

Application No:	17/01882/FULM
Proposal:	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)
Location:	Railway Lake Gonalston Lane Hoveringham
Applicant:	Mr S Day
Registered:	28 November 2017
	Target Date: 27 February 2018
	Extension of time agreed: 09 March 2018

This application is being referred to the Planning Committee by the local ward Member, Cllr. Jackson.

The Site

The application site is situated to the south of Thurgarton and to the north of Hoveringham and comprises 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 conditions relating to this consent have been discharged and the consent implemented. 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 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.

In accordance with the Environment Agency Flood Zone Mapping; a small proportion of the north western shore line lies within Flood Zone 3, with the lake itself designated as being within Flood Zone 2. The land to the north of the lake, the access track and the grassed area around the lake are all designated as being within Flood Zone 1. The entire site lies close to the boundary but within the Nottinghamshire Green Belt.

The site is not situated within a Conservation Area (CA), with the closest CA being Thurgarton. The southern boundary of the Thurgarton CA is situated approximately 300m to the north of the site. The closest heritage asset to the site is Thurgarton Station which is a Grade II listed property situated approximately 50m to the north of the lake. The closest residential properties to the site are Thurgarton Station, situated approximately 50m to the north, New Farm situated approximately 50m to the east and Rose Cottage situated approximately 130m to the south east.

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 lakeside club house.

Relevant Planning History

17/00711/DISCON - Request for confirmation of discharge of conditions 7 and 9 attached to 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. All conditions discharged June 2017.

16/01253/DISCON - Request for confirmation to discharge conditions 4, 5, 17 and 19 attached to 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. All conditions discharged September 2016.

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.

15/00506/FULM - Change of Use of Railway Lake to Watersport and Scouting Use. Withdrawn July 2015.

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.

The Proposal

The application is for full planning permission for the variation of Conditions 02 & 13 of planning permission 15/01537/FULM by way of amending the approved plans and details.

Condition 2 stated: *The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:*

- *Site Location Plan Received 26/8/15*
- *Site Plan Received 26/8/15*
- *Updated Entrance Plan Rev 1 Received 30/9/15*
- *Portacabin Proposed Floor Plans & Elevations Received 26/8/15*
- *Annotated Site Photo Detailing Proposed Site Entrance Received 26/8/15*

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

Condition 13 stated: *The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application, stated in Section 11 of the application form and on the approved plans unless otherwise agreed in writing by the local planning authority.*

Reason: In the interests of visual amenity.

Of particular relevance to this application is:

- The variation to the scale and finish of the *Portacabins and associated decking area which are used as the club house.*
The plans as approved detailed the portacabin to be 8.3m x 8.3m and finished in Yorkshire boarding. The portacabins that have been installed are 9m x 9.6m and have been painted Forest Green. The associated decking area was detailed as being 3m deep by 10m wide, the decking area that has been constructed is 4.7m deep and 11.8m wide.
- *The increase in height of the adjacent boat compound gates and fencing.*
The compound fencing and gates were detailed as being 1.8m high. The installed fencing is 2.35m and the gates 2.53m.
- *The retention of 4 metal storage containers and a timber shed within the boat compound*

The parish councils and neighbouring residents raised concerns that the initially submitted application had discrepancies in the measurements and clarification from the applicant was sought. Officers are now confident that the detail contained within the application is accurate having met with the applicant and measured the buildings, fencing and scale of the enclosure on site.

Public Advertisement Procedure

Occupiers of 85 neighbouring properties were individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 - Rural Areas
- 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 11 - Rural Accessibility
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 13 - Landscape Character
- Core Policy 14 – Historic Environment

Allocations and Development Management DPD Adopted July 2013

- Policy DM5 - Design

- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM9 – Protecting & Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
 Planning Practice Guidance 2014

Consultations

Hoveringham Parish Council – Objection

Hoveringham Parish Council have discussed the application for variation of conditions 2 and 13 of planning permission-15/01537/FULM and object on the grounds that this is at variance to the original approved application, the site as it is now, is not in keeping with a rural environment, having an industrial look that will not soften in the short term, they feel the original conditions should be enforced.

