



Report to Planning Committee 16 March 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, 5907

Report Summary			
Application Number	22/02296/FUL		
Proposal	Demolition of Scout hut and erection of replacement building providing training and changing facilities		
Location	Hoveringham Activity Centre, Thurgarton Lane, Thurgarton, NG14 7HL		
Applicant	Mr Steve Day	Agent	Alison Dudley - Zenith Planning And Design
Web Link	22/02296/FUL Demolition of Scout hut and erection of replacement building providing training and changing facilities Hoveringham Activity Centre Thurgarton Lane Thurgarton Nottinghamshire NG14 7HL (newark-sherwooddc.gov.uk)		
Registered	19.12.2022	Target Date / Extension of Time	13.02.2023 / 23.03.2023
Recommendation	Refuse, for the reason set out in Section 10.0		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Jackson due to support for the facility and that the Parish Councils are in favour of the application (*albeit no formal comments have been received from Thurgarton Parish Council*).

1.0 The Site

The application site is situated to the south of Thurgarton and to the north of Hoveringham. It forms a small rectangular plot of land to the north of a former sand and gravel pit, which was granted consent in February 2016 to be used by the Scout Association as a water sports lake. The site is accessed from an access track off Thurgarton/Hoveringham Lane with Thurgarton railway crossing and station situated immediately to the north of the site and the Hanson cement works immediately to the east.

The wider site comprises a lake, club house (prefabricated porta cabins), boat storage compound and vehicle parking area. The lake is approximately 1.5km in length, 600m in width (at its widest part) and crossed by high voltage overhead electricity pylons at approximately the mid-point.

According to the latest Environment Agency maps, the site is partly within Flood Zone 2 and partly within Flood Zone 1. The entire site lies close to the boundary but within the Nottinghamshire Green Belt.

The lake adjacent to the site is part of Hoveringham Gravel Pits ex local wildlife site.

The site is not situated within a Conservation Area (CA), with the closest CA being Thurgarton approximately 450m to the north. The closest heritage asset to the site is Thurgarton Station which is a Grade II listed property situated approximately 200m to the north.

The site is bound from the roadside by hedging and a 'permissive path' as detailed within the site restoration program runs around the edge of the lake approximately following the line of the drainage ditch. The path is separated from the scout site by post and mesh fencing and lies approximately 80m to the east of the existing lakeside club house.

2.0 Relevant Planning History

22/00896/FUL - Demolition of Scout Hut and erection of replacement building providing training and changing facilities.

Application refused for the following reason:

The site is located within the Nottinghamshire-Derby Green Belt. Paragraph 149 of the National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt are inappropriate, with some exceptions listed. In the opinion of the Local Planning Authority, the development does not satisfy any of the relevant exemptions outlined in Paragraph 149 of the NPPF. The building would be materially larger than the one it is intended to replace, and its significant size and scale would adversely affect the openness of the Green Belt.

The building is therefore considered to constitute inappropriate development in the Green Belt which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances which have not been adequately demonstrated in this case.

The application is therefore contrary to the NPPF, a material consideration in addition to Policy 1 (New Development) of the Thurgarton Neighbourhood Plan 2017 and Spatial Policy 4B (Green Belt Development) of the Amended Newark and Sherwood Core Strategy 2019.

18/01298/FULM - Variation of conditions 2, 13 and 14 attached to planning permission 15/01537/FULM

Application approved November 2018.

17/01882/FULM - Application for variation of conditions 2 and 13 of planning permission 15/01537/FULM (Change of Use of the Railway Lake to Watersport and Scouting Use, incorporating installation of portacabin for changing/training room and installation of septic tank) to allow the portacabin to be 9.6m x 9m, with rear decking area of 4.7m x 11.8m and painted Forest Green rather than clad. In addition, retention of 2.35m high compound fence, 2.53m high compound gates and 4 metal storage containers and a timber shed within the compound area. (Retrospective)

Application refused following a Member resolution at the Committee Meeting of 6 March 2018 (contrary to Officers recommendation to approve). The application was refused for the following reason:

The clubhouse and associated boat storage compound (including the boundary fence and the two additional storage containers and timber shed) given their design, materials and scale as built result in an industrial appearance which is considered to result in an unacceptable degree of visual harm to the rural character of the surrounding area. In addition the resultant development is considered to be incongruous in this setting and would detract from the openness of the designated Green Belt and conflicts with the purposes of including land within it. The proposal therefore fails to accord with Spatial Policy 4B, Core Policy 9 and Core Policy 13 of the Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013). The proposal represents inappropriate development within the Green Belt which is by definition harmful as outlined by the NPPF. No very special circumstances have been presented which would outweigh this identified harm.

