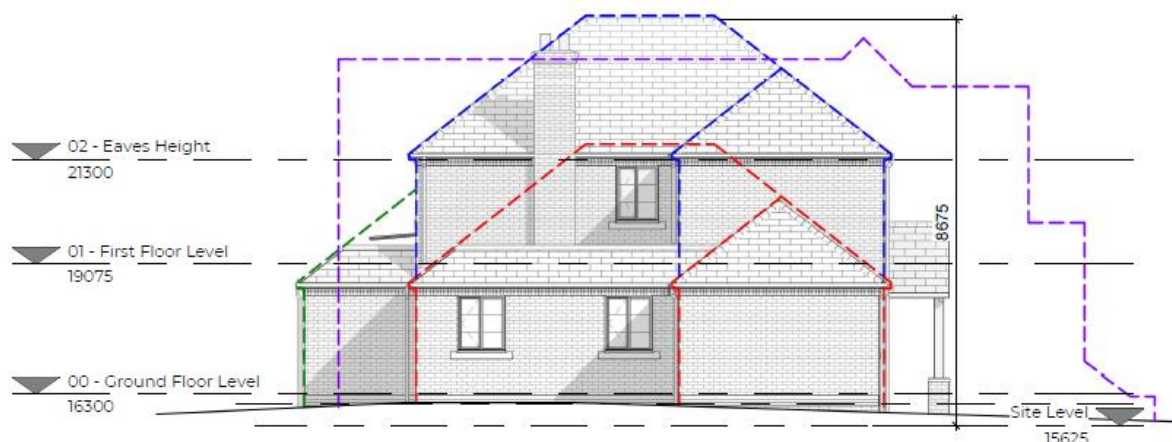
Prior approval was granted on the 21<sup>st</sup> January 2021 (20/02400/HPRIOR) for an additional storey under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It is considered that this fallback position carries significant weight when considering this application submission. The reasons for this are set out within the sections below.



## Front (NE) Elevation

The Elevation Plan above provides comparison showing the existing dwelling (outlined in red), the Class AA additional floor approved under 20/02400/HPRIOR (in blue) and the previously refused scheme under 21/00773/FUL outlined in purple against the proposed scheme. The Front (NE) Elevation would face Boat Lane. Although set back, it is inevitable this would be visible. The proposed plan shows the only additional elements seen from Boat Lane would be the single storey side extension, which the applicant has stated could be undertaken under the provisions of permitted development rights that apply to the existing bungalow (hashed in green).

A public footpath runs along the eastern boundary of the site, the proposal would be highly visible due to the low lying hedging surrounding the site being the many boundary feature.



### Side (SE) Elevation

Applying the same key as stated above, again it can be seen that the only difference in the proposal from 20/02400/HPRIOR is same single storey side extension, front porch addition and single storey rear extension. This footpath also runs alongside ‘The Manor House’, situated approximately 180m to the rear of the site, this residential dwelling is considered to sit within the built form of the settlement of Gibsmere. This demonstrates that it is not uncommon to view built structures when using this footpath. Although the proposed dwelling would be two storey, the proposed elevations demonstrate that the roof type would be similar to the character of the existing bungalow. It is considered, on balance with the Class AA fallback position that the size and design of the proposed dwelling would not introduce an intrusive structure when viewed from both Boat Lane and the public footpath.

By way of background, the refused scheme (application no. [21/00733/FUL](#)) had a proposed footprint of 157 m<sup>2</sup> which represented a 56.09% increase. The proposal was two storey in height, with the ridge height measuring approximately 7.76m. The gross internal area of the existing dwelling measures approximately 82.96m<sup>2</sup> excluding the outbuildings and garage and the proposed dwelling measured 220.06m<sup>2</sup>, which was an increase of 165.26% over the existing. All of the existing outbuildings were proposed for removal in the refused scheme. In comparison to this application, the single spaced garage would remain to the west of the proposed dwelling, as would the container, woodshed and store to the north east.

	<b>20/02400/HPRIOR Class AA Fall Back</b>	<b>Proposed Dwelling</b>	<b>% Increase</b>	<b>Existing Dwelling</b>	<b>Proposed Dwelling</b>	<b>% Increase</b>
<b>Footprint</b> (measured externally)	100.58 m <sup>2</sup>	155.96 m <sup>2</sup>	55.06%	100.58 m <sup>2</sup>	155.96 m <sup>2</sup>	55.06%
<b>Floor Space</b> (measured internally)	178.68 m <sup>2</sup>	175.64 m <sup>2</sup>	-1.70%	82.96 m <sup>2</sup>	175.64 m <sup>2</sup>	111.72%

<b>Height (ridge)</b>	Single Storey Elements	N/A	4.54m	N/A	4.23m	4.54m	7.33%
	Highest Ridge Height	8.75m	8.75m	0%	6.0m	8.75m	45.83%

*N.B All measurements are approximate and do not include any outbuildings.*

As demonstrated in the above table, the scheme would create less floorspace than that approved under permitted development. The highest ridge heights would also be the exact same as previously permitted under 20/02400/HPRIOR meaning the proposal would not further impact the openness of the countryside when compared to the Class AA fallback. Given this, it is considered that this fallback position carries significant weight when considering this application submission. The figures above show the increase in floor space by 111.72% when comparing the existing and proposed dwelling which would not be similar in size, scale or siting to the dwelling being replaced. However, in now being the same height and lesser floor area than 20/02400/HPRIOR, the character and impacts of the proposed replacement dwelling would be severely reduced in comparison to 21/00733/FUL. Although the proposal itself would represent a modern design and evident increase in scale and size, it is accepted that the design has been altered to ensure there will be no greater impacts to the openness of the countryside than the fallback position. This is considered to represent a material consideration that justifies a departure from Policy DM8 in this instance.

In visual terms, it is considered the proposal would visually appear to be both sensitive and appropriate within its overall context. In order to ensure that the site does not adversely impact the open countryside through further development, it considered reasonable to remove permitted development rights by condition (if approved) to ensure the Local Planning Authority retains control over any future alterations to the scheme, and avoid large extensions/alterations to the development that could cause harm to the character and appearance of the open countryside or the character of the host dwelling.

Overall, the proposal is considered to overcome the previous reasons for refusal and would not conflict with Core Policies 9 and 13 and the relevant elements of Policy DM5.

#### Housing Mix and Density

Core Policy 3 states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need.

The district wide Housing Needs Assessment (December 2020) has identified that within the Southwell Sub-Area that 3 or more bedroomed bungalows currently make up 6.1% of the housing stock with the market need profile being 15.2%. The current stock profile for 3 bedroom homes is 29% with the market need being 33.3%. As it stands, the need for a 3 or more bedroom bungalows as part of the rural housing stock is greater than the need for 3 bedroom houses. However, the Housing Needs Assessment still identifies a need for 3 bedroom homes which this proposal would deliver.

#### Impact on Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Furthermore, the NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

The application site is situated within the Open Countryside with no residential dwellings in close proximity. The closest residential property, Meadowcraft, a small bungalow is approximately 110m away. As such it is not considered this proposal will adversely affect residential amenity and is therefore considered to comply with the relevant policies.

### Impact on Flood Risk

The application site falls within Flood Zone 3 as shown on the Environment Agency's Flood Map for Planning.

Core Policy 10 'Climate Change' of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones. Paragraphs 159 to 163 of the National Planning Policy Framework (NPPF, 2021) advise that more vulnerable uses such as new dwellings (Table 2 of the PPG) should not be permitted in these areas unless both the sequential test and exception test are passed.

In terms of the sequential test, it is accepted that development may be deemed necessary in this case, as the proposal is to replace an existing dwelling. However, the proposal would still need to satisfy the exception test, by demonstrating that a) it would provide wider sustainability benefits to the community that outweigh the flood risk; and it will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall (para. 164 of the NPPF).

The application has been supported by a Flood Risk Assessment in which the ground floor level of the replacement dwelling will be set at 16.30m Above Ordnance Data (AOD) where the highest possible breach in the area is 16.20 AOD. Thus, the replacement dwelling will reduce flood risk by having raised floor levels and a 1<sup>st</sup> floor safe refuge. The Environment Agency has been consulted and concluded that the proposed development will meet the NPPF requirements subject to conditions set out in the above comments.

In this regards, the proposal is deemed to comply with the relevant polices.

### Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that the vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.



Boat Lane is a single track road, which terminates at a Nursing Home (Hazleford Residential Home) located approximately 400m from the application site. As such, the highway carries a limited volume of moving traffic. The existing access to the dwelling will remain in situ as part of the development. The proposed vehicular entrance/exit point is considered to be acceptable to serve the proposed dwelling and there would be ample turning and parking amenity within the site. The existing garage on site is to be retained and two uncovered parking spaces have been demonstrated on the Proposed Site Plan (2044-PL-060 Rev A), I am therefore satisfied that the proposal complies with the Residential Cycle and Car Parking Standards Design Guide SPD 2021 and will not result in any unacceptable highway safety concerns.

### Impact on Ecology

Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations & Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The preliminary survey required further bat emergency surveys to be undertaken. The follow up surveys confirmed that there is a single common pipistrelle emerge/re-enter a gap underneath a lifted roof tile and close to the apex of the east-facing gable of the property. The bat had reached the roost site via an intact hawthorn hedgerow and there was no other evidence of roosting activity recorded during the survey; with the roost site likely occupied by a single bat. The inspection of the loft interior did not produce any evidence of current roosting activity and no bats were recorded to enter or emerge from the loft. The works proposed would result in the demolition of the existing property and therefore a transitional/summer day roost accommodating a single common pipistrelle bat would be lost. A Natural England European Protected Species (EPS) development license was ascertained prior to the submission of this application. The single bat was relocated within the correct seasonal timeline.

It is therefore believed this application has met the criteria of all three derogation three tests set out in Regulation 53 of the Habitats Regulations as a license has already been granted. Therefore the submission complies with the aims of Core Policy 12 and paragraphs 174 and 180 of the NPPF.

### Impact on Trees

Mature trees and hedgerow often provide a habitat for a variety of species, some of which may be protected by law. Core Policy 12 'Biodiversity and Green Infrastructure' of the Amended Core Strategy DPD requires proposals to take into account the need for continued protection of the District's ecological assets. Policy DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management DPD seeks to secure development which protects, promotes and enhances green infrastructure. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The Tree Officer has reviewed the application submission and raised no objections. In order to ensure that the trees on site are protected during construction, an arboricultural method statement and scheme for protection has been requested to be conditioned. This is alongside prohibited activities that cannot take place on site to ensure the trees protection.

## **Planning Balance and Conclusion**

The site is located within the 'Open Countryside,' where upon the principle of a replacement dwelling at the site is considered acceptable, subject to compliance with the criteria as set out within Policy DM8. In particular, the siting, size and scale of the replacement dwelling should be similar to that of the existing dwelling. The proposed size and scale of the dwelling is not considered to be similar to the existing dwelling which means that the proposal represents a departure from the requirements of Policy DM8.

The proposal would however, result in an improved design and scale compared to the previously refused application and would be considered acceptable in visual amenity terms. Nor would the proposal would not result in any adverse flood risk, residential amenity, biodiversity impacts or highway safety impacts. A genuine fall-back position exists in the form of extant application 20/02400/HPRIOR for works under Class AA. This fall-back position is considered sufficient to justify the proposed development in this instance.

In light of the above assessment, the proposal is considered acceptable subject to its full compliance with the conditions set out below.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions.

### **Conditions**

01

The development, hereby permitted, shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the 'Planning and Compulsory Purchase Act 2004.'

02

The development, hereby permitted, shall not be carried out except in complete accordance with the following-approved plans:

- Proposed Floor Plans, ref 2044-110. Received 28th September 2021;
- Proposed Elevations, ref 2044-210. Received 28th September 2021;
- Proposed Elevations, ref 2044-211. Received 28th September 2021;
- Site Location and Block Plan, ref 2044-PL-001. Received 28th September 2021;
- Proposed Site Plan, ref 2044-PL-060 Rev A. Received 28th September 2021;
- Proposed Elevations, ref 2044-210 Rev A. Received 13th October 2021;
- Proposed Elevations, ref 2044-211 Rev A. Received 13th October 2021.

