



Report to Planning Committee 16 February 2023  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
<b>Application Number</b>	22/01933/FUL		
<b>Proposal</b>	Change of use to public space and construction of path		
<b>Location</b>	Field Reference Number 9227, Station Road, Collingham		
<b>Applicant</b>	Parish Clerk	<b>Agent</b>	Iain Orme
<b>Web 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>		
<b>Registered</b>	05.10.2022	<b>Target Date</b>	01.12.2022 EOT:17.02.2023
<b>Recommendation</b>	That planning permission be APPROVED subject to the conditions set out in Section 10 in the report		

**The application is referred to the Planning Committee in the interests of transparency at the request of the Business Manager.**

**1.0 The Site**

The application site relates to approximately 0.36ha of land, rectangular in shape, situated to the west of Phoenix Community Hall and south of the Co-op, with vehicular access from Station Road in Collingham. The land is within the defined built-up area of the village, just outside the defined ‘Local Centre’ and outside of the designated conservation area. There are residential properties to the south, village amenities to the north and residential garden adjacent the site to the west. The land is flat with a 1.8m high close boarded fence around the perimeter and has been overgrown with brambles and is currently un-used.

Aerials of the site in 2012 show that there was a pond present on the land however 2016 aerials show that the land was levelled. Correspondence from local residents indicate some work may have commenced on site.

## **2.0 Relevant Planning History**

**05/01701/OUT** - Erection of three dwellings, refused 15.09.2005 due to concerns relating to the loss of amenity from noise and general disturbance from the vehicular access point and that its back-land character would be out of keeping with the character and surroundings.

## **3.0 The Proposal**

The application seeks permission to use the land in association with Phoenix Community Hall, which owned by the Headquarters of the Scouts and Guide Association. It would be rented out for community/group uses for activities such as gardening and yoga as well as for the Scouts and Guides Association.

Pedestrian and vehicular access into the site would only be possible via the main gates to Phoenix Hall.

The applicant and owner of the land is Collingham Parish Council. The submitted site plan shows that the site would be cleared and turfed and new tree planting and the creation of a wildflower meadow would be situated adjacent to the southern boundary of the site. The proposed vehicular access to the site is required only to allow for the maintenance of the land and a new pedestrian path is also proposed.

No parking provision is being proposed as it is expected that the Phoenix Hall site (approx. 10 spaces) or village centre car park will cater for the proposed use.

## **4.0 Departure/Public Advertisement Procedure**

Occupiers of 12 properties have been individually notified by letter. A site notice has also been displayed close to the site.

Site visit undertaken on 08.12.2022

## **5.0 Planning Policy Framework**

### **The Development Plan**

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

#### **Allocations & Development Management DPD (adopted July 2013)**

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 - Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)

### **6.0 Consultations**

**Collingham Parish Council** – Support, as applicants of the application (6 for, 0 objections/abstentions) and have provided clarification as to the intended use of the site.

**NSDC, Environmental Health** – The land has a previous/ existing garden use, and as such some activity within the site would be expected. The application is for change of use to a community space, although it is not specific in what activities are proposed to take place at the site. Given that the land is bounded by residential property, there is the potential for the occupiers of these properties to suffer disturbance arising from the proposed use.

I would therefore recommend that there be a restriction on the hours of use of the site, particularly where amplified music is proposed.

Any use of the site outside of permitted hours (such as camping) should be restricted to a limited number of days a year.

To reduce disturbance, the boundary should be a suitably constructed acoustic barrier, details of which should be supplied for approval.

**NCC Highway Authority** – No Objection. The use of this land is considered unlikely to have significant increase in journeys by car and therefore is unlikely to have any significant impact on the highway. The planning statement indicates that the land may be used for ad hoc events such as open garden, village, or national celebrations. Such events should be notified to the County Council if they are likely to attract a significant parking demand. In consideration of the above, the highway authority has no objections to the application. An informative has been provided.

