

PLANNING COMMITTEE – 10 August 2023

Schedule of Communication Received after Printing of Agenda

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
No. 5 Chestnut Lodge 23/00963/FULM	Cllr Johno Lee	02.08.2023	<p>Dear Members of the Planning Committee,</p> <p>I write to you today with grave concerns regarding the proposed change of use application for the residential caravan site intended for gypsy/travellers, which encompasses 19 pitches, relocation of two existing pitches, construction of one manager's dwelling, an amenity building, and the creation of a new access point. The proposal as it stands contravenes numerous fundamental aspects of the UK planning policies, notably those established within the National Planning Policy Framework (NPPF). These policies underscore the importance of protecting our countryside from unsuitable development and ensuring that any development promotes or preserves the vitality of rural communities (NPPF, para 83).</p> <p>It is essential that the 'open countryside' aspect of this application be thoroughly scrutinized. Any potential environmental implications, impact on scenic quality, and alterations to the rural character of the countryside must be considered.</p> <p>The obligation to shield community interests, particularly preserving open green spaces, must inform our evaluation of this project. Local infrastructure capacity is another crucial factor. As stipulated by the PPTS under 'Policy A: Decision-taking', any development in the countryside must be sustainable economically, socially, and environmentally. If the project were to place undue pressure on local resources such as schools, medical facilities, roads, and other services, this would constitute</p>	<p>Noted.</p> <p>Matters relating to the impact on the open countryside, local community, local infrastructure and the highway are covered in the committee report.</p> <p>The site is in Flood Zone 1 on the Environment Agencies Flood Mapping and therefore is at low risk of flooding. The site is not within an area at high risk of surface water flooding.</p> <p>Officers would reiterate that the previous reason for refusal is the crux of this re-submission application and that reintroducing new arguments at this stage could put the Council at risk of being found to be unreasonable.</p>

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			<p>grounds for refusal.</p> <p>Furthermore, both PPTS and the NPPF stipulate that developments should not disproportionately burden the local community (Barnby) nor overburden local resources detrimental to local businesses. As the site is projected to operate as a business, it also stands in opposition to this policy.</p> <p>The NPPF also promotes developments that minimise the number and length of journeys. If the proposed site were to induce significant stress on local transport networks, it would be contrary to this policy.</p> <p>Notably, this application also appears to contradict NPPF Paragraph 79, which seeks to avoid new isolated homes in the countryside, and Paragraph 127, which sets out the criteria for achieving well-designed places. Likewise, the site contravenes PPTS Criterion d, stating that traveller sites in open countryside away from existing settlements should be avoided, and Criterion e, which discourages sites in areas at high risk of flooding. Based on advice from the parish council, the area under consideration is prone to flooding, placing the project further in violation of this policy.</p> <p>Aside from policy discrepancies, I am also apprehensive about the impact of this development on the open countryside, the inclusion of a manager's dwelling, highways safety, local services, and the overall impact on Barnby in the Willows Village.</p> <p>It is noteworthy to mention that during the evaluation of the last application, the district Council's objection was</p>	

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			<p>predominantly based on the size of the property. However, the scale of a property should not limit this Council from examining the wider, significant issues this application presents. If deemed necessary, the Council should feel empowered to contest the arguments outlined in this letter at appeal.</p> <p>Given these substantial concerns, I respectfully request that the committee vote against this planning application.</p>	
No. 5 Chestnut Lodge 23/00963/FULM	Officers	08.08.2023	<p>Guidance for members to have regard to in their decision making.</p> <p>Officers note the concerns of local residents in relation to the perception that this development would increase crime and anti-social behaviour.</p> <p>For awareness, Section 17 of the 'Crime and Disorder Act 1998' places a duty on each local authority: 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'. Despite the whole raft of other legislation/guidance surrounding the planning process, there is no exemption from the requirement of Section 17 as above as all departments within a Local Authority fall under the umbrella of the 'responsible authority' status.</p>	

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			<p>The NPPF also places great emphasis on safety and security.</p> <p>However, the Courts have held that any fear of crime has to be founded with evidence and it has to relate to the proposed use, as opposed to the occupiers. There is a requirement for the fear of crime to stand up to scrutiny. Members must be mindful of any indirect discrimination that raising such concerns (relating to the perceived risk of increased crime levels from future occupiers) may bring and how this would contravene the public sector equality duty.</p> <p>A High Court Judgement ([2006] EWHC 3287 (Admin)) has also held that, that concern about the likelihood of increased crime and antisocial behaviour, and the fear of such, arising from gypsy caravan development is not material as it based on the unfair belief that large-scale gypsy development is bound to lead to crime and antisocial behaviour.</p>	
<p>No. 5 Chestnut Lodge 23/00963/FULM</p>	<p>Local Residents (6)</p>	<p>08.08.23- 09.08.2023</p>	<ul style="list-style-type: none"> • Unmet G&T need should not overrule all other considerations. • This is an over intensive development in an inappropriate location. • This development would dominate the local area and change its character. • Concerns in relation to highways safety. • The drainage proposed would be inadequate. 	<p>Noted. Matters raised are addressed within the Committee report.</p> <p>For clarity, conditions are recommended to ensure that the pitches would be made available for rent prior to any other construction on the site taking place.</p>