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

04

The development shall be carried out in accordance with the submitted flood risk assessment report reference: RLC/0696/FRA01 prepared by Roy Lobley Consulting on the 27th January 2021 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 16.30 mAOD (metres Above Ordnance Datum)
- The proposed development shall incorporate the flood resilient measures recommended within section 5.7 of the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

05

No part of the development, hereby permitted, shall be occupied until both a 'Flood Warning and Action Plan' has been both submitted to and approved in writing by the Local Planning Authority. The Plan shall include the provisions for signing up to the Environment Agency's Flood Warning Service, for all occupants to receive an early warning of any potential-flood events; details of how information would be disseminated; and finally, how the development's occupants would be evacuated.

Reason: To safeguard the development's occupants against the risk of flooding.

06

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers .
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).

- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation

07

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

08

No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards.

Reason: In the interests of visual amenity and biodiversity.

09

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

10

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority through the seeking of either a non material amendment or a subsequent discharge of condition application.

Reason: In the interests of visual amenity.

11

No development shall be commenced beyond demolition of the existing bungalow until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

12

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

#### Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved.

Full details about the CIL Charge including, amount and process for payment will be set out in the

Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and English Nature notified so that appropriate advice can be given to prevent the bats being harmed. English Nature can be contacted at the following address: The Maltings, Wharf Road, Grantham, Lincolnshire, NG31 6BH – (tel: 01476 584800).

04

All future occupants of the development, hereby permitted, must sign up to receive Environment Agency Flood Warnings by either phone, email or text message; this is a free service, which is provided at <https://www.gov.uk/sign-up-for-flood-warnings>

05

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

06

This permission shall not be construed as granting rights to carry out works on, under or over land not within the ownership or control of the applicant.

07

The applicant is advised to refer to BS 5837:2005 – A Guide to the Protection of Trees in Relation to Construction prior to the development being commenced.

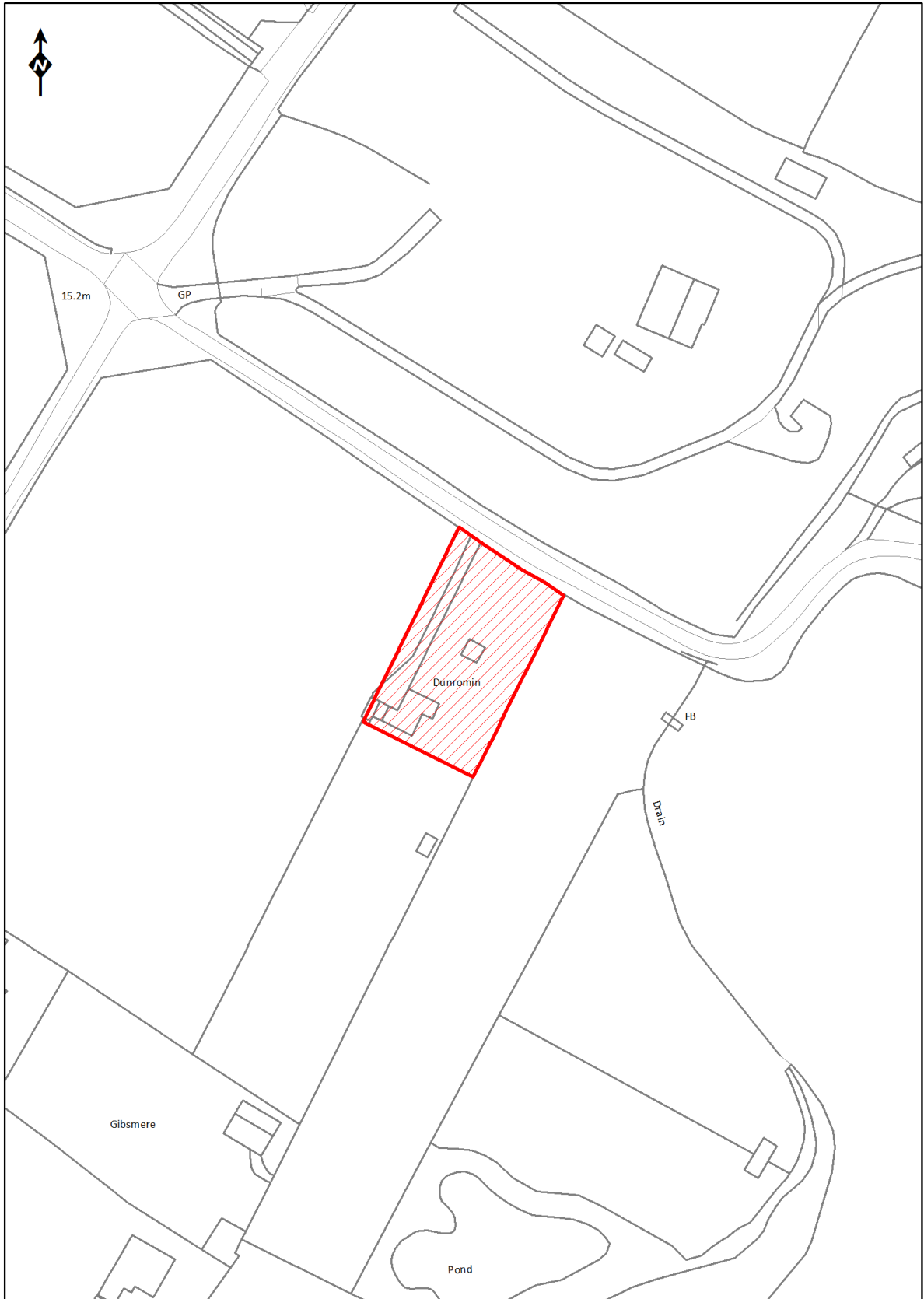
#### BACKGROUND PAPERS

Application case file.

For further information, please contact Isabel Verheul on extension 5860.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**



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## PLANNING COMMITTEE 6 DECEMBER 2021

<b>Application No:</b>	<b>21/02082/FUL</b>
<b>Proposal:</b>	<b>Practice Pitch and Nets</b>
<b>Location:</b>	<b>Hoveringham Cricket Pitch Main Street Hoveringham NG14 7JR</b>
<b>Applicant:</b>	<b>Hoveringham Cricket Club - Mr David Armitage</b>
<b>Agent:</b>	<b>Dab: Architectural Consultancy Limited - Mr Dickon Birkin</b>
<b>Registered:</b>	<b>04.10.2021</b> <b>Target Date: 29.11.2021</b>
	<b>Extension of Time Agreed Until 10.12.2021</b>
<b>Website Link:</b>	<a href="https://www.newark-sherwooddc.gov.uk/21/02082/FUL">21/02082/FUL   Replacement Practice Pitch and Nets   Hoveringham Cricket Pitch Main Street Hoveringham NG14 7JR (newark-sherwooddc.gov.uk)</a>

**This application is being referred to the Planning Committee for determination by the local ward member Cllr Jackson due to the site being inappropriate and that the development should be at an alternative site within the grounds which are in a safer position. Cllr Jackson has also commented that the development is not acceptable in the middle of a conservation area, and so close to the public footpath affecting public amenity.**

### The Site

The application site is a narrow rectangular plot of land immediately adjacent to the cricket pavilion for Hoveringham Cricket Club and the grounds of the pitch to which the pavilion serves.

The site is set back some distance west of Main Street where the cricket club is accessed from. There are numerous residential curtilages fronting Main Street to the east and north east of the site as well as the Reindeer Public House.

There is a right of way which runs along the southern boundary of the site. The site is washed over by the Nottingham Derby Green belt and is in Flood Zone 3 according to the Environment Agency maps. The site is also within the designated conservation area.

### Relevant Planning History

The following planning history relates to the wider surrounding area:

**20/00620/FUL** - Change of use of agricultural land to use as practice pitch/nets (D2) - *Application approved May 2020.*

**19/01192/FULM** - Extension to existing pavilion and change of use for 2no. areas of land from Agricultural Land to D2 to allow for all weather practice pitch - *Application withdrawn prior to determination.*

There are also applications in relation to the cricket club land within the applicants ownership:

**20/00458/FULM** - Extension to pavilion to create larger changing room, scorer box, additional WC and first floor viewing platform - *Application approved May 2020.*

**18/01824/TWCA** - T1 - Black Poplar - fell to 1m above ground, T2 - Black Poplar - fell to 1m above ground, T3 - Black Poplar - fell to 1m above ground, T4 - T12 - Black Poplar - Pollard to 6m - *Application approved.*

**16/00718/FUL** - Proposed Groundsman's Shed and Patio - *Application approved July 2016.*

**07/01559/FUL** - Erection of a new cricket pavilion - *Application approved December 2007.*

### The Proposal

The application seeks full planning permission for a practice pitch and net totaling approximately 120.5m<sup>2</sup> in land take. The pitch would be approximately 33m in length and 3.65m in width. It would be positioned towards the northern boundary of the overall cricket pitch. Netting of a total height of 4m would surround the facility and would be supported by galvansied steelwork/posts. The ground surface would comprise a green carpet (and part blue border) over a hardcore base.

It is stated that the development) would be in lieu of the approved pitch/nets from the May 2020 application (20/00620/FUL).

The original description of development referred to the development as being 'replacement' practice pitch and nets but it has been confirmed that the previous nets have already been removed and therefore the description has been amended to reflect this.

The exact specifications are included in the submitted Design and Access Statement along with confirmation that the facility would not include lighting.

The application has been considered on the basis of the following plans and documents:

- Perspective Views and Details – EN 02;
- Supporting Statement including Heritage Statement Project Ref: 0237-223 (Rev. A);
- Location & Site Plan as Existing – 0237-210B;
- Location & Site Plan as Proposed – 0237-222D.

### Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

### Planning Policy Framework

### The Development Plan

## **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 4A – Extent of the Green Belt

Spatial Policy 4B– Green Belt Development

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

### **Allocations & Development Management DPD**

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

### **Other Material Planning Considerations**

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

### **Consultations**

**Hoveringham Parish Council** – Hoveringham PC is supportive of the Cricket Club, however, in the light of residents objections and concerns over safety and visual amenity, believes the proposed location to be unsuitable and OBJECTS to the application.

The PC makes the following comments:

1. It is not clear whether the nets are fully enclosed and whether balls can escape from the nets.
2. The space allowed for the footpath is still too narrow given the popularity of the footpath and also depends on good hedge maintenance
3. The proposed nets have a substantial visual impact in the proposed location being 4m high and 33m in length
4. The previous application resulted in a village meeting that is referred to in the accompanying letter with the application. However the meeting considered a completely different location and cannot be taken as support for the current application.

**NSDC Conservation** – Do not wish to offer formal comments. This is a strictly neutral comment, and does not prejudice any decision made by the Council.

**NSDC Environmental Health** - The nature of cricketing practice and related noises are not well suited to objective measurement and assessment compared to other environmental noise

sources. There are no particularly relevant noise criteria, and use of other criteria may not provide an effective assessment of noise impact.

Accordingly it can be difficult to determine whether a proposed use of a cricket net is likely to result in an impact on residential amenity. This would depend on its location, the proximity to residential property, and the time, duration and frequency of use. Some noise will be inevitable and should be expected, and the onset of audibility will not equate to a threshold for enforcement action.

It may therefore be appropriate at this stage to consider in detail the mitigation measures that could be employed to minimise noise from cricket nets. While controls might in some circumstances involve a prohibitive approach, a regulated approach is usually more appropriate i.e. a set of conditions to be applied that specify the nature and extent of the net and its use.

Any controls would of course need to take in to account the need to balance the rights and expectations of the cricket club to use the land for cricket related activities, with the rights and expectations of residents in relation to uninterrupted / partially compromised amenity.

**NCC Rights of Way** – Original comments raising concern that the public footpath not been acknowledged. Latest comments acknowledge presence of footpath but raise issue to discrepancy in measurements:

There seems however to be some discrepancy between the measurements shown on the amended site plan and what is on the ground. Clarification is sought as to where the measurement of 3600mm distance between the blue line boundary and the proposed northern edge of the practice pitch. The boundary at this point is a mature hedgerow spanning several metres in width. If this measurement is from the inmost edge of the hedgerow then the gap of 3600mm will give adequate width to accommodate the Public Footpath (at 2000mm wide) and allow for hedge growth.