Thurgarton Parish Council – Objection

Application for variation of conditions 2 and 13 of planning permission 15/01537/FULM to allow a portacabin to be painted rather than clad and the compound fence to be 2.2 m in height (Retrospective). Object. The height of the fence, size of the cabins and the size of the compounds are not in accordance with the existing planning permission or the retrospective application. The cladding, which was part of the existing planning permission, was in keeping with the local vernacular, and to affix this type of cladding would not necessarily require drilling through the metal.

NCC Highways - This application for the variation of conditions 2 and 13 of planning permission 15/01537/FULM is not expected to impact on the public highway, therefore, there are no highway objections.

6 letters of representation have been received, two letters making observations and four letters of objection. The following points have been raised:

- Wooden fencing would look more in keeping with the area. I have no objection to the cabin being painted;
- It is a well-known ruse to apply for planning permission with conditions and then seek to vary these later. To me it is very simple - if planning permission would have been granted initially with these latest applications, then go ahead. If not, they should be refused;
- Objected to the previous application regarding impact on the character of the area and noise and consider these previous fears to be founded;
- The scouts had an obligation to comply with the conditions of the consent granted whether items were donated or not, putting up higher fencing is a complete disregard for the planners;
- Stating that the metal building can't be clad is ridiculous, all metal buildings can be clad using specialist glue products;

- Consider that the scouts are breaking usage condition as the site is being used more intensely than detailed within the conditions, I intend to closely monitor activity levels in 2018 to ensure compliance;
- Wish to remind NSDC that the locals were strongly against this scheme and strong conditions were enforced to try appease concerns;
- Shipping containers were not included within any previous plans;
- The height & colour of the perimeter fence is not sympathetic to this previously beautiful location;
- The dimensions on the submitted information are incorrect. The boat compound is far larger than what is shown on the site layout plan, the building is higher, the decking larger and the septic tank in the wrong location;
- Palisade fencing is available in a range of sizes and the current one should either be replaced or cut down to size;
- The development in no way blends in with the surroundings;
- It is difficult to understand how this has been allowed to develop by NSDC, at least something can be done to ensure the scouts comply with the original consent;
- The site has an industrial look which cladding may help soften.
- People do not travel to the site by public transport and often the car park is full and vehicles are forced to park on the road which results in highway safety concerns
- Should committee seek to approve this application, thereby ignoring all the breaches, a precedent will be set which will be hard to contradict.

Comments of the Business Manager - Growth & Regeneration

An application under Section 73 (variation of condition) is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved water sports lake cannot be revisited as part of this application.

The application seeks to amend the scale and finish of the previously approved portacabin to be used as a club house and the height of the boundary fencing and gates which secure the boat storage area. The amendments sought are as follows:

- Increase in portacabin clubhouse footprint from 8.3m x 8.3m to 9m x 9.6m (17m² increase in footprint)
- Increase in the footprint of the lakeside decking area from 3m x 10m to 4.7m x 11.8m (55m² increase in footprint)
- Change the finish of the building from the approved stained Yorkshire boarding to a Forest Green painted finish
- Increase the height of the compound fencing from the approved 1.8m to 2.35m (0.55m increase) and gates to 2.53m (0.73m increase)
- Retention of 4 metal storage containers and a timber shed within the boat storage compound

The approved planning policies are set out in the Planning Policy Framework section above. This includes the National Planning Policy Framework (NPPF). These policies indicate that the District Council will support design alterations subject to an assessment of site specific issues, which in this instance is considered to relate solely to any perceived impact upon the character of the area.

Impact on the Openness of the Green Belt and Character of the Surrounding Area

The site lies on the eastern edge of the Nottinghamshire Green Belt. The National Planning Policy Framework (NPPF) indicates that most development in the Green Belt is inappropriate. However, there are some exceptions to this and the *'provision of appropriate facilities for outdoor sport, outdoor recreation... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'* is one of them.

Dealing firstly with the portacabin clubhouse; the increase in scale of the building and associated decking area is not considered to be overly discernible from that previously approved. The decking area is predominantly only visible across the lake to the west and as shown on the supporting photos does not appear overly prominent or out of scale with the clubhouse. As such is not considered the revisions in the scale of the clubhouse and decking significantly impact upon the openness of the Green Belt nor character of the area.

Neighbouring residents have queried the overall height of the clubhouse building; Officers have visited the site and measured all aspects which have been queried by members of the public. The land level drops away to the lake side and clearly the height of the building is greater from the lakeside than the compound side; however the overall height of 3.6m accords with the height indicated on the approved plans.