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			<ul style="list-style-type: none"> • Comparisons should not be drawn with the Spalford appeal. • Proximity of other G&T sites is a real concern see Fig 1. • The Council should be running the site if the Council has a need to supply pitches. • How can the Council be certain that the pitches will be made available. • This proposal circumvents due process for houses in the open countryside. • The proposed pitches are too small and will create a safety risk. • Fig 2 shows that the local population is surrounded by G&Ts and will become overpowered by them. • The site is so well enclosed locals will not be able to see what is happening inside it. • Local infrastructure is insufficient. • A temporary consent should be issued first to see how well the site is managed before a managers dwelling is allowed. • The committee report has not been made public for people to read. • The application is contrary to policy. • Objections made are not because the site is for travellers, but because this scale of development would not be allowed if the proposal wasn't for travellers. 	<p>The Committee Report was also published on the Agenda page of the Council's website and made available to the public ahead of the meeting.</p> <p>Cllr Lee has provided written representation to the Committee (see above) and did not request that this application be deferred for him to attend the meeting. Furthermore, planning decisions must be made in a timely manner and within statutory timescales. Officers do not consider it would have been reasonable to defer the committee date due to a Councillor being on holiday.</p>

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			<ul style="list-style-type: none"> • The unmet need of the district is not the answer to all of the sound planning objections that have been made. • Concerns that this application is being rushed through when the local councillor is on holiday and unable to represent the residents. • Concerns about crime locally and police incidents. • Reiterating comments previously made on the application in relation to: Highways concerns. Risk of fires on site. No need for any buildings to be provided with the pitches. Development being unacceptable on green open spaces. Impact on local facilities. 	
<p>No. 5 Chestnut Lodge 23/00963/FULM</p>	<p>Barnby in the Willows Parish Council</p>	<p>09.08.2023</p>	<p><i>Re-provided copies of all of their previous comments that have been made on the application which are all available to read on the online planning file.</i></p>	<p>All comments made by the Parish Council have been covered in the Committee Report.</p>
<p>No. 7 Highfields School 22/01726/FULM</p>	<p>NCC Highways Authority</p>	<p>01.08.2023</p>	<p>In summary continue to object, albeit they indicate that a further iteration of plans may be able to address the issues raised. In summary they comment that:</p>	<p>Comments noted. NCC Highways Authority continue to make clear that the development would place nearby junctions that are already over capacity</p>

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			<p>The LINSIG assessment indicates development traffic increases the Degree of Saturation on the B6326 London Road East from 119.1% to 122.5%. Whilst this increase of 3.4% is not in itself often a cause for concern, this illustrates the effect of additional traffic on a junction which is already saturated – virtually every car leaving the development adds to the queue rather than being absorbed into the network, the queue increasing from 125 to 142, some 17 vehicles.</p> <p>The application has been made at a time just prior to certainty over construction of the Southern Link Road to the south of Newark. Once open, the SLR will result in some significant changes to traffic flows, not only to the background traffic but the development traffic - some of which is likely to turn left, against the tide of traffic towards Newark to access the SLR instead of having to turn right and travel through central Newark to reach the A46 for example. Whilst this has not been tested with a traffic model (as the development is not of a quantum which would make this proportionate to request) logic dictates that the above is likely.</p> <p>As part of the mitigation package, the applicant has submitted a proposed / improved footway link to the primary school on Barnby Road in order to try to offset the issues by making the walk to school more attractive thereby reducing reliance on travel by private vehicle, in particular to the local primary school (Drawing Number</p>	<p>under additional pressure. They also acknowledge that the SLR (which has an opening date of October 2025) will change the behaviours of drivers exiting the development once the SLR becomes available. What impact this will have however, is not known and NCC have accepted that it would not be reasonable for the applicant to model this due to cost and proportionality.</p> <p>In any event the mitigation that the applicant has advanced by way of the Barnby Gate Cycle and Walking Scheme is still not acceptable in that it fails to show adequate visibility for pedestrians who are crossing from Barnby Road back towards the site egress (as it is adjacent to a bend) and the implications for remedying this (such as possible culverting?) are not known given it hasn't been demonstrated. The scheme also still shows the school car park being two-way very close to the site access onto London Road which would impact on highway safety. Based on these latest comments the scheme is still recommended for refusal but 'Reason for Refusal no. 3' is recommended to be altered as follows:</p>