Currently the part-built foundation base of the practice pitch appears on the ground to be less than a metre away from the face of the hedgerow at its eastern end. Moving it further into the cricket field by 1000mm would therefore not be enough to provide a minimum 2000mm wide path and would not be acceptable.

The applicant will need to demonstrate and ensure that the public will be kept safe at all times when using the Public Footpath and any nets alongside the path are adequate to protect the public. It is understood that there is an existing temporary closure order (6 months) on the footpath to allow the new cricket field re-seed to establish. This will enable the Cricket Club to protect the safety of path users during the construction phase of the proposed development.

**Ramblers Association** – Object on the basis that the applicant has failed to mark on the site plan the existence of the Right of Way.

**Sport England** – No objections.

**6 letters of objection have been received, details of which can be summarized as follows:**

- The hardstanding blocks the footpath and an entrance into adjoining land;
- There have never been permanent practice nets at the ground;

- The nets are next to an ancient hedgerow and there is no assessment have the application will affect the wildlife;
- The nets will negatively affect public amenity;
- Measurements on the plan vary to what is on the site;
- No mention or description of netting or fabric to be used;
- Application form incorrect;
- Public meeting not called for the retrospective application;
- One must argue that if in 2019 there was not enough space on the existing cricket ground for practice nets, by the applicant's own admission there is not enough space in 2021 and the proposal must be compromising safety of the players and inconvenience for the residents and danger to the users of the footpath No 7;
- Question the accuracy of the revised plan;
- The current site is a much more prominent location not close to the pavilion so will reduce openness on the Green Belt;
- The new nets will be far more prominent in the Conservation Area than the previous approval;
- The nets will be visually more prominent to neighbours and could lead to problems of noise and disturbance;
- A condition should be imposed to prohibit their use to prevent the use of mobile movable lights;
- The Conservation comments refer to a different part of the cricket pitch but the previous application was on agricultural land;
- Access is restricted to neighbouring driveways during cricket season – this facility would encourage increased attendance;
- Access to neighbouring fields will be required at least 3 times a day and the current space between the concrete pad and the hedgerow will not allow for vehicular and trailer access;
- There would be a bottleneck on the public footpath;
- Hoveringham is a village not a sports centre;
- The site notice was not readable;
- Full consideration of access to the neighbouring land; footpath; visitors, pub goers and neighbours and their safety needs to be a priority;

**An additional letter of support has been received summarised as follows:**

- This is an appropriate location for a sports training facility;
- The facility is water compatible;
- From a design prospective if cricket nets were deemed appropriate in design for green belt land as per application 20/00620/FUL then now they are proposed to be constructed on land designated as playing fields then design would seem even more appropriate;
- There would be no harm to neighbouring amenity – use would be limited to daylight hours;
- Healthy and active lifestyles should be encouraged;
- The cricket club should be supported.

Comments of the Business Manager

Preliminary Matters

During the life of the application Officers amended the wording of the description of the development to include 'part retrospective' on the basis of unauthorised works that have taken

place on site (laying of hardcore). However, as is discussed further in the appraisal section below, the unauthorised works no longer form part of the proposal as the application has been amended to move the facility away from the public right of way. The unauthorised works are therefore entirely separate to the current application and would need to be subject to separate enforcement processes. As a consequence, the description no longer refers to the development being retrospective.

### Principle of Development

Chapter 13 of the NPPF confirms the great importance to which the government attaches to Green Belts. Paragraph 147 outlines that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

New buildings should be regarded as inappropriate in the Green Belt except for where they are for the numerous exceptions referenced at paragraph 149. One of the exceptions is for buildings which provide the provision of appropriate facilities for outdoor sport as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Although the nets facility would not constitute a building per se, it would fall within the definition of development being of a permanent construction. The structure would have an approximate footprint of 120.5m<sup>2</sup> with a height of 4m. However, the very design of the structure allows it to display a certain degree of transparency which would prevent it becoming a stark feature of the landscape which would interrupt the openness of the Green Belt. The facility would sit close to the existing cricket pavilion but some 2.5m lower than the pavilions pitch height (which is 6.5m).

It is noted that the proposal is submitted as an alternative to an approved scheme from 2020. The previous application was in a different location to the west of the pavilion and had a larger footprint of approximately 186m<sup>2</sup>. If this application were to be approved, and both this and the extant scheme were to be brought forwards, then Officers consider that cumulatively there could be harm to the openness of the Green Belt.

The agent has confirmed that the applicant does not own the land subject to the extant scheme and therefore the only way to control the extant scheme not coming forwards if this one were to be approved is through an associated legal agreement. This is in the process of being drafted and would need to be sealed before any decision could be issued.

On the basis that only the current proposal can come forwards, the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The proposed facilities are reasonably related to outdoor sport and therefore the principle of the development is acceptable subject to an assessment against the remainder of the Development Plan undertaken below.

### Impact on Flood Risk

The site is within Flood Zone 3 and thereby at a high probability of river flooding. The NPPG, at Table 2, categories flood risk vulnerability and explicitly identifies that essential facilities such as changing rooms are considered to be water-compatible development. Whilst this application isn't for changing rooms, the facilities are considered a reasonable comparison which would render the same advice applicable. Table 3 in turn confirms that water compatible development is

appropriate is Flood Zone 3.

However, Table 3 does not prevent the need to apply the Sequential Test in an attempt to direct development to areas at lower risk of flooding. In this case, given that the facilities would serve an existing use adjacent to the site, there would be no other location more sequentially preferable for the development.

It has been confirmed that the pitch would be laid at a slight gradient so that any water can drain off to a prepared permeable surface with an appropriate sub-base to absorb the run of water. Given the limited land take of the nets facility and the drainage arrangements proposed, I am satisfied that the development will be safe throughout its lifetime and not increase flood risk elsewhere in line with the Environment Agency's Standing Advice.

#### Impact on Character Including the Setting of the Public Right of Way and Character and Appearance of the Conservation Area

Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive.

Policy DM5 also confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9. The policy requires that development must promote local distinctiveness and protect heritage assets (including their setting).

As is referenced above, the practice nets would be positioned close to the existing cricket pavilion at a lower overall height. In this respect they would be seen as largely subservient to the pavilion building. Nevertheless, there is a public right of way which runs along the southern boundary of the site and therefore the nets would undoubtedly be visible in their own context by the right of way users. Given the partial transparent nature of the nets, it is not considered that the proposal would be visually harmful to either the character of the area or the character and appearance of the Conservation Area (as noted above the Conservation Officer has raised no specific concerns). The proposal would therefore be acceptable against Core Policy 9 and Policy DM5 as well as the heritage principles of Core Policy 14 and Policy DM9.

#### Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The Design and Access Statement qualifies that the intention is for the proposed nets to be used on a weekly evening basis and before match commencement on match days. However, in reality it would not be enforceable to control the hours of usage and therefore an assessment must be made on the likelihood of the nets being used on a potentially more frequent basis.

The proposal does not include details of lighting and it is confirmed that no lighting is proposed as part of the development. The use of the nets would therefore be governed by daylight hours. The netting enclosure would assist in containing the associated noise of the ball being hit on a frequent basis (albeit for short periods of time). Officers have sought the advice of Environmental Health colleagues in relation to potential noise impacts. As per the comments above, it is acknowledged that the nature of the proposed use is not suited to objective measurement and assessment of noise. The comments do outline a number of measures which may mitigate noise which have been carefully considered. Firstly, it is suggested to control the hours of operation but as above this would be self governed by daylight hours and therefore it is not considered necessary to impose a separate condition. Other suggestions are made such as signage and the use of 'soft' training balls. Officers consider the most reasonable, enforceable and proportionate means of mitigation would be the inclusion of foam padding to the metal casing of the structure which would reduce the noise impacts of a ball striking the enclosure. A condition requiring further details of potential noise mitigation can be added to any forthcoming permission. The applicant has agreed to this in principle and also confirmed their intentions to install signage in any case.

Whilst it is accepted there could be usage into the evenings during the summer months, the associated noise and disturbance which can be expected is not considered harmful to neighbouring amenity in terms of noise and disturbance. This is particularly the case having regard to the established use of the site for cricket.

The Parish Council and the local Councillor have raised concerns regarding the enclosure of the nets and the potential for balls to escape. The agent has responded to this by submitting a photograph of what the nets would look like albeit the proposal is for one lane rather than the two shown below and the proposed nets will be fully enclosed (and lockable). On the basis of this specification, Officers are satisfied that the safety risk associated with the use of the nets would be extremely low and would not form a material planning consideration worthy of refusing the application.



*Illustrative image of proposed nets NB proposal is for one lane as opposed to two lanes as shown in image*



The modest height of the nets and the distance between residential properties (around 36m away to the east) and the site would mean that no harmful overbearing impacts would occur.

Given the specific and infrequent use of the development proposed, it is not considered that the proposal would amount to harm to neighbouring amenity against the relevant criteria of Policy DM5.

### Impact on Public Footpath

As is already referenced, the site is adjacent to a public right of way. A neighbouring party has raised concern that the concrete pad on the ground is obstructing the public right of way and is too close to the hedgerow. It is understood that the applicant has been in discussions with the Rights of Way team during the life of the application and it has been suggested that the applicant should move the net further from the hedge line so that the footpath could be used without hindrance. Updated plans have been received during the life of the application to this effect and a re-consultation has been undertaken with NCC Rights of Way Team.

NCC Rights of Way Team have queried the accuracy of the submitted plan (as has a neighbouring party). Essentially it is contended that based on what is on site at the moment, the hardcore base would need to be moved more than a metre away from the hedge to achieve the annotated 3.6m (taken from the centre of the hedgerow i.e. the legal boundary line). This is not necessarily disputed but in some respects is largely irrelevant given that what is on site at the moment would need to be subject to separate enforcement processes. If Members were minded to approve the application then the LPA would have the ability to enforce the submitted plans to ensure that a 2m distance remained from the edge of the hedge to the development to allow the effective and efficient use of the public right of way. On the basis that there would be 2m between the hedge and the edge of the development, the proposal is not considered harmful to the use of the right of way. An informative could be added to any decision to make the applicant clear of their duties in relation to the footpath.

### Other Matters

The proposal would enhance the facilities which serve the cricket facility and in doing so enhance the sporting offer of the overall site. This is considered as a benefit in terms of the enhancement of an established community facility.

The proposal has not included details of vehicular or parking arrangements other than to confirm that the site would be accessed via the existing arrangements for the cricket club. Given that the facility would serve the existing operations of the club it is not considered that the proposal would amount to significant additional trips to the site and therefore there is no concern in respect to the operation of the highways network.

### Conclusion

The development would enhance an existing community facility. The physical form of the development, namely the nets structure, is modest in height and would be read alongside the existing pavilion building adjacent to the site such that no harmful impact on the openness of the green belt. No other adverse character, heritage or amenity impacts have been identified. Overall, no other harm has been identified which would outweigh the benefits of the proposal and the proposal is therefore recommended for approval subject to the conditions outlined below.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below and the sealing of a legal agreement to prevent the extant scheme being implemented.**

### Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and details:

- Single Lane 33m Open System 33m x 3.65m – EN 01;
- Perspective Views and Details – EN 02;
- Location & Site Plan as Proposed – 0237-222D.

Reason: So as to define this permission.

03

Prior to the development hereby approved being brought into use, a scheme for the mitigation of potential noise impacts shall be submitted to and approved in writing by the local planning authority. This should include the provision of foam padding to the metal enclosure. The agreed measures shall thereafter be implemented in full prior to the development being brought into use and retained for the lifetime of the development.

Reason: To reduce noise impacts in the interests of residential amenity.

### Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the footpath or materials unloaded or stored on the Footpath so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
- If a skip is required and is sited on a highway, which includes a Public Footpath then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately

#### BACKGROUND PAPERS

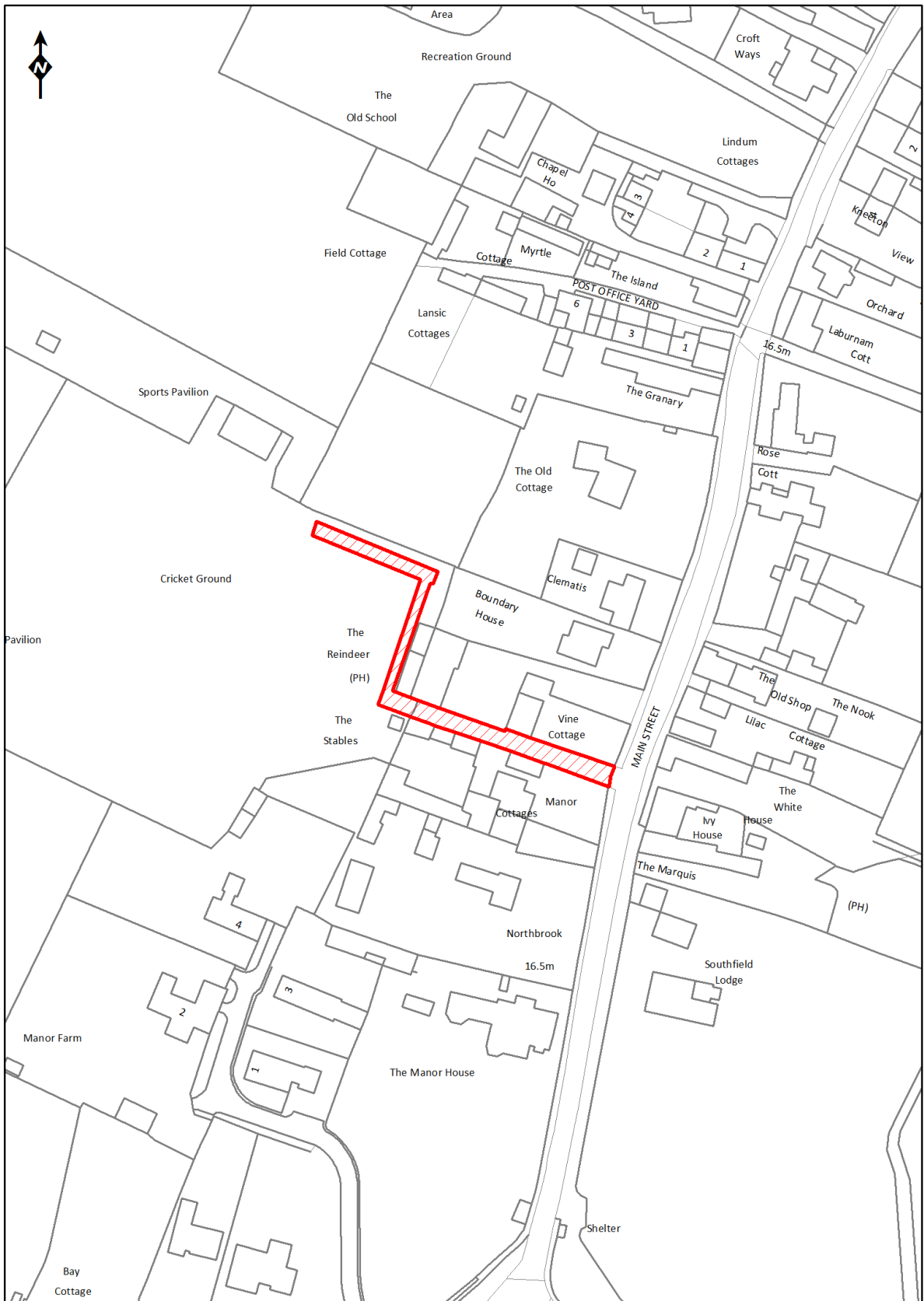
Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/02082/FUL



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## PLANNING COMMITTEE – 6 DECEMBER 2021

<b>Application No:</b>	<b>21/01219/FULM</b>		
<b>Proposal:</b>	<b>Change of use of agricultural field to dog exercise area and creation of access and parking area</b>		
<b>Location:</b>	<b>Field Ref No 4804, Southwell Road, Kirklington</b>		
<b>Applicant:</b>	<b>Strawson Ltd</b>		
<b>Agent:</b>	<b>Miss Nia Borseley - Fisher German LLP</b>		
<b>Registered:</b>	<b>19.07.2021</b>	<b>Target Date: 18.10.2021</b>	
		<b>Extension agreed to: 10.12.2021</b>	
<b>Link to Application File:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QTNTCJLBFRL00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QTNTCJLBFRL00</a>		

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Kirklington Parish Council has objected to the application which differs to the professional officer recommendation.**

### The Site

The application site lies to the south-west of Kirklington and is located off a private road that turns west off Southwell Road. The site is currently an agricultural field which is broadly rectangular and approx. 0.9ha in size. The field comprised low cut grass at the time of visiting and was bound on all sides by dense trees/hedgerows and some stock fencing. An access exists in the SW corner which is formed by a timber 5-bar gate and Kirklington Public Footpath No. 12 passes along the private access track to the proposal from Southwell Road.

The NE corner of the site lies within the Kirklington Conservation area and the closest listed buildings are Kirklington Mill and Road Bridge (Grade II) and Mill Farmhouse (Grade II) approx. 130m to the NE. The eastern boundary of the site also lies within Flood Zone 2 as defined by the Environment Agency and to the north is a local wildlife site known as Kirklington Mill Ponds (Biosinc 2/534).

### Relevant Planning History

*No relevant planning history.*

### The Proposal

The application seeks permission for the change of use of the agricultural field to a dog exercise area and creation of a new access and parking area. The parking area and access would be adjacent to south-east corner of the site and would comprise an area of permeable gravel with space for 6 vehicles to park and turn off the access track. 1.5m high timber posts and stock fencing are proposed to secure the perimeter of the site and the parking area where there would be a

timber access gate into the exercise area.

The site would be used as an area for people to visit and exercise their dogs in a secure location. Some dog training equipment/obstacles would be brought to the site but would be movable and non-permanent. The business would cater for the site to be hired for up to one hour or half an hour for up to 6 dogs and bookings would be via an online booking system.

The intention is to provide an area that is secure for dog walkers and similarly provides comfort to local farmers that potentially dangerous dogs are away from public footpaths which go through their land and increase the chance of dog attacks on sheep. Customers would be able to book online slots, would not be permitted to arrive before their allocated time and must have left the car park before the end of their time period. This would ensure that there would be no overlap in customers in the car park or on the tarmac access lane.

In line with recommendations from the Highways Authority the proposed Site/Access Plan shows the widening of the existing access with Southwell Road and the installation of a passing place down the access track.

The application form states opening hours are proposed to be:

- Summer opening times: 7am-7pm
- Winter opening times: 8am-4pm
- Sundays: 10am – 5pm

Documents considered as part of this appraisal:

- Site Location Plan – Ref. 129927-01 Rev. C
- Existing Site Plan – Ref. 129927-02
- Proposed Site Plan – Ref. 129927-03 Rev. C
- Site/Access Plan – Ref. 129927-04
- Supporting Planning Statement
- Flood Risk Assessment
- Phase One Ecology Survey
- Dog Management Plan
- Dog Field Business Plan

#### Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter, a site notice has been displayed close to the site and an advertisement has been placed in the local press.

#### Planning Policy Framework

##### The Development Plan

##### **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure  
Core Policy 14: Historic Environment

### **Allocations & Development Management DPD**

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM9 - Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2021
- Planning Practice Guidance
- Landscape Character Assessment SPD 2013

### **Consultations**

**Kirklington Parish Council** – Object – “Kirklington Parish Council objects to the proposals for the following reasons:

- Precedent - the Parish Council is concerned that changing the land use (and, in effect, loss of land) could set a precedent for future development in an area where it is neither desired, nor required, and would want the site to be protected against commercial or residential development.
- Access - the lane is narrow and unlikely to easily cope with two-way traffic at change over times; additionally visibility onto the road is not great, and speeding can be an issue as vehicles enter / leave the village which could increase the risk of accidents. This puts local residents and walkers at risk.
- Unproven demand - it is not certain that there is a demand for such facilities, especially from local residents who have regular routes, when there are many lovely and accessible walks in the area that can be used for free. Would people drive to, and pay to use, facilities when there are many areas that are free in the vicinity? If they did, the increase in traffic leads to additional risks for the village roads as they access the facilities.
- Sheep - national, rather than local, statistics were quoted for incidents where animals were harmed which doesn't give an accurate picture of what happens in the immediate vicinity.
- Employment - no employment opportunities are created.”

**NSDC Conservation** – No objection – “The application is for a site that is located within Kirklington Conservation Area.

From a review of the plans we do not wish to make any formal observations in this case, but refer you to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, section 16 of the NPPF (revised July 2021) and the legal duties with respect to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In reaching any view, the local planning authority must pay special attention to the desirability of preserving or enhancing character of the conservation area. Preservation is achieved by causing no harm, and might include maintaining the existing contribution made by the host site.”

**NCC Highways** – No objection subject to conditions – “The applicant has submitted an amended plan ref. drawing no. 129927-04, titled: Proposed site plan, dated October 2021 showing the proposed access off Southwell Road as widened to 6.0m for the first 8.0m from the edge of the carriageway and 6m radius on both sides of the access. One passing bay along the private

driveway / public footpath is also proposed to allow for two vehicles or a vehicle and walkers on the public footway to pass each other in a safe manner. The Highway Authority would not wish to raise any objection to this proposal, subject to conditions.”

**NCC Rights of Way** – No objection subject to a condition and informative notes to the applicant – Kirklington Public Footpath No. 12 passes along the private access track to the proposal. The applicant will need to demonstrate how members of the public using the Public Footpath will be kept safe by the increase in vehicle use that will result in this proposal. This might be through signage, customer car speed limits etc. The increase in vehicle use of the road to the proposed site may lead to damage to the surface of the track so some assurance as to the applicant’s plans for maintenance of the surface is also requested. A suitably worded condition may mitigate these concerns.

**The Environment Agency** – No objection – “The site lies almost entirely within flood zone 1 with a very small section of the eastern portion of the red line boundary located within flood zone 2. Therefore the LPA can apply national flood risk standing advice (FRSA) in this instance. The site does lie in between two watercourses both of which are classified as ordinary watercourses and as such fall under the remit of the Lead Local Flood Authority (LLFA). The River Greet is located to the north and an unnamed watercourse to the south of the site. Given the proximity to these watercourses, if either were classified as Main River then they would require a flood risk activity permit (FRAP). It is therefore assumed that the LLFA may require an equivalent permit/consent.”

**NCC Flood Risk (LLFA)** – No objection/comments to make.

**Trent Valley Internal Drainage Board** – No objection - “The Board maintained Cotton Mill Dyke, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board’s consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent. The Board’s Planning and Byelaw Policy, Advice Notes and Application form is available on the website - [www.wmc-idbs.org.uk/TVIDB](http://www.wmc-idbs.org.uk/TVIDB) The Board’s consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board’s consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board’s machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board’s requirements if the Board’s consent is refused.”

**Ramblers Association** – No comments received.

**Nottinghamshire Wildlife Trust** – No comments received.

**No comments have been received from third parties.**

Comments of the Business Manager



Spatial Policy 3 states that development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as (amongst other things) agriculture and forestry and schemes for rural diversifications. The application site is currently agricultural and is part of a wider farm holding. The applicant has provided a business plan statement which explains that this field doesn't currently bring in any income for the farm as it is too small and that this farm holding currently has no diversification projects. The statement explains that the Basic Payment Scheme (the biggest of the rural grants and payments that provide help to the farming industry) is declining and that the Government is encouraging farm diversification in order to replace the payment scheme and support farming enterprises. The applicant advances that the use of this field for a dog exercise area (controlled by an online booking service) would be a rural diversification scheme that would enable this field to be used to generate an additional income to support the wider business.

Policy DM8 explains that proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they can contribute to the local economy. Proposals must be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible. Paragraph 84 of the NPPF is also relevant in the assessment of this application which affirms that decisions should enable the diversification of agricultural and other land-based businesses.

Core Policy 6 also states that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by helping the economy of rural areas by rural diversification that will encourage tourism, recreation, rural regeneration, and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.

