

PLANNING COMMITTEE - 1 JUNE 2021

Application No:	20/01405/FUL	
Proposal:	Material change of use of land for stationing of caravans for residential occupation with associated development (new access, hard standing, utility block) – part retrospective	
Location:	Land off Main Street, Balderton	
Applicant:	Mr Patrick Doherty	
Agent:	Heine Planning Consultancy – Mrs Alison Heine	
Registered:	3 August 2020	Target Date: 28 September 2020
	Extension of time agreed until 3 June 2021	
Website link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

Background

Members will recall that the above application was presented at the meeting of 2 March 2021. Members resolved to approve the application for a temporary period of 3 years, subject to the completion of a S106 legal agreement within 3 months of the date of the Planning Committee to secure the access to the site following the removal of the requirement to secure the provision of two off-site footways either side of Hollowdyke Lane on grounds of cost and reasonableness on the basis of the temporary consent.

Members will recall that they were minded to grant a temporary permission for three years on the basis of the identified harmful impact from the considerable nearby noise sources of the A1 trunk road and main line railway which means that noise levels are in excess of recognised standards and the health implications of living at the site in exposure to consistently high background noise levels is a significant concern. However, the weight attached to the noise impact is reduced due to the fact that the identified harm would only be felt for a limited, temporary period until a more appropriate site becomes available through the development plan process, given the total lack of alternative available sites and in the best interests of the children.

These considerations remain unchanged.

The application has been brought back to Members for consideration for two reasons. Firstly details of the site's vehicular access can be secured by condition rather than through a S106 and secondly a number of the conditions that were agreed to be imposed now require amendment due to works that have been undertaken on the site since the March resolution and to simplify and consolidate requirement triggers.

For clarity, the full officer report presented to the March Committee can be viewed by clicking on the links in the background papers list attached at the end of this report and set out below are the proposed additions/alterations to the conditions indicated in bold and underlined/crossed through text.

RECOMMENDATION

That planning permission is approved subject to the following conditions:-

Conditions

01

The use hereby permitted shall be for a limited period up to 30 March 2024 or the period during which the land is occupied for its permitted use, whichever is the shorter. When the land ceases to be occupied or on 30 March 2024 whichever shall first occur, the use shall cease and all caravans, materials and equipment brought onto the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under Condition 7 hereof.

Reason: The nature of the caravans and their proximity adjacent to major transport routes make it unsuitable for permanent permission.

02

No more than 2 caravans (one static and one tourer), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 5 and 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (July 2013).

03

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policy 5 and 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (July 2013).

04

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policy 5 and 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development

Management DPD (July 2013).

05

Within three months of the date of this permission, the solid close boarded fences erected along the boundaries with Main Street and Hollowdyke Lane on the site shall be reduced to a maximum of 1m in height and the resultant debris removed from the site in accordance with the details submitted as part of the application.

Reason: In the interests of improving the visual amenities of the area and improving the cohesion of the development within the area in accordance with the aims of Core Policy 5 and 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (July 2013).

06

The approved soft landscaping shall be completed during the first planting season following the date of this permission. Any trees/shrubs which, within a period of two 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.

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

07

Within three months of the date of this permission, a scheme for the restoration of the site and a timetable for restoration when the use ceases, to its condition before the development took place shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed in accordance with the agreed timetable. At the end of the period for which planning permission is granted for the use or the vacation of the site, whichever is the sooner, the site shall be restored in accordance with the approved scheme and the approved timetable.

Reason: In order to protect the long term appearance of the area in accordance with the aims of Core Policy 9 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (July 2013).

08

Within ~~one~~ three months of the date of this permission details shall be submitted to and approved in writing by the Local Planning Authority of the bin storage facilities' design, siting and materials. The bin storage facilities shall be provided within one month of approval in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of

residential and visual amenity.

09

Within three months of the date of this permission ~~The erection of the amenity block and timber access gates hereby approved shall not take place until~~

a) samples of the materials ~~to be~~ used in the construction of the external surfaces and details of the triple glazing to the windows and doors of the **amenity** building; and
b) the **scale/design/appearance and finish of the gates across the vehicular access shall be** ~~have been~~ submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

010

Within one month of the date of this permission, the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure adequate parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

011

Within three months of the date of this permission, the access shall be constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to highway users.

012

Within one month of the date of this permission, a method statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include an outline of the existing/proposed method of construction, risk assessment in relation to the railway and construction traffic management plan and the use of any vibro-compaction machinery. The construction works shall be implemented in accordance with the agreed details.

Reason: In the interests of railway safety.

~~013~~ 012

Within three months of the date of this permission drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. All disposal shall be diverted away from Network Rail property and there shall be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including

earthworks, bridges and culverts. The scheme shall be implemented in accordance with the approved details within two months of the date of its written approval.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution in accordance with the requirements of Core Policy 9 and in the interests of safety on Network Rail land.

~~014~~ 013

Within ~~two~~ **three** months of the date of this permission full details and the precise positioning of 2 bat boxes and 2 bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall then be installed within two months of approval in accordance with the agreed details prior to occupation and retained thereafter for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

~~015~~ 014

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

- Location Plan – Drawing No: Plan 1;
- Proposed Site Layout – Drawing No: Plan 2 Rev A;
- Proposed Utility Block.

Reason: So as to define this permission.

~~016~~ 015

Notwithstanding the hedgerow details submitted, and within ~~one~~ **three** months of the date of this permission, a revised soft landscaping scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved in accordance with Condition 6. These details shall include: full details of every tree and hedge to be planted (including its proposed species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity.

~~017~~

~~Within three months of the date of this permission, details of a scheme to limit the existing informal access in the south west corner of the site for pedestrian use only shall be submitted for approval to the Local Planning Authority in writing. The approved scheme shall be fully implemented on the site within two months of the date of approval and retained for the lifetime of the development.~~

~~Reason: In the interests of highway safety and visual amenity.~~

016

Within 3 months of the date of this permission, a scheme on a scaled plan to secure details of the width, position, radii and construction of the access and to secure a bound material for the access for a distance of 5m into the site shall be submitted to in writing to the Local Planning Authority for approval. Within 3 months of approval, the access to the site shall be completed in full accordance with the approved details and plan.

Reason: In the interests of highway safety.

Notes to Applicant

~~01~~

~~The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.~~

~~02-01~~

~~In order to carry out the offsite works required (new footways), you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David.Albans@nottscc.gov.uk for details.~~

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 Tel. 0300 500 8080 and further information at:

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

~~03~~

~~The full comments of Network Rail are attached for your information.~~

~~04 02~~

The occupiers of the caravan site will be required to apply for a caravan site licence.

~~05 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 accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

06 04

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/

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 gross internal area of new build is less than 100 square metres.

BACKGROUND PAPERS

Officer Report to 2 March 2021 Planning Committee and list of proposed conditions:

<https://democracy.newark-sherwooddc.gov.uk/documents/s10170/4.%20FINAL%20-%2020.01405.FUL%20-%20Main%20Street%20Balderton%20GT%20Mar%202021.pdf>

<https://democracy.newark-sherwooddc.gov.uk/documents/s10171/4a.%20Appendix%20A%20Resolution%2020.01405.FUL.pdf>

Application case file.

For further information, please contact **Julia Lockwood** on ext **5902**.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/01405/FUL