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			<p>21/108/TR/010 rev A). The proposals also support the Travel Plan, but would need to be more actively promoted within this. No visibility splay is shown to/from the northernmost crossing point adjacent to the site egress, and as this is directly adjacent to a bend, this may have road safety implications and need addressing.</p> <p>It has also come to light that the third-party land opposite Barnby Cottages is owned by the applicant and the footway should therefore be improved to 2m, and, whilst it may not be necessary to use any, the stated constraint of third-party land should therefore be removed.</p> <p>It is noted that a football pitch will be sited adjacent to the proposed internal access road. This should be suitably fenced to prevent errant balls and pedestrians running after them entering future highway, in the interests of highway safety.</p> <p>The plans show the existing entrance to the car park to be 2-way. It is not acceptable to have vehicles entering the road in such close proximity to the access junction. This needs to be one way with details on how it would be managed provided.</p> <p>The footway link to London Road south-east of the proposed vehicular access would require lighting which is not shown on the plans and would need to be secured.</p>	<p>Reason for Refusal No. 3:</p> <p><i>The proposal has been shown to cause a severe adverse highway impact at morning peak from signalised junctions in the area that would be over capacity as a result of this development. Whilst a mitigation scheme has been advanced which attempts to encourage residents to walk and cycle by exiting the site to the north onto Barnby Road, this has failed to demonstrate that it would be safe for all users, as the pedestrian visibility splay has not been shown and in any event, in the opinion of the Local Planning Authority, it would not fully mitigate the harm identified to the south at London Road. In addition, the vehicular entrance to the school car park (being two-way to traffic) so close to the site access at London Road is also likely to negatively affect highway safety. Furthermore, whilst an acceptable scheme of mitigation to the Mount Road/Main Street junction in Balderton has been identified, this relies on a financial contribution towards upgrades to that junction and there is no mechanism at the time of decision making to secure</i></p>

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			<p>Comments on the Travel Plan will follow.</p>	<p><i>this. As such the proposal is considered to be harmful to highway safety contrary to Spatial Policy 7 (Sustainable Transport) of the ACS and Policy DM5 of the A&DM(DPD) which together form the relevant parts of the Development Plan.</i></p>
<p>No. 7 Highfields School 22/01726/FULM</p>	<p>Local Resident</p>	<p>02.08.2023</p>	<p>Reiterate objections as summarised below:</p> <p>On the 26th July Avant responded to the tree and landscape officer. The content is aggressive in nature, disrespectful and provocative. The council has to give the tree officer the right to reply and if this is not forthcoming before the 10th August then the meeting should be delayed.</p> <p>The response from NCC Highways is not finalised, however the underlying issue is the council have a duty of care to protect children. This is an accident waiting to happen if the proposal went ahead. Queue lengths as stated in the report would be saturated, some 17 vehicles in a queue. During peak times cars would be leaving the site, parents would be entering the site bringing their children to school. Children on bikes and on foot would be passing to go by to the Newark academy and Orchard school. Deliveries would be entering and leaving the site. This is without consideration of the lorries turning in and out of the site during the building work. Who in their right mind would</p>	<p>Noted. These comments reiterate ones already made and do not alter the recommendation.</p>

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			<p>allow their children anywhere near the site.</p> <p>Pollution from car and lorry fumes would be a huge health risk.</p> <p>Wildlife would be massively affected. Due to our proximity to Highfields it is know that Hedgehogs travel about 1-2 km at night. We have half a dozen hedgehogs in our garden every night which we regularly feed. They come through our hedge from Highfields. If this development went ahead it would wipe them out!</p> <p>Avant do not have a good track record for maintaining Hedgerows. An article in Nottinghamshire live dated 2nd July 2023 has the headline " Call for compensation after destruction of Ruddington hedgerow by developer." The developer was Avant!</p> <p>Two inspectors on separate occasions have thrown out proposals on appeal. This current proposal is not fundamentally different from others. It should also be turned down.</p>	
<p>No. 7</p> <p>Highfields School 22/01726/FULM</p>	<p>Local Resident</p>	<p>02.08.2023</p>	<p>The tree, planting and ecology issues within this application are critically important to the wider community of Newark.</p> <p>Contest Avant claims the Tree Officers comments</p>	<p>Noted. These comments reiterate ones already made and do not alter the recommendation.</p>