In this case, the site lies within the open countryside within the Strawson Ltd. Farm complex, an established 320Ha agricultural holding which is mainly arable and vegetables with a pedigree beef shorthorn herd. The application advances that the use of this field for a dog exercise area would be a rural diversification scheme that would enable this field to be used to generate an additional income to support the wider business as the field is not currently used for active farming due to its small size. The application also proposes that the use of this field for this purpose would offer a form of appropriate and small scale diversification that would sustain rural employment within the holding in response to reduction in grant funding. The field would offer local people a safe environment to exercise their dogs and the applicant advances that it could also reduce the numbers of attacks on farm animals from unruly dogs. Articles have been submitted from Farmers Weekly which promote farm diversification for this same purpose to help reduce dog attacks on cattle and a low-cost option to generate additional income to support the farm enterprise. The supporting statements explain the need for a countryside location for this proposed use and the benefit of using underutilised land within a farm holding to help support and sustain existing operations and employment levels, particularly during times where funding is being restricted.

It is considered that this business proposal would be small scale given it would be limited to one relatively small field, and it would enable an existing farm enterprise (with no current diversification schemes) to diversify in a low-cost way that would help sustain the business and existing employment on site. This in turn would sustain local employment and the rural economy of the district. It is therefore considered that the principle of this use in this location, for the

purposes of rural diversification, is acceptable in principle subject to a more detailed assessment of other factors below.

### *Impact upon Character of the Area*

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM8 of the DPD states agricultural development should have regard to the character of the surrounding landscape and be designed to reduce its impact on the surrounding area. Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The relevant Landscape Policy Zone for the site is Hockerton Village Farmlands (MN PZ 34). Landscape condition is defined as good and landscape sensitivity with regards to visibility into and out of the area is moderate. Landscape actions for the area are to create and reinforce – however the relevant policy part for this type of development is to conserve the rural character of the landscape by limiting any new development to around the settlements of Edingley, Kirklington, Hockerton and Normanton. The policy also notes that a threat of drivers for change in this policy zone includes increased intensity of agriculture leading to fragmentation and/or loss of hedgerows and reduction of woodland due to land use changes and lack of management. I note that this proposal would be confined to one field which has established field boundaries – as part of the application a new access is proposed in the SW corner of the site which would result in a reduction of approx. 5m of hedgerow. The existing field would be maintained as grass and a small area for parking would be provided adjacent to the access which would be the only physical development proposed in this application (save for low level fencing) and would remain contained within the fields existing boundaries.

Views of the parking area and proposed perimeter fencing would be restricted from public view by virtue of their positioning, the existing dense boundaries to the site and the separation from the immediate public realm. Notwithstanding this I accept that the impact on the openness of the countryside is not measured purely by what can be seen from the public realm. The impact of development in plan form is also an important consideration. In this case the whole field would remain open and laid to grass save for a small area that would be gravelled to provide an informal parking area for visitors. Small timber post and livestock fencing would enclose the perimeter of the field but this would not have any perceivable impact on the openness of the site. I am mindful under agricultural permitted development there would be a level of development that could be undertaken on this site that would not require express planning permission but nevertheless I do not consider the hard surfacing for the parking area would result in any adverse impact on the character of the open countryside. The supporting documents refer to picnic benches being placed on site to allow visitors to sit whilst watching their dogs – these would be movable and non-

permanent structures but in any event would be very small scale given the size of the site overall and would not have any adverse impact on the character of the area.

The new access will result in a 5m gap in the hedgerow which is relatively well established along its length. However, the position of the entrance would provide enhanced visibility in both directions and reduce potential conflict for users of the public right of way. The hedgerows and trees in this location are not within a conservation area and not protected by TPOs, however given this site boundary surrounds an agricultural field and is in excess of 20 m in total length prior consent for any removal is required. The loss of a limited portion of this boundary vegetation is not ideal. However in this agricultural context it is not considered to be a significant loss visually given the site context and expanse of hedgerow which is largely un-fragmented at this location. I also do not consider that there would be any significant long term impact on the ecology and biodiversity of the area as this application would see the removal of a relatively minor length of a hedgerow in an environment where there are ample other habitat opportunities for wildlife. In addition, the installation of this access gate would not, in my view, result in a significant detrimental impact on the open countryside, wider biodiversity of the area or result in harm to the character of the area such that would warrant the refusal of this application. I therefore consider the development would not be unduly prominent from the surrounding rural area in accordance with Core Policies 13 & 14 and Policies DM5, DM8 and DM9 of the Development Plan Document.

#### *Heritage Matters*

The NE corner of the site lies within the Kirklington Conservation area and the closest listed buildings are Kirklington Mill and Road Bridge (Grade II) and Mill Farmhouse (Grade II) approx. 130m to the NE. As such the relationship with these designated heritage assets is an important consideration. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Paragraph 206 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

Physical development is limited in the proposal. Owing to the separation distances, enclosure of the site within established field boundaries and limited alterations proposed I am satisfied the proposal would preserve the rural character of the conservation area and setting of the nearby listed buildings. I therefore consider the proposal would accord with the requirements of policies CP14 and DM9 in this respect. I also consider the scheme to comply with the objective of preservation set out under sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF.

### *Impact upon Residential Amenity*

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development.

There are no residential properties in close proximity that could be impacted by the proposed use of the land. Whilst there could be a slight increase in noise through dogs barking during the day the site is well contained with a dense hedgerow/tree lined boundary that would likely buffer any noises from the closest neighbouring properties which are approx. 120m away. Therefore, I am satisfied that the proposal complies with Policy DM5 of the DPD.

### *Impact upon the Highway*

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The site is accessed via a tarmacked access off Southwell Road, following negotiations with the highways authority the access is now proposed in the SE corner of the site and will be enclosed by a timber 5-bar gate. Kirklington Public Footpath No. 12 passes along the private access track to the proposal from Southwell Road. The site would operate on a booking system where customers would be able to book online slots, would not be permitted to arrive before their allocated time and must have left the car park before the end of their time period to ensure that there would be no overlap in customers in the car park or on the tarmac access lane.

The amended plans show the proposed access to the site within closer distance to Southwell Road, i.e. approximately 150m instead 276m as previously proposed which is a significant reduction of the length of the track/Footpath that vehicles would have to cover to access the proposed site. This is considered to be a benefit the safety of the users of the Public Footpath as it would reduce the stretch of the Footpath where vehicles could conflict with walkers and other vehicles. The Highways authority have raised no objection to the development subject to conditions requiring the assessment of the current access onto Southwell Road and enhancement where necessary and the installation of passing bays down the existing track. A scheme for improvements has been submitted and assessed by the Highways Authority who have found them to be acceptable.

The RoW team have also raised no objection subject to a condition and informative notes to the applicant which ensures the safety of members of the public using the Public Footpath through appropriate signage, customer car speed limits etc.

On the basis of support from the highways authority I am of the view that the application meets the requirements of SP7 and DM5 subject to the conditions requested.

### *Impact upon Ecology*

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected

and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

The Site is located within 2 km of 13 Local Wildlife Site (LWS), with one of the Sites located immediately adjacent to the Site. A Preliminary Ecology survey has been submitted with this application which includes recommendations to ensure that the adjacent LWS would not be adversely impacted by the change of land use. Kirklington Mill Ponds LWS is located immediately to the north, east and west of the Site and supports old mill ponds connected to the River Greet and associated wet areas and broadleaved woodland. Whilst the site is already well contained within existing dense site boundaries a stock proof fence is proposed that would prevent any dogs from leaving the Site around its periphery.

The ecology survey concludes that there will be a negligible impact on potential bat roosts and foraging/commuting bats within the Site. However, a bat box has been recommended as an enhancement. The waterbodies associated with Kirklington Mill Ponds LWS are connected to the River Greet and were discounted for great crested newts (GCN). There are two ponds within 500m of the Site but based on the distances between the Site and the ponds and in consideration of the relatively minor change of land use, GCN are not considered to be a constraint to the proposed development as concluded by the ecology survey.

Subject to the recommendations set out in the ecology survey I do not consider the proposed use of this site for this purpose would result in an adverse ecological impact on the surrounding area or LWS noting particularly that no development is proposed close to the LWS. Whilst there would be an increase in users of this particular field, I note that there are existing PROW networks in the vicinity which are already used by walkers/dog walkers. I therefore consider the application would not have an adverse impact on existing ecology and would be in accordance with CP12 and DM5 in this regard.

#### *Impact on Flooding*

The site lies within Flood Zone 2 as defined by the Environment Agencies Flood Mapping. The National Planning Policy Framework (NPPF) provides guidance on dealing with development where all or part of the application site falls within Flood Zone 2. Chapter 14 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere – themes which are reflected within policies DM5, CP9 and 10 of the Council's development plan.

The NPPF adopts a sequential approach to flood risk advising that development should first be directed towards less vulnerable sites within Flood Zone 1. Where these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific Flood Risk Assessment (FRA), the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted. Para 159 states that 'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance'.

However, the NPPG explains that applications for minor development or changes of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site) need not be subjected to the sequential or exception tests. Nevertheless the applicant has submitted a Flood Risk assessment which assessed the flood risk to the site and site users. It is noted that Table 3 of the PPG flood risk section notes that amenity/recreation areas (as characterised within Table 2 of the PPG) are appropriate within Flood Zone 1 and 2 and are classed as water-compatible development as these sites would not be used in times of flooding.

Overall I do not consider the use of this site for recreational purposes/dog exercising would increase any flood risk to third parties or put future site users at any additional flood risk. It is therefore considered that the proposal accords with Core Policy 9, Core Policy 10, DM5 and Section 14 of the NPPF and PPG in this regard.

### *Conclusion*

Given the above, I am satisfied that the principle of the development at the site is acceptable and that the proposal would not result in any material impact on the character and appearance of the site, setting of the CA or nearby listed buildings, highways safety concerns, flood risk, ecology or impact neighbouring properties. It is therefore considered that the proposal would accord with the aims of NPPF as well as the abovementioned policies within the Development Plan. I also consider a scheme to comply with the objective of preservation set out under sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act. It is therefore recommended that planning permission be granted.

### **RECOMMENDATION**

**That full planning permission is approved subject to the following conditions**

#### **Conditions**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference:

- Site Location Plan – Ref. 129927-01 Rev. C
- Proposed Site Plan – Ref. 129927-03 Rev. C
- Site/Access Plan – Ref. 129927-04 (dated October 2021)

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

The site shall only be open to members of the public during the following hours:

- Summer opening times (April-October inclusive): 7am-7pm
- Winter opening times (November-March inclusive): 8am-4pm
- Sundays (all year): 10am-5pm

Reason: In the interests of residential amenity.

05

No part of the development hereby permitted shall be brought into use until the access onto Southwell Road has been altered and completed in accordance with the approved ref. drawing no. 129927-04, titled: Proposed site plan, dated October 2021.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to safeguard free flow and safety of traffic on Southwell Road in the interest of highway safety.

06

No part of the development hereby permitted shall be brought into use until a minimum of one passing bay on the Public Footpath / access track between the Southwell Road / Footpath junction and the access is provided in accordance with the approved ref. drawing no. 129927-04, titled: Proposed site plan, dated October 2021.

Reason: To enable vehicles and pedestrians to safely pass each other on the narrow track / Footpath and to reduce the distance vehicles would have to reverse to pass each other in the interest of highway and pedestrian safety.

07

No part of the development hereby permitted shall be brought into use until the new access to the field and any parking and turning areas are provided in accordance with the approved plans. The parking or turning areas shall then be used only for parking and turning of vehicles in connection with the proposed use for the life of the development.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to parking on the Public Footpath; to ensure vehicles can enter and leave the site in forward gear.

08

No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 meters x 2.0 meters are provided on each side of the vehicle access to the field. These measurements must be taken from and along the edge of the Public Footpath along Southwell Road as shown on approved ref. drawing no. 129927-04, titled: Proposed site plan, dated October 2021. The area of land within these splays shall be maintained free from all obstruction over 0.6 meters above the carriageway level at all times.

Reason: In the interest of pedestrian safety on the Public Footpath.

09

Prior to the commencement of development, a signage and safety measures scheme and ongoing maintenance plan for repairs to the surface of the access track, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme and maintenance plan shall be complied with in full before the use hereby permitted commences and retained for the lifetime of the development.