**16 representations have been received from local residents/neighbours** objecting to the proposal. The issues can be summarised as follows:

- Would lead to increase of crime in the area;
- Concerns relating to parking provision with neighbours concerned that the land would be used for parking cars;
- Impact on the highway through potential parking on Station Road which is already an issue when there are children's football matches at the football club pitches close to the site. With the new coffee shop next door to the Co-op and the football club, it is likely that additional parking will end up on Station Road.
- Loss of privacy with the land being adjacent residential properties;
- Concerns over drainage;
- Impact on wildlife;
- Noise and disturbance;
- Once the land is allowed for public activity concern that this will increase to becoming a playing field with play equipment;

- Suggestion that works on-site have already started, and the path has already been dug out prior to the application being determined and damage has been done to one of the residents' fences in the process of these works having taken place;
- Gates that have been installed to the site are not secure security gates as promised and that there would also be trees planted along the southern boundary to help provide screening for the residents;
- Work has already commenced on the site;
- Concerns raised that the Parish Council are not following their own protocols and processes and misleading residents.

Officers have also been copied into a number of recent e-mail exchanges between local residents and the Parish Council, containing details in relation to the final bullet point, the contents of which are not material to the consideration of this application.

## **7.0 Comments of the Business Manager – Planning Development**

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

### Principle of Development

The site is within the built-up part of Collingham, which is defined as a Principal Village by Spatial Policy 1 of the Amended Core Strategy.

Spatial Policy 8 states the provision of new and enhanced community and leisure facilities will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities, both within the district and beyond.

Policy DM1 states proposals will be supported for housing, employment, community, retail, cultural, leisure and tourism development appropriate to the size and location of the settlement.

At approximately 0.36ha, the land is modest in size and no built form is proposed. The proposal would support an existing community facility by providing additional land for village clubs to utilise. This is considered to be an enhancement that would be in line with the provisions of Spatial Policy 8 and DM1 and therefore the proposal is considered acceptable in principle.

### Impact upon Visual Amenities of the Area

Core Policy 9 requires any new development to achieve a high standard of design and layout that is of an appropriate form and scale whilst complementing the existing local distinctiveness and built and landscape character. Policy DM5 states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The site is not overly visible from the public realm due to its backland position and 1.8m high close boarded fencing around the perimeter. The only access to the site is via the adjacent Phoenix Community Hall which means the use for the site would be controlled through its association with the Hall.

As part of the change of use, the site would be cleared of existing vegetation, and a self-binding pedestrian gravel path would be laid. No other physical development is proposed. Along the southern boundary a line of new trees are to be planted and supported by a wildflower meadow which would provide some softening along this boundary and represent a quality of new green infrastructure. The proposal does not introduce any new development that would be harmful to the character and appearance of the area and additional new planting would contribute to the local natural environment and visual amenities of the area.

With the above in mind, it is considered that the proposed development would therefore accord with the aims of Core Policy 9 and Policy DM5 of the Development Plan and the provisions of the NPPF.

### Impact upon Residential Amenity

The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings. 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.

A number of comments have been received from local residents with concerns that the site would become a public park. However, it is clear that the land could only be accessed through the grounds of Phoenix Hall which is locked up when not in use and so would not be directly open or accessible to the public in an uncontrolled way. The Parish Council, as applicants, have advised that the land would not be accessible to the public at all times but would have specific and limited organised usage.

Concerns have been raised in relation to the loss of privacy of the residential dwellings to the south of the land. However, I do not consider that the proposal would likely result in an unacceptable impact on neighbouring privacy given the 1.8m high close boarded fence along the southern boundary together with the buffer that the proposed new tree planting and wildflower meadow would afford.

I am mindful that the proposed new use of the land in this way is likely to generate a certain level of noise. Whilst it is accepted that gatherings of numbers of people have the potential

to result in the creation of some noise and volumes, this is unlikely in itself to result in unacceptable levels. There is no indication that the site would be used as a car park and so noise from engines and car doors would not occur. Amplified music could become a nuisance and whilst the Phoenix Community Hall currently has no opening hour restrictions, this could be a way of limiting the potential for late night disturbance, if Members considered it was necessary. However, no external lighting is currently proposed that would allow use beyond daylight hours.

The Council's Environmental Health officer has advised that a suitably constructed acoustic barrier could be included however I am mindful that to be effective these are usually 3m high and in my view would be an excessive and unnecessary requirement and would not be in character with the area. Local residents have raised concerns that the land could be used for over-night camping by the scouts/guides. The Environmental Health officer has suggested that camping should be limited to a number of days a year, however such restrictions would be difficult to control and enforce. This could be more readily be controlled through an hours restriction, should Members consider it necessary.