15/01537/FULM - Change of Use of the Railway Lake to Watersport and Scouting Use, incorporating installation of portacabin for changing/training room and installation of septic tank. *Approved February 2016.*

11/00212/CMA - Variation of conditions 22 and 24 of planning permission 3/08/0226/CMA to extend the timescale for the completion of restoration works and tree planting. *Approved 2011.*

93/50782/CMA – Extract sand and gravel and re-phase infill by pulverized ash. *Approved 1996.*

93830713 – Extraction of sand & gravel, construction of road tunnel and conveyor. *Approved 1984.*

3.0 The Proposal

The proposal seeks to replace the existing porta cabin building with a purpose-built building comprising a meeting space (which can be subdivided into two classrooms); changing facilities and offices. The building would be approximately 22.76m by 12.12m and would be surrounded on three sides by an external deck up to 3.5m in width. The building would have a maximum pitch height of around 3.6m with eaves of around 2.4m. Materials proposed would predominantly be fibre cement cladding finished in sage green with a grey metal roof. The south elevation would feature solar panels.

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

- Site Location Plan - 00001;
- Existing Site Plan – 00002;
- Existing Floor Plan – 00003;
- Existing Elevations – 00004;
- Proposed Site Plan – 00005;
- Proposed Floor Plan – 00006;
- Proposed Elevations – 00007;
- Design and Access Statement – Zenith Planning and Design Consultants dated January 2023;
- Ecology and Protected Species Survey – Inspired Ecology Ltd dated January 2022;
- Foul Drainage Assessment Form;
- Flood Risk Assessment – ECL0824/Zenith Planning and Design dated August 2022.

4.0 Departure/Public Advertisement Procedure

There are no immediately adjacent neighbours to consult so a site notice has been placed at the site.

Site visit undertaken on 12th January 2023.

5.0 Planning Policy Framework

Thurgarton Neighbourhood Plan (made May 2017)

Policy 1: New Development
Policy 3: Transport Impact of Development
Policy 4: Local Employment
Policy 5: Community Facilities
Policy 6: Historic and Natural Environment

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

Spatial Policy 4B– Green Belt Development
Spatial Policy 7 - Sustainable Transport
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Core Policy 6 – Shaping our Employment Profile
Core Policy 7 – Tourism Development
Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design
DM7 – Biodiversity and Green Infrastructure

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Landscape Character Assessment SPD (2013)

6.0 Consultations

Hoveringham Parish Council – support the application and furthermore feel the proposed construction will be a huge improvement visually to the current structure.

The scouts are excellent neighbours who, apart from enhancing youngsters' lives, go over and above with caring for the environment in many ways - litter picking, footpath maintenance etc which benefits everyone.

Thurgarton Parish Council – No comments received.

NCC Highways – No objection subject to condition.

NSDC Environmental Health (contaminated land) – Advice note regarding Radon.

Environment Agency – No objection subject to advice in relation to drainage.

NCC Flood – No objection and no further comments.

NCC Rights of Way – No comments received.

Ramblers Association – No comments received.

National Grid – No comments received.

Nottinghamshire Wildlife Trust – No comments received.

Trent Valley Internal Drainage Board - The Board maintained Spitalwood Dumble, an open watercourse, exists to the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

No letters of representation have been received from any third/interested parties.

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 and Green Belt Considerations

Policy 1 of the Neighbourhood Plan refers to development in the Green Belt directing assessment towards National Green Belt policy. This is also the case with Spatial Policy 4B of the Core Strategy.

The site lies on the eastern edge of the Nottinghamshire Derby Green Belt. Paragraph 147 of the NPPF states that, *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'* Paragraph 149 goes on to confirm that some new buildings may be considered as an exception to inappropriate development including *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;'*

The new building would replace the original portacabin changing / training room which was originally approved in 2016 as part of the wider change of use application for the lake. The current application submission refers to this as being a temporary building but for the avoidance of doubt, the conditions on the 2016 approval did not require its removal at a later date and therefore in planning terms it has a permanent permission.