Reason: To ensure that the treatment and management of the right of way is appropriate for public safety and use and meets Equal Opportunities, and Sustainable transport objectives.

10

The development hereby approved shall be undertaken in strict accordance with the Recommendations outlined at section 4 of the Preliminary Ecological Appraisal – dated May 2021, produced by BM Ecology Ltd submitted in support of this application in that:

- Before the use hereby permitted commences, a stock proof fence (of a maximum height of 2 metres) capable of preventing dogs from leaving the Site must be installed around the periphery of the Site;
- Before the use hereby permitted commences, a system shall be put in place to ensure that all dog faeces is removed from the Site each day i.e. via a dog bin or dog owners taking their dogs faeces away from the Site;
- At least one bat box must be installed on a tree within or bordering the Site;
- Any tree or hedgerow removal that is required as part of this development must be undertaken outside of the bird nesting period of March to August (inclusive). If this is not possible, works within the Site during the bird nesting period (March to August inclusive) may require supervision by a suitably qualified ecologist; and
- Any deep excavations must be either fenced-off, covered overnight or fitted with an exit ramp to avoid the trapping of mammals.

Reason: To ensure that wildlife and habitats are retained, protected and enhanced in the interests of nature conservation.



## Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Comments from NCC Rights of Way:

- Kirklington Public Footpath No. 12 passes along the private access track to the proposal. The applicant may wish to confirm the exact route of the Public Footpath by obtaining a Public Rights of Way Search to make sure that their proposal will not interfere or obstruct this Public Right of Way. For more information email [row.landsearches@nottscc.gov.uk](mailto:row.landsearches@nottscc.gov.uk)
- The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
- Vehicles should not be parked on the Public Footpath or materials unloaded or stored on the Public Footpath so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

04

Notes from Highways:

The development makes it necessary to amend vehicular access over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

BACKGROUND PAPERS

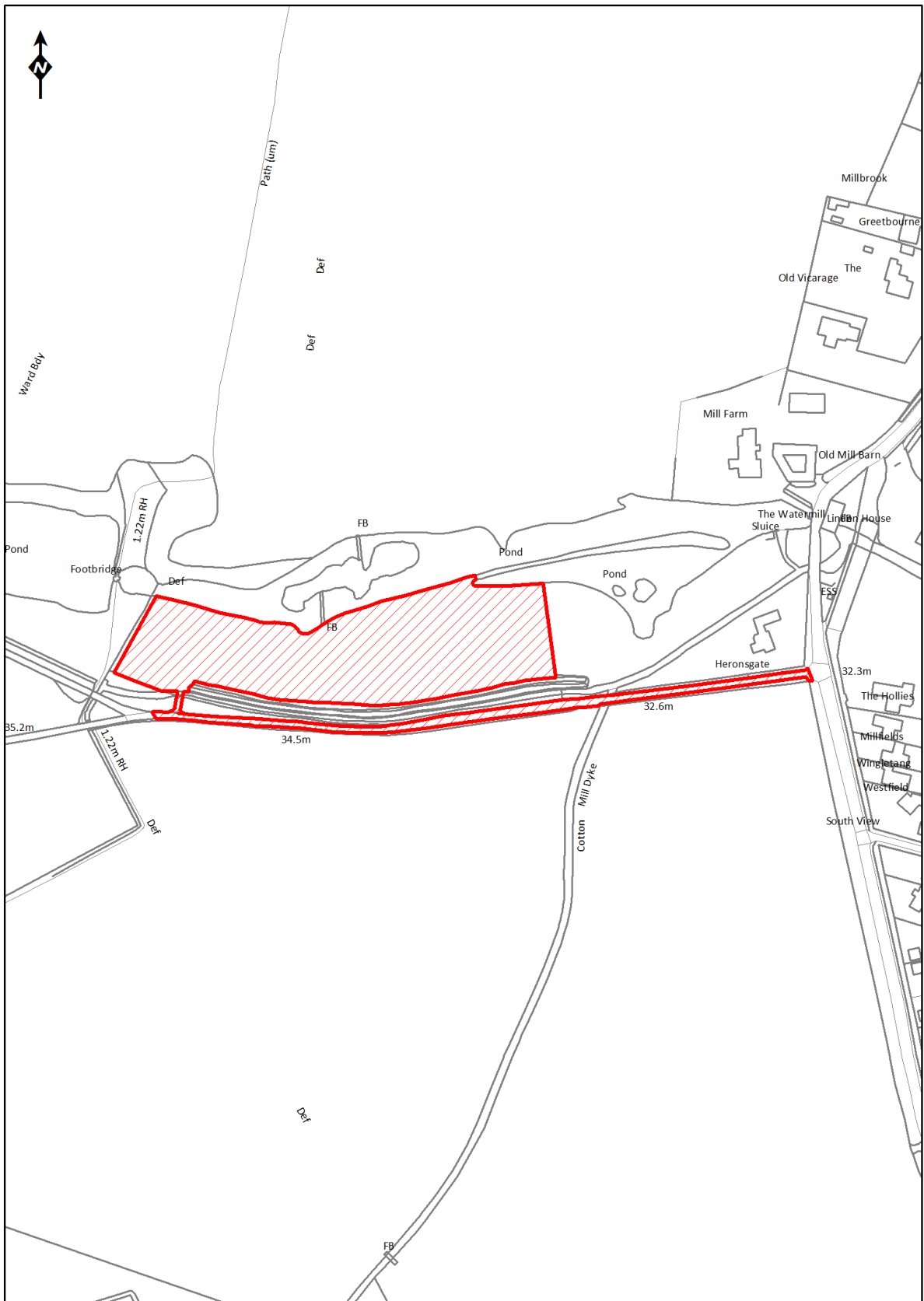
Application case file.

For further information, please contact Honor Whitfield on ext 5827

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/01219/FULM



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# Agenda Item 9

## PLANNING COMMITTEE – 6 DECEMBER 2021

<b>Application No:</b>	<b>21/02009/RMAM (MAJOR)</b>	
<b>Proposal:</b>	<b>Application for approval of reserved matters following outline approval 20/02410/OUTM for a replacement facility.</b>	
<b>Location:</b>	<b>Seven Hills, Quibells Lane, Newark On Trent, NG24 2FE</b>	
<b>Applicant:</b>	<b>Mr Kevin Shutt - Newark &amp; Sherwood District Council</b>	
<b>Agent:</b>	<b>Mr Andrew Hardcastle - Lungfish Architects</b>	
<b>Registered:</b>	<b>16 September 2021</b>	<b>Target: 16 December 2021</b>
<b>Link to application documents:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QZHDRQLBHF800">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QZHDRQLBHF800</a>	

### The Site

The site contains temporary living accommodation located within the urban area of Newark approximately 1km north of the town centre. The site forms part of the Housing Site 2 (Policy NUA/Ho/2) allocation within the Allocations and Management DPD.

The site is accessed to the south of Quibells Lane and contains a car park adjacent to its frontage. A warden's house is located adjacent to the car park area and the community centre/temporary accommodation predominantly consisting of a single story linear building, which wraps around the site to form a circular shape. Two mature trees are located adjacent to the site frontage and a wooded area is located to the rear of the site. A courtyard area within which pedestrian access to all of the accommodation is provided is within the central courtyard area of the site.

A public right of way runs along the eastern boundary of the site and connects to Hatchets Lane to the south. The rear gardens of residential properties located along Wolsey Road back onto this right of way. Residential properties along Hatchets Lane including those currently under construction under application no 21/00249/S73 are located to the south. Grassed areas/fields are located to the north and west of the site with the East Coast Mainline located approximately 60 metres to the south west of the site. An earth bund is located along the east boundary of the site. A freight business is also located at the bottom of Quibells Lane to the west of the site.

In accordance with Environment Agency flood zone mapping the majority of the site is located in Flood Zone 2.

### Relevant Planning History

21/01902/DEM Notification for Prior Approval for demolition of the existing Seven Hills Community Centre and associated ancillary buildings – prior approval required and granted 06.10.2021

21/SCR/00007 Screening opinion on 21/01902/DEM Notification for Prior Approval for demolition of the existing Seven Hills Community Centre and associated ancillary buildings – EIA not required 13.09.2021

20/02410/OUTM Demolition of all existing buildings and replacement with new facility. To include 20 temporary accommodation units, and 1 communal building. Access to be relocated and footpath to be improved – permission 15.06.2021

01891483 Accommodation for homeless – 30 bedsits, warden house, stores and communal facilities – permission 08.01.1990

01880968 Erection of 42 houses, garages and associated engineering works – permission 08.03.1989

0181259 Housing development – permission 09.06.1981

### The Proposal

The application seeks reserved matters consent for all remaining matters including appearance, landscaping, layout and scale for the erection of a replacement temporary living accommodation facility for the homeless. This is pursuant to outline consent (application no 20/02410/OUTM) approved in June 2021 with all matters reserved apart from access for the demolition of the existing temporary accommodation comprising 29 units (some of which have already been decommissioned) and replacement with a new facility comprising 20 units over two blocks and 1 communal building. The proposed demolition is also subject of a separate prior approval application granted in October 2020. It is understood that demolition are programmed to take place at the end of November 2021.

The communal building would be single storey and contain an entrance lobby, office, meeting room, community room, laundry/kitchen facility and storage.

Block 1 would consists of two flexible accommodation blocks that would vary from one, two three or four bedrooms, dependent upon need within the single storey element, plus ten single bed flats in the two storey element of the block. These may also be used in a flexible manner, with internal doors giving the option of two-bedroom accommodation if both floors are required to be utilised by one family group. Block 2 would be single storey and consist of 8 family spaces with flexible accommodation of one to three bedrooms.

The access to the site would be repositioned further to the west of the site via Quibells Lane. 8 car parking spaced are proposed including 2 electric vehicle charging points. A communal cycle shelter for 5 bicycles is also proposed. A communal bin store would be provided centrally within the site. An outdoor play are for children would also be located in the communal courtyard.

The three buildings would be constructed in a mix of brick, render and timber effect cladding, concrete roof tiles and photovoltaic panels.

The hours of opening for the community facility are intended to be from 09:00 to 17:30 Monday to Friday. Emergency staff attendance maybe required out of hours and weekends to facilitate short notice movement of the homeless into the residential buildings, but it is not envisaged this would be a regular occurrence.

The following plans and documents have been submitted with the application:

- 6001 S1 P01 Site Location Plan 1:1250
- 6000 S1 P01 Existing Site Plan
- 0001 S2 P12 Proposed Site Plan
- 0002 S2 P09 Residential Block 1
- 0003 S2 P10 Residential Block 2
- 0004 S2 P04 Community Building
- Oakmoor Orange Brick Product Specification
- Oakmoor Cream Brick Product Specification
- Roof Tile Specification – Russell Grampian
- 100548\_01\_000\_01 Preliminary Access Design
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan November 2020
- 21111-01 Tree Survey & Constraints Plan
- 21111-02 Tree Protection Plan Phase 1 Demolition
- 21111-03 Tree Protection Plan Phase 2 Site Set Up
- 21111-04 Tree Protection Plan Phase 2 Construction Phase
- MR21-115/101 Rev A Soft Landscape Specification
- MR21-115/103 Rev A Kerbs and Site Furniture
- Landscaping and Grounds Maintenance Management Plan 28/09/2021
- Statement in Support of Reserved Matters Application 03/09/2021
- Refuse Collection Statement
- Preliminary Ecological Appraisal Report November 2020
- Bat Survey Results 08/06/2021
- Noise Assessment 28<sup>th</sup> September 2021
- External Lighting Data Sheet 22.09.2021
- Demolition Method Statement 24/08/2021
- Construction Phase Health, Safety and Environmental Plan 27/08/2021
- Flood Risk Assessment November 2020
- NSH227-CHG-EX-XX-DP-C-0103 Rev C02 Proposed Civils Details
- 100548\_01\_0500\_01 P01 Proposed Drainage Strategy
- Micro Drainage Calculations 06/10/2021
- Car Parking Supporting Statement
- CIL Form

#### Departure/Public Advertisement Procedure

Occupiers of 33 properties have been individually notified by letter.

A site notice was posted and an advert printed in the local newspaper.