Residents have also raised concerns to there being an increase in crime. Policy DM5 states 'The potential for the creation or exacerbation of crime, disorder or antisocial behaviour should be taken into account in formulating development proposals. Appropriate mitigation through the layout and design of the proposal and/or off-site measures should be included as part of development proposals.' It is considered that with the controlled use of the land by organised groups, that such a risk would be extremely low.

Overall, given the distance of approx. 22m between the rear of the houses to the south and the application boundary as well as proposed buffer created by tree planting and a wildflower meadow area along the southern boundary, it is considered that the impact on the amenities of local residents to the south is not likely to result in unacceptable levels of harm, in terms of noise and disturbance or loss of privacy nor is it considered to give rise to anti-social behaviour or lead to an unacceptable increase in the potential for crime or its fear that would warrant the refusal of planning permission. The proposal is therefore considered to accord with the aims of Policy DM5 of the Allocation and Development Management DPD and the provisions of the NPPF.

#### Impact upon Highway Safety

Policy DM5 requires provision of safe access to new development and appropriate parking provision. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all.

The concerns of residents have been noted in respect of parking and highway impacts. NCC Highway Authority have been consulted on the proposal and advise that they do not object as the scheme is unlikely to increase parking in the area and it would not therefore have an unacceptable impact on highway safety. I agree with this assessment. There is already some parking provision within the existing Phoenix Hall site (approx. 10 spaces) and additional ample parking would be accessible within the local centre to the north of the site (even when there are football matches being played) that can cater for those arriving by car. Many users

of the site may well arrive on foot given that this is a local facility. I therefore consider that the scheme accords with the policy requirement in this regard.

### Landscaping

Policy DM5 states that in accordance with Core Policy 12 natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits.

A layout plan has been provided which shows that the site would be cleared and turfed. The Parish Council's supporting statement states that the southern part of the site would be planted with trees of native species to form a visual and acoustic screen. This would be an area left to nature in the form of wildflower meadow planting which would provide enhancements and multi-functional benefits to the site in accordance with Core Policy 12.

### **8.0 Implications**

In writing this report and in putting forward recommendation's officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **9.0 Planning Balance and Conclusion**

The principle of providing new and enhanced community and leisure facilities is supported by Spatial Policy 8 and Policy DM1. It is acknowledged that the site is located to the rear of existing residential dwellings and the introduction of such a new use is likely to result in some impact on the residential amenity in terms of potential for noise. However, given the limited size of the site, together with its use by organized responsible groups in addition to the length of the rear gardens and proposed new planting, it is not considered that noise levels are likely to result in unacceptable levels. No harm to the visual amenities of the area or highway safety have been identified and new tree planting would provide green infrastructure benefits.

For the reasons set out above, it is considered that the proposal accords with the relevant policy context and therefore a recommendation of approval, subject to conditions is offered to Members.

### **10.0 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 be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Location Plan, Existing and Proposed Block Plan Drawing AR-AL-0001 Rev A
- Proposed Layout Drawing AR-AL0002
- Planning Statement Received 07.12.2022

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

03

Prior to first use of the development hereby approved full details of the soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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, 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 and residential amenity and biodiversity.

04

The approved soft landscaping shall be completed during the first planting season prior to first use of the development hereby approved. Any trees/shrubs which, within a period of five 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. 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 and residential amenity and biodiversity.

05

The land use hereby permitted shall remain ancillary to the Phoenix Hall Community Centre at all times and shall at no time be subdivided or used as separate land without the prior express permission of the Local Planning Authority.



Reason: This condition is considered necessary to ensure that proper access is available to the land alongside the essential amenities/ facilities contained in the Hall (such as toilets etc) to allow for the proper functioning of the land in the interests of amenity.

### **Informatives**

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) (England) 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 given that there is no net additional increase of floorspace as a result of the development.

03

If an event is planned that may affect the public highway you are required to inform the County Council. Please visit <https://www.nottinghamshire.gov.uk/transport/licences-permits/events-public-roads> for details.

### **BACKGROUND PAPERS**

Application case file.

Committee Plan - 22/01933/FUL