The table below shows a comparison between the existing building; the previously refused scheme and the building now proposed (discounting the external areas of decking):

	<i>Existing</i>	<i>Application 22/00896/FUL</i>	<i>Proposed Scheme</i>	<i>% difference between proposed and existing</i>
<i>Floor space (m²)</i>	86.4	307.04	276.69	+220.2
<i>Height (m)</i>	2.35	5	3.64	+54.9
<i>Volume (cubic m)</i>	250.56	1151.55	855	+241.2

Even in the context that the proposed building would also include an office, I am satisfied that it can be considered as the same use. It is acknowledged that the scale of the building has reduced slightly since the previous refusal but based on the table above, it is very clear that the proposed building would still be materially larger than the existing and therefore would fail to satisfy the exception in relation to replacement buildings set out in the NPPF.

There is also an allowance in paragraph 149 for *'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;'*

As per the planning history, the wider site is used as a water sports lake by the Notts Scouts Association. It is suggested that the current building has been outgrown, given the expansion

of numbers and range of activities offered. I am satisfied that the building would be associated with outdoor sport and recreation thereby complying with the initial element of the above exception. However, in order to be acceptable in Green Belt terms, the proposal would also need to preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

Paragraph 138 outlines that Green Belts serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The closest potential conflict with the above would be encroachment into the countryside. However, given that the building would be positioned between the lake and an existing parking area in the place of an existing building, I am not convinced that there would be demonstrable harm in this respect.

Notwithstanding the above, it also falls to assess whether or not the proposal would preserve the openness of the Green Belt. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.

The scale of the proposed building would be expansive and significantly bigger than the existing building on site (even in its reduced scale from the previous application). The impacts of the development would be compounded by the associated decking which would largely surround the building. The combined increase in volume; footprint and height would fail to preserve the openness of the Green Belt as required by the NPPF.

The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There is no definitive list for what constitutes very special circumstances, but the threshold is high and turns on the facts and circumstances of individual applications.

The Design and Access Statement seeks to present very special circumstances on the basis that the building needs to be upgraded to meet Part M building regulations. It is stated that in the summer months portaloos and temporary changing areas need to be erected to serve the level of activity within the site. It is also stated that there are safety issues with the existing building (specifically the multitude of access and exit doors).

Whilst I would sympathise with the issues which are experienced given the constraints of the existing building, I do not consider that the inconveniences experienced in the summer months would be enough to constitute very special circumstances which would permit harm

to the Green Belt. The development is therefore considered contrary to the relevant provisions within the NPPF, Spatial Policy 4B and Policy 1 as set out above.

Impact on Character and Design

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 and created.

The site is located within the Sherwood Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2013). The site is located within the Trent Washlands Policy Zone 52: Thurgarton River Meadowlands. The characteristics of the zone are a flat low-lying landscape with linear stretches of pasture against the River Trent. The landscape condition is described as moderate with a weak sense of place giving the overall action to create and reinforce.

Despite the hedged boundaries of the wider site, the existing buildings on and adjacent to the site have a degree of visibility in the wider landscape. The proposed building would be over a metre higher than the existing portacabin and set against the back drop of the low lying lake would potentially be a prominent feature of the site. However, it is noted that the immediate site surroundings include industrial buildings of significant scale (outside of the Green Belt).

The building would be finished in a green fibre cement cladding which would assist in reducing the overall landscape impact. Overall, there are no design or landscape objections to the building, but this in itself does not change the conclusions on the adverse impact on openness in the context of the Green Belt.

Impact on Flood Risk

Para.167 of the NPPF states when determining planning applications, the Local Planning Authority should ensure flood risk is not increased elsewhere. It further states 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, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant. This includes safe access and escape routes where required and that any residual risk can be safely managed and it gives priority to sustainable drainage systems.

Paragraph 162 of the NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The site is partly within Flood Zone 1 and partly within Flood Zone 2. Sequentially it appears that there is enough land within the applicant's ownership to position the whole building outside of the higher flood zone. However, it has been previously explained that the building

is required to be right at the edge of the lake for surveillance as a safety issue. This is not disputed and therefore the development would be acceptable sequentially.

Table 2 of the PPG Flood Risk and Coastal Change categorises different types of uses and development according to their vulnerability to flood risk. The proposed development is covered by the description of outdoor sports and recreation and essential facilities such as changing rooms and is classified as 'Water Compatible Development'. Table 3 of the PPG Flood Risk and Coastal Change sets out Flood Risk Vulnerability and flood zone 'compatibility'. The site is partly in Flood Zone 2 and the development is 'Water Compatible' therefore development is appropriate, and the exception test is not required.