#### Planning Policy Framework

#### The Development Plan

**Newark and Sherwood Amended Core Strategy DPD (Adopted March 2019)**

Spatial Policy 1 Settlement Hierarchy  
Spatial Policy 2 Spatial Distribution of Growth  
Spatial Policy 6 Infrastructure for Growth  
Spatial Policy 7 Sustainable Transport  
Spatial Policy 8 Protecting and Promoting Leisure and Community Facilities  
Core Policy 1 Affordable Housing Provision  
Core Policy 3 Housing Mix, Type, and Density  
Core Policy 9 Sustainable Design  
Core Policy 10 Climate Change  
Core Policy 12 Biodiversity and Green Infrastructure  
NAP1 Newark Urban Area

### **Allocations and Development Management DPD (Adopted July 2013)**

Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM2 Development on Allocated Sites  
Policy DM5 Design  
Policy DM7 Biodiversity and Green Infrastructure  
Policy DM10 Pollution and Hazardous Materials  
Policy DM12 Presumption in Favour of Sustainable Development  
Policy NUA/Ho/2 Newark Urban Area – Housing Site 2

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
NSDC Parking Standards SPD (2021)

### **Consultations**

**Newark Town Council:** No Objection, the landscaping was welcomed and the applicant congratulated.

**Environment Agency:** No comment.

**Severn Trent Water:** No objection.

**Trent Valley Internal Drainage Board:** Standard comments.

**NCC Lead Local Flood Authority (LLFA):** No objection.

**NCC Highways:** No objection subject to conditions relating to access design, surface water, closure of existing access and provision of new driveway and parking areas.

**NCC Public Rights Of Way:** no objection.

**NSDC Environmental Health Officer:** no comment.

**NSDC Tree Officer:** No objection subject to conditions relating to the protection of trees and the implementation of the landscape scheme.

**NSDC Archaeology Advisor:** No objection.

**No letters of representation have been received from local residents/interested parties.**

Comments of the Business Manager

**Principle of Development**

Outline planning consent was approved in June 2021 for this development. As such the principle of the development including the demolition of the existing buildings on site, is now established through the granting of the outline consent. Only reserved matters including details of appearance, landscaping, layout and scale of the development proposed are open for consideration. An assessment of the reserved matters against site specific policies is set out below.

**Impact on Visual Amenity Including Impact on the Setting of the Public Right of Way**

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF supports development that makes efficient use of land, taking into account a number of factors including the identified need for different types of housing and the importance of securing well-designed, attractive and healthy places.

Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF supports development that makes efficient use of land, taking into account a number of factors including the identified need for different types of housing and the importance of securing well-designed, attractive and healthy places.

The outline submission confirmed that the existing facility experienced issues in relation to security and construction quality including lack of privacy, natural light and facilities within the individual units. The proposed plan would comprise a more legible entrance area, the opening up of the adjacent footpath to improve security, a resident's hub and two block of accommodation units which can be adapted to meet need at the time.

The proposed plan shows that the proposed buildings would largely be located on the footprint of the buildings to be demolished. The height of the proposed buildings is also considered acceptable. The detailed layout, scale, appearance and landscaping proposed results in a development that would improve the current design and public realm of the site resulting in an acceptable impact upon visual amenity. The proposals would include improvements to the existing public right of way that lies to the east of the application in the form of improved surveillance, lighting and surfacing (and the submitted details are also considered acceptable as proposed with regards to the requirements of Condition 12 of the outline consent). The proposal would comply with Policy NUA/Ho/2 of the allocation policy which requires the provision of an appropriate landscaping scheme to screen the site. Overall, the submitted details are considered acceptable and in compliance with Core Policy 9 and Policy DM5 of the DPD.



## Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

The application site is located in a mixed-use area close to a railway line and freight business. As such, noise sources at the proposed development site consist of road traffic along A46, trains and nearby freight business. Condition 11 of the outline consent required the submission of an up to date Noise Assessment which any subsequent reserved matters submission. The up to date Noise Assessment (dated 28<sup>th</sup> September 2021) confirms that no specific noise is directly attributable to the freight businesses and the dominant noise sources are road traffic and rail traffic when passing close by.

The worst case night time noise level recorded at the existing site (free field) as a LAFmax, value of 67 dB LAFmax was identified (facing towards the railway and A46). However, with mitigation through the installation of standard double glazing and standard trickle vents, the internal noise levels are estimated to be reduced. With mitigation on the most effected elevations, there is a predicted internal daytime noise level of 33dB LAeq,16hr for 4/12/4 standard double glazed door together with 1 x standard trickle vent meets the BS8233 criterion of ≤35dBA for daytime with a safety margin of 2dB. There is a predicted internal nighttime noise level of 22dB LAeq,16hr for 4/12/4 standard double glazing together with 1 x standard trickle vent meets the BS8233 criterion of ≤30dBA for nighttime with a safety margin of 8dB.

The outline committee report stated the following:

'With windows open, internal LAeq and LAmix noise levels during the day and night time within some of the habitable rooms (those that may face towards the railway) may exceed the recommended target levels when trains pass. The inability for some of future occupants to open some of their windows without experiencing higher than recommended noise levels is a negative factor to be considered albeit Paragraph 6 (Ref ID: 30-006-20190722) of NPPG states that a suitable alternative means of ventilation is likely to be necessary if the proposed mitigation relies on windows being kept closed most of the time. It does not state that use of such mitigation would be unacceptable in principle. I therefore have no reason to doubt that the proposed vents would not work effectively to minimise the need to open windows in any event. This is regardless of whether or not the frequency of trains increase in the future.

I note the proposed units would be located in a similar position to the existing units and the redevelopment of the site would hopefully result in an improvement to the noise levels experienced by existing occupiers. I also note that the nature of the accommodation is temporary and as such, the noise levels experienced would be temporary.

In addition, the BS8233 Guidelines states:

*"In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs*

*can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited”.*

The noise level in the courtyard is calculated to be 47dB LAeq,16hr which meets the BS8233 criterion of 55dB for outdoor living areas. There is an earth bund some 2.5-3m high to the west of the existing units, which would also be retained to offer partial acoustic protection.

The Environmental Health Officer raises no objection to the application on this basis and it is not considered that the layout of the proposed development would give rise to unacceptable noise levels for future occupants subject to a condition requiring the mitigation measures set out in the updated noise survey.

The illustrative Site Plan shows that adequate separation distances between the existing and proposed dwellings are achievable so as to ensure no unacceptable overlooking or overbearing impacts.

Overall, the proposal would have no unacceptable impacts upon the amenity of future occupiers of the proposed accommodation or dwellings adjacent to the application site in accordance with the Policy DM5 of the Allocations and Development Management DPD.

### **Impact on Flood Risk and Drainage**

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test and if required the Exception Test, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant. The site is located within flood zone 2 and the principle of the proposed development in this regard was accepted at outline stage. Condition 9 of the outline consent also required development to take place in accordance with the submitted flood risk assessment which recommends that finished floor levels are set at least 150mm above external levels to minimise the risk of flooding. Providing the mitigation measures discussed are implemented, it is considered that the risk of flooding to the site and adjacent land would be minimal.

In addition, Condition 8 of the outline consent requires the submission of a detailed surface water drainage scheme. A Proposed Drainage Strategy has been submitted with the reserved matters application and it the Lead Local Flood Authority (LLFA) raise no objection to the application on this basis. Surface water management from hardstanding is currently via a network of gullies and drains which are likely to drain to a nearby surface water sewer or soakaway. It is proposed that drainage be improved as part of the redevelopment scheme. It is intended that a swale would be installed to intercept exceedance rainfall in addition to the provision of a surface water attenuation area and use of permeable block paving.

Overall, I am satisfied that the proposed development would not result in any increased flood risk and would pro-actively manage surface water in accordance with the requirements of Policy DM5 and Core Policy 9.

## **Impact on Highways**

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Access and egress to and from the site is via Quibell's Lane. The proposal seeks to alter the position of the existing access further to the east adjacent to the front boundary of the site. Details of access were agreed at outline stage. Amended plans have been submitted during the lifetime of the application to amend the pedestrian access to align with the pedestrian access proposed at outline stage. In addition, a 2 metre wide brick paved route across car park to emphasise pedestrian crossing has been added to reduce potential pedestrian/vehicular conflict within the site. This is particularly important as the applicant explains in the Car Parking Supporting Statement that "Due to the type of accommodation on site, the occupiers of the site generally are not car owners during their stay in the complex. The occupiers generally make full use of the local transport links and local facilities. The occupiers do tend to walk or make use of bicycles".

It is noted that the off-street parking proposed for this facility has been reduced in from the indicative 11 spaces shown on in the outline consent to 9 along with secure cycle storage for each unit in the reserved matters application. On querying the reason for the reduction, the Agent confirmed that *'the outline planning application car park layout was designed prior to a car parking study for the site being completed. The revised car park layout with provision of 8 spaces takes in to account the findings of the car park study which was carried out and found that there was no requirement for 11 spaces. The car park study was carried out by the NSDC development manager in consultation with the site accommodation manager in July 2021'*.

The Highways Officer raise no objection to the proposal as it is not envisaged that the proposal would compromise highway safety subject to a condition relating to access design.

Overall, I am satisfied that the proposed access and parking arrangements would meet the requirements of Policy NUA/Ho/2 and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

## **Impact on Ecology and Trees**

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

A Bat Survey (including bat emergence and dawn re-entry survey) was undertaken was undertaken in May 2021 which found no evidence of bats within the buildings proposed for demolition. As such, the reserved matters application includes condition 7 (as recommended in the survey) requiring a scheme of ecological enhancements including 08.06.2021) and includes a requirement for precautionary measures, the provision of bird and bat boxes at appropriate points within the site and the preparation of a lighting scheme. These requirements are shown on the submitted

hard and soft landscaping and lighting schemes and are considered acceptable as proposed alongside confirmation that these measure would be implemented either prior to occupation of the development/in the first planting season following the commencement of development.

The submitted Tree Survey identifies a total of 30 individual trees, 1 tree group and 4 hedgerows. The woodland to the south of the site would be retained. The proposed development would require the removal of 3 category C trees with some minor pruning back of the hedgerow (adjacent to the public right of way) proposed to allow for passive surveillance. The Tree Survey states that the tree losses are considered to be a very minor within the context of the site with no significant loss of arboricultural value or public amenity expected. Details pursuant to the requirements of conditions 4 (tree protection) and 5 (hard and soft landscape scheme) of the outline consent have been submitted with the reserved matters application. A generous level of additional tree and hedgerow planting is proposed which is considered to compensate for the loss of the 3 trees. The Tree Officer raises no objection to the planning application on this basis.

Overall it is considered that subject to conditions, no adverse ecology impacts or tree loss impacts without appropriate mitigation would result from the proposal in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

### Conclusion

Given the site is both allocated as part of the policy NUA/Ho/2 and benefits from extant outline consent, the principle of redeveloping the site is accepted in principle. The proposed reserved matters details are acceptable as proposed. Subject to conditions, it is recommended that reserved matters consent is approved.

### **RECOMMENDATION**

**That reserved matters approval is granted subject to the conditions and reasons shown below.**

### **Conditions**

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents, references:

- 6001 S1 P01 Site Location Plan 1:1250
- 0001 S2 P12 Proposed Site Plan
- 0002 S2 P09 Residential Block 1
- 0003 S2 P10 Residential Block 2
- 0004 S2 P04 Community Building
- MR21-115/102 Rev A Hard Landscape Specification
- MR21-115/1-3 Rev A Kerbs and Site Furniture
- Landscaping and Grounds Maintenance Management Plan 28/09/2021
- External Lighting Data Sheet 22.09.2021
- NSH227-CHG-EX-XX-DP-C-0103 Rev C02 Proposed Civils Details
- 100548\_01\_0500\_01 P01 Proposed Drainage Strategy
- Micro Drainage Calculations 06/10/2021

- Email confirming timescale for compliance with Condition 7 of application no 20/02410/OUTM dated 23.11.2021

Reason: So as to define this approval.

02

All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme as shown on Drawings Nos 21111-02 Tree Protection Plan Phase 1 Demolition, 21111-03 Tree Protection Plan Phase 2 Site Set Up and 21111-04 Tree Protection Plan Phase 2 Construction Phase.