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			<p>shouldn't be given weight. They have already proven their inability to comply with standards, by grubbing out a historic hedgerow, 30 meters+/98 feet, at its Wilbur Chase site, Ruddington. Destruction of natural heritage, 80 years in the making during nesting season, the wildlife habitat for nesting birds, grass snakes and badgers was lost. AVANT did replant but not to a like for like condition and did not engage with residents for a wildflower meadow and bird boxes.</p> <p>http://ruddington.info/avant-homes-hedgerow-removal-apr2023/</p> <p>https://www.nottinghampost.com/news/local-news/call-compensation-after-destruction-ruddington-8568585</p> <p>I support the recent comments of neighbours regarding the Highways issues that no amount of mitigation can overcome' the risks to the public, the vehicular movements, the traffic impacts are all too great.</p>	
<p>No. 7 Highfields School 22/01726/FULM</p>	<p>Cllr Johno Lee</p>	<p>02.08.2023</p>	<p>It is my firm belief that this application should be refused. My reasons for opposing this application are multifaceted, and I will elucidate them below:</p> <p>Firstly, the proposal involves the loss of many mature, high-quality trees, some of which are protected. The loss of these trees would have significant negative impacts on the environment and the character of our area. The</p>	<p>Noted. As the view align with the officer recommendation no additional comments are necessary.</p>

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			<p>proposed compensatory tree planting is insufficient, and the positioning of new homes too close to the retained trees may necessitate the trees' removal in the future, causing further harm to the biodiversity and the overall aesthetic of the area. This, in my opinion, is an unacceptable and unsustainable impact, contrary to the requirements of Core Policy 12 (Biodiversity and Green Infrastructure) of the Newark and Sherwood Amended Core Strategy (ACS) adopted 2019 and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD (A&DMDPD) adopted 2013.</p> <p>Secondly, the design of the development does not adequately reference local vernacular. The layout presents multiple issues, including poor integration of street trees, minimal gaps between dwellings, and potential noise disturbance due to the proximity of multi use games areas (MUGA) to the proposed housing, particularly the affordable housing units. These concerns, among others, suggest that the development would be unsustainable and in conflict with several key policies.</p> <p>Thirdly, it has been demonstrated that the proposal could cause severe adverse highway impact during peak traffic periods. Proposed mitigation schemes such as encouraging residents to use alternative transportation methods would not sufficiently alleviate the harm caused to the London Road area. This, too, contradicts</p>	

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			<p>Spatial Policy 7 (Sustainable Transport) of the ACS and Policy DM5 of the A&DM(DPD).</p> <p>Additionally, the proposal implies the temporary and permanent loss of playing fields/sporting facilities at the school site. The mitigation package put forward lacks the detail necessary to determine whether the scheme would actually benefit the wider community, thus making it contrary to Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities) of the Amended Core Strategy.</p> <p>Lastly, the development would put pressure on existing infrastructure. Without a unilateral undertaking or planning obligation (under Section 106), there is no mechanism to secure the necessary mitigating measures such as ensuring sufficient provisions for primary education, public transport, health, libraries, community facilities, affordable housing, and off-site ecology mitigation.</p> <p>Given the above points, I respectfully request that the planning committee vote to agree with the planning officer and to refuse this application.</p> <p>Thank you for your attention to this matter, and I trust that you will make a decision that is in the best interests of our community.</p>	
No. 7	NSDC	03.08.2023	See attached Appendix A	The comments made are in response to

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Highfields 22/01726/FULM	Tree and Landscape Officer			the applicant's rebuttal of the Tree Officer's initial observations. This rebuttal was submitted on 24 th July 2023 whilst the Tree Officer was on annual leave and therefore wasn't able to be included in the committee report. However, they do not change the fundamental concerns. The recommendation in respect of the impact on trees remains as warranting a reason for refusal.
No. 7 Highfields 22/01726/FULM	Avant Homes (The Applicant)	04.08.2023	In response to latest NCC Highways comments received on 1 st August 2023, an amended drawing (21-108-TR-010 Rev B – Barnby Road Scheme) has been submitted in an attempt to resolve the highway concerns.	Given the lateness of the submission, the applicant has been advised that it is unlikely that NCC Highways Authority will be able to respond by the date of the Planning Committee and that it is a matter that may now need to be resolved at appeal. Given this isn't the only reason for refusal (and that even without the highway reason for refusal it would not persuade officers to recommend approval) it is not considered appropriate to defer the consideration of the application any further.