Nevertheless, the application has been accompanied by a Flood Risk Assessment which outlines mitigation measures including elevated floor levels and registration to the flood warning service provided by the Environment Agency. If permission were to be forthcoming then these elements could be conditioned to ensure that the development would be safe for its lifetime.

Impact on Ecology and Trees

Policy DM7, consistent with the requirements of Core Policy 12, establishes that new development *"should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network"*.

The proposal includes the demolition of an existing building on site and so the application has been accompanied by an ecological survey. In addition to this the proposal would include the removal of some reedbed and scattered trees. In respect to the reedbed removal, the report identifies that common reed is listed an indicator species for fen, marsh and swamp habitat for which the adjacent local wildlife site is designated. However, as the site is small in size it is not considered that a significant amount of common reed will be removed and it is not anticipated that the removal of the common reed will affect the botanical interest features of the wildlife site. Having assessed the trees which would need to be removed to facilitate the siting of the building, these are of no particular merit to warrant full assessment through a tree survey. If permission were to be otherwise forthcoming, then a condition could be imposed to secure replacement planting to compensate for their loss.

There was no evidence to suggest that the building for demolition supports roosting by bats and it was assessed as offering negative bat roost potential.

Precautionary measures are suggested which could be secured by condition if the development were to be otherwise acceptable.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that 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 and seeks to ensure no detrimental impact upon highway safety.

It is acknowledged that the site has an established use which in turn will have an established impact on the highways network. It has been confirmed that there would be no increase in the number of people attending each session and therefore there would be no impact on traffic generation or on-site parking demand.

NCC Highways have been consulted on the proposal. Their original comments raised concern in respect to the gate being adjacent to the highway without allowing vehicles to pull off the road if the gate were closed. However, their latest comments raise no objections provided a condition is attached requiring revised access details showing a gate set into the site. Given that the use of the site is established and it is not intended to increase the existing usage, subject to the suggested condition, the proposal is considered compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

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 proposed building would be over 200m from the nearest neighbouring property such that its size and scale would have no adverse amenity impacts. For each session on the water there would typically be 30 youngsters and 10 instructors. It is stated that there would be no increase in the number of people attending each session as a result of this new building and therefore there would be no impact on additional comings and goings to and from the site. The use to which the building is associated is already established and in operation on site and therefore there would be no harmful amenity impacts arising from the proposal.

Other Matters

The Environment Agency have commented on the proposed drainage provisions noting that there are some points within the application which are contradictory (the application form states the intention is to use a septic tank, whereas the Foul Drainage Assessment has both septic tank and package treatment plant ticked). Nevertheless, they have raised no objections to the use of non-mains drainage subject to the applicant ensuring that the system is compliant. They have offered advice to this effect which could be included as an informative note if the application were otherwise acceptable.

8.0 Implications

In writing this report and in putting forward recommendations 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 Conclusion

The proposed development would represent inappropriate development in the Green Belt which by definition is harmful. The development would impose harm to the openness of the

Green Belt. Very special specific circumstances to outweigh this harm have not been presented and therefore the development is recommended for refusal.

10.0 Reason for Refusal

01

The site is located within the Nottinghamshire-Derby Green Belt. Paragraph 149 of the National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt are inappropriate, with some exceptions listed. In the opinion of the Local Planning Authority, the development does not satisfy any of the relevant exceptions outlined in Paragraph 149 of the NPPF. The building would be materially larger than the one it is intended to replace, and its significant size and scale would adversely affect the openness of the Green Belt.

The building is therefore considered to constitute inappropriate development in the Green Belt which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances which have not been adequately demonstrated or identified in this case.

The application is therefore contrary to the NPPF, a material consideration in addition to Policy 1 (New Development) of the Thurgarton Neighbourhood Plan 2017 and Spatial Policy 4B (Green Belt Development) of the Amended Newark and Sherwood Core Strategy 2019.

Informatives

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/

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

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

03

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

- Site Location Plan - 00001;
- Existing Site Plan – 00002;
- Existing Floor Plan – 00003;
- Existing Elevations – 00004;
- Proposed Site Plan – 00005;
- Proposed Floor Plan – 00006;
- Proposed Elevations – 00007;
- Design and Access Statement – Zenith Planning and Design Consultants dated January 2023;
- Ecology and Protected Species Survey – Inspired Ecology Ltd dated January 2022;
- Foul Drainage Assessment Form;
- Flood Risk Assessment – ECL0824/Zenith Planning and Design dated August 2022.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 22/02296/FUL