Reason: To protect trees in the interests of visual amenity and biodiversity.

03

The approved soft landscaping (as shown on Drawing No MR21-115/101 Rev A Soft Landscape Specification) shall be completed during the first planting season following the first occupation of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of seven years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

04

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application which include:

- Oakmoor Orange Brick Product Specification
- Oakmoor Cream Brick Product Specification
- Roof Tile Specification – Russell Grampian

Reason: In the interests of visual amenity and the setting of heritage assets.

05

The development hereby permitted shall take place in full accordance with the mitigation measures including the glazing and ventilation recommendations set out in paragraphs 7.6 and 8.1 of the submitted 'Noise Assessment by Acute Acoustics Ltd. Date 28<sup>th</sup> September 2021.

Reason: In the interests of residential amenity.

06

No part of the development hereby permitted shall be brought into use until the driveway and any parking or turning areas as shown on the plan ref. 0001 S2 P12 Proposed Site Plan are provided and surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the Highway boundary. The surfaced driveway and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development and these areas shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

**Note to Applicant**

01

The applicant is advised that conditions attached to the outline consent remain relevant and may require an application for formal discharge. The applicant's attention is also drawn to those conditions on the decision notice, which should also be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

Detail pursuant to the requirements of pre commencement Conditions 4 (tree protection), 5 (hard and soft landscaping), 7 (ecological enhancement) 8 (drainage), 11 (up to date noise survey) and 12 (PROW details) have been submitted as part of the reserved matters application. The submitted details are considered acceptable as proposed. Provided that the development is implemented in accordance with the approved details, the requirements of these conditions are discharged.

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

03

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

04

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at:

<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

05

Foul is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

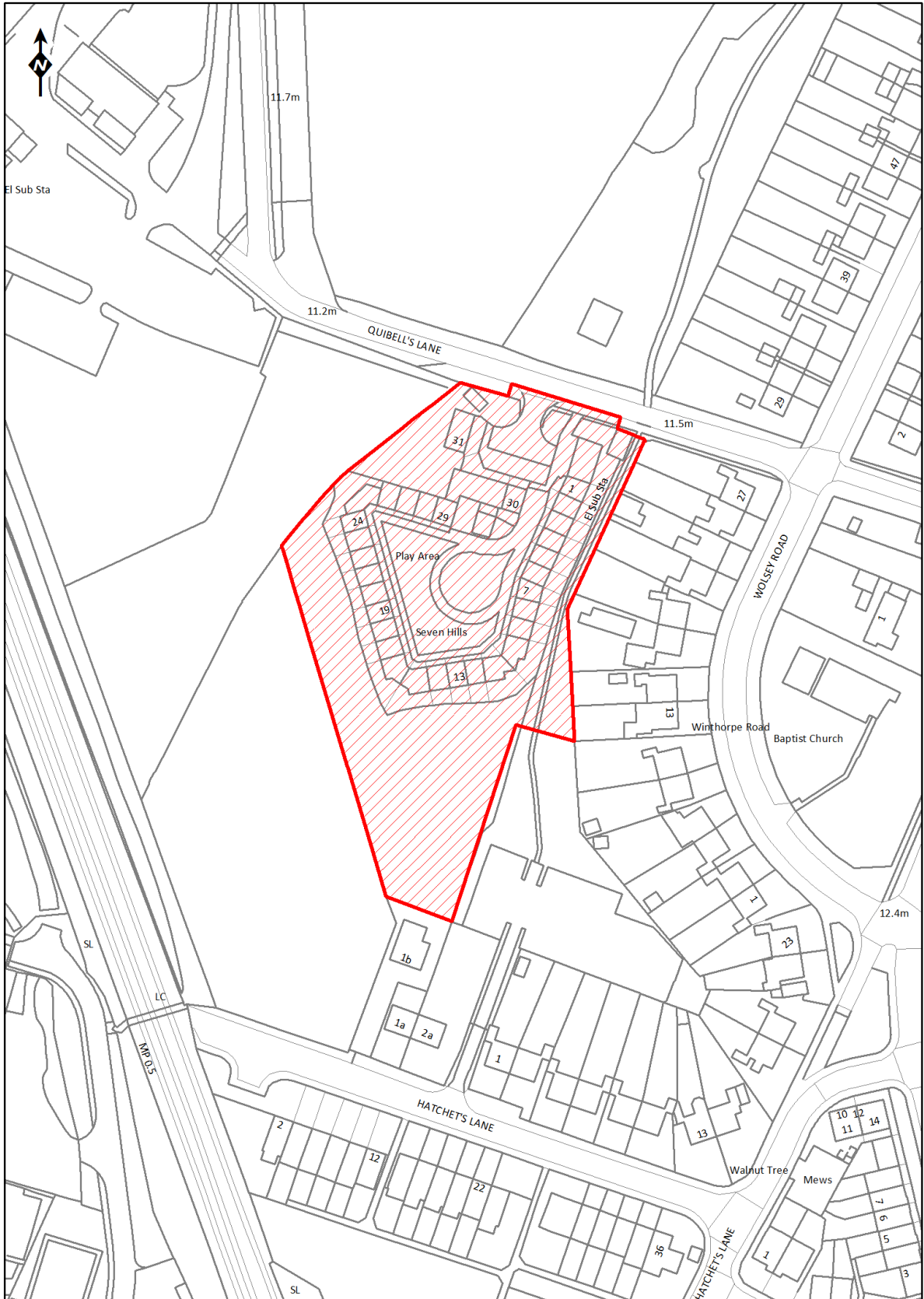
#### BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/02009/RMAM



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**PLANNING COMMITTEE – 6 DECEMBER 2021.**

**Appeals Lodged**

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 Recommendation

That the report be noted.

**Background papers**

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development

**Appendix A: Appeals Lodged (received between 18 October 2021 and 22 November 2021)**

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/W/21/32799 30	21/01023/RMA	Land At Rear Of 244 Beacon Hill Road Newark On Trent	Application for reserved matters approval for 4no. town houses with associated garages and new access from Hutchinson Road	Written Representation	Refusal to approve something reserved under an outline permission
APP/B3030/W/21/32814 74	21/00197/FUL	Land associated with 30 Mill Lane Edwinstowe	Erection of 1no. dwelling	Written Representation	Refusal of a planning application
APP/B3030/W/21/32802 03	21/00638/FUL	Boundary House Main Street Hoveringham NG14 7JR	Erection of a two bedroom dwelling	Written Representation	Refusal of a planning application
APP/B3030/W/21/32813 40	20/02094/FUL	Land Adjoining 124 High Street Collingham NG23 7NH	Proposed new single detached dwelling	Written Representation	Refusal of a planning application
APP/B3030/W/21/32819 20	21/00545/HOUSE	9 Marriott Lane Blidworth NG21 0QF	Construction of first floor balcony to rear (resubmission 20/01201/FUL)	Written Representation	Refusal of a planning application

APP/B3030/C/21/328375 5	21/00145/ENFB	Land Rear Holme Hall High Street Holme	Without planning permission, the laying of materials to create a compacted hard surface	Written Representation	Service of Enforcement Notice
APP/B3030/D/21/328605 1	21/01329/HOUSE	The Gables Toad Lane Epperstone NG14 6AJ	Single storey side extension and formation of first floor over garage with roof lights (Re-submission)	Fast Track Appeal	Refusal of a planning application

## Planning Committee – 6 DECEMBER 2021

### Appendix B: Appeals Determined (between 18 October 2021 and 22 November 2021)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
21/00567/FUL	Field Reference 5543 Great North Road Weston	Change of use of Land from Agricultural to Residential Garden. Residential Garage, Store & Workshop with white UPVC windows and rooflights - Retrospective	Delegated Officer	Not applicable	Appeal Dismissed	17th November 2021
21/00437/HOUSE	Uno Cottage The Turnpike Halam NG22 8AE	Proposed first floor extension & porch	Delegated Officer	Not applicable	Appeal Allowed	5th November 2021

#### Recommendation

That the report be noted.

#### Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant application number.

Paula Hughes  
Business Manager – Planning Development



## Appeal Decision

Site Visit made on 26 October 2021

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 5<sup>th</sup> November 2021**

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**Appeal Ref: APP/B3030/D/21/3277122**

**Uno Cottage, The Turnpike, Halam NG22 8AE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Stuart & Pippa Bond against the decision of Newark & Sherwood District Council.
  - The application Ref 21/00437/HOUSE, dated 22 February 2021, was refused by notice dated 26 April 2021.
  - The development proposed is a first-floor extension and porch.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for a first-floor extension and porch at Uno Cottage, The Turnpike, Halam NG22 8AE in accordance with the terms of the application, Ref 21/00437/HOUSE, dated 22 February 2021, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 445\_2019\_02; 445\_2019\_03; and 445\_2019\_04.
  - 3) Full details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing, by the Local Planning Authority prior to the commencement of any above ground works. Development shall be carried out in accordance with the approved details.

### Main Issue

2. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

### Reasons

3. The appeal site consists of a semi-detached dwelling located perpendicular to the road. The appellant's dwelling has been extended through the provision of a front extension, constructed with a 'cat-slide' roof, which terminates below the eaves of the main part of the house and a rear extension. The adjoining dwelling has also been the subject of an extension. The proposed development would result in an enlarged extension. However, whilst the appellant's dwelling is a semi-detached house, there is not a significant amount of symmetry between the appeal site and the neighbouring house. This occurs because of

- extensions to the front and rear elevation of the appellant's dwelling, as well as extensions to the neighbouring house.
4. Therefore, whilst the proposed extension would not be replicated at the neighbouring dwelling, the development would not be incongruous given that it would not erode a sense of symmetry between the two buildings.
  5. The appeal site and some neighbouring dwellings have been arranged so that they are perpendicular to the road. Whilst this creates a relationship between the various dwellings, they have been constructed to different designs and proportions. In result, the proposed development would not result in adverse effect upon the character of the surrounding area as the proposed development would be viewed against a backdrop of differently designed buildings.
  6. In addition, owing to the pattern of development in the surrounding area, the proposed extension would be relatively well screened, which would ensure that it would not be overly prominent within the surrounding area.
  7. One of the side elevations of the proposed extension would be viewable from the road. However, this is seen against a context of differently designed buildings. Moreover, the proposed extension would be set back from the original side elevation of the dwelling and would feature a lower ridge height. It would also have the same footprint as the existing front extension. The proposed porch would, by reason of its proportions, not be readily apparent from the wider area.
  8. Therefore, the proposed development would be a subordinate addition to the existing dwelling. In addition, the feature of a gable end facing the highway would still be apparent and the main feature when viewed from the road. As such, the development would not be injurious to the character and appearance of the surrounding area.
  9. I have been referred to the Council's Householder Development Supplementary Planning Document (2014) (the SPD). Whilst the proposed development would feature first-floor windows of a different height to other windows on the dwelling, the degree of difference would not be large. In addition, the height of windows would be similar to those used on the existing rear extension. Therefore, although the requirements of the SPD would be breached, this would not amount to harm to the character and appearance of the surrounding area.
  10. There is some debate as to whether the appeal site is a non-designated heritage asset. However, even if I were to agree with the Council, I would find that as the proposed development would maintain the gable facing the street as the main architectural feature, that the proposed development would be a subordinate addition to the building and constructed from appropriate materials, I do not believe that the development would result in harm in this regard.
  11. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would comply with Policies CM9 and CM14 of the Newark and Sherwood Amended Core Strategy (2019); and Policies DM6 and DM9 of the Newark and Sherwood Local Development Framework (2013). Amongst other matters, this seek to ensure that new developments are of a

high standard of sustainable design; conserve and enhance the character and appearance of the historic environment; respect the design of the host building; and utilise appropriate design, details and materials.

**Conditions**

12. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. In addition, to ensure that the development harmonises with its surroundings, a condition that would enable the Council to agree details of the external materials is necessary and reasonable. However, I have amended the wording suggested by the Council to allow for any underground works, such as foundations, to be commenced and to create a more precise trigger point for the agreement of such details.

**Conclusion**

13. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

*Benjamin Clarke*

INSPECTOR