In relation to the revised finish of the building; it is not considered that the Forest Green painted finish of the building appears overly out of place in its surroundings. The green colour of the building helps it assimilate into its green surroundings. I am also mindful of the backdrop to the site; with the concrete works and factory buildings situated on the western side of Gonalston Lane. On this basis I do not think that the existing finish of the building so significantly detracts from the character of the area to warrant refusal of the application.

In relation to the increased fencing and gate heights; the applicant raised concern that the approved 1.8m boundary treatment may not have been sufficient to deter potential thefts, given the relatively isolated location of the site. The applicant has detailed that the fencing as erected was a charitable gift, which was donated to the scouts and as such they had no control over the height. Given the location of the compound and being mindful of the industrial backdrop to the west of the site, I do not consider that the increase in approximately half a metre in height of the installed fencing so significantly detracts from the character of the area to warrant refusal.

Consideration has been had to the potential for the fencing to be sprayed green to match the clubhouse; however it is Officer's opinion that this if anything may draw more attention to the compound, which in the interests of security is something the Scouts would not want to happen. The applicant has had a number of saplings donated from the Woodland Trust which they have planted around the perimeter of the compound which in time will help screen it. It was noted on site that a number of these appear dead and the applicant commented that more will be planted at the onset of spring to help soften views of the compound.

Four dark metal storage containers have been placed along the northern boundary of the storage compound. Comments have been received stating that the shipping containers were not detailed on the approved plans. Whilst the containers weren't categorically detailed as part of the application, the outline of 4 containers were detailed on the site layout plan submitted on 1/8/17 and approved as part of the discharge of conditions for the site. I am therefore satisfied that no further consent is required for the containers situated within the compound. A small domestic

timber shed has also been placed between the containers which is used to store equipment in; given the scale of the building and the neighbouring storage containers the shed is not readily visible beyond the compound and is not considered to detract from the character of the area.

Overall I am satisfied that the modest increases in scale and finish of the clubhouse and associated decking in addition to the alterations to the boat storage enclosure do not significantly impact upon the character of the area nor openness of the Green Belt. It is therefore considered that the proposed development would accord with Spatial Policy 4B or the Core Strategy and Policy DM5 of the NSDC DPD and paragraph 89 of the NPPF.

Other Matters

The comments regarding the incorrect location of the cess pit and the scale of the storage compound are noted; having reviewed approved plans and visited the site Officers are content that the cess pit has been implemented in accordance with the approved detail and that the scale of the boat compound reflects the approved plans.

The proposed minor changes are not considered to impact upon ecological interest, highway safety nor neighbouring amenity. There are no further material considerations that would warrant refusal.

Given that the proposal relates to variation of a condition attached to a previous approval it is necessary to repeat all relevant conditions for clarity. In the instance where conditions have been previously discharged the conditions are re-worded to ensure that development is implemented in accordance with the approved details.

Recommendation

That full planning permission is granted, subject to the following conditions:

Conditions

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Site Layout Plan received 08/02/18
- Site Location Plan Received 28/11/17
- Supporting statement with photos showing portacabin finish received 24/11/17
- Updated Entrance Plan Rev 1 Received 30/9/15
- Annotated Site Photo Detailing Proposed Site Entrance Received 26/8/15

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

02

Notwithstanding the planning permission hereby granted, the lake known as Railway Lake shall not be used by any motorised pleasure craft, with the exception of motorised safety craft, of which up to 4 may be present on the water at any one given time.

Reason: In the interests of amenity

03

Development shall be undertaken in accordance with the walkover survey undertaken by BJ Collins approved by correspondence dated 15 June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

04

The culvert required to implement the access shall be constructed in accordance with Bridge section drawing dated 24/3/16 as approved correspondence dated 15th June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

05

The development hereby permitted shall be undertaken in full accordance with the Recommendations and Precautionary Working Practices as set out in sections 5.1.2, 5.2.2, 5.4.2 and 5.5 of the Protected species survey dated July 2015 (prepared by Scarborough Nixon) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

06

Development shall be undertaken in accordance with the Railway Lake Management Plan 2017 – 2022 Rev 1 received 7/6/17 as approved correspondence dated 15 June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity.

07

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

08

Development shall be undertaken in accordance with the detailed contained within the Railway Lake Management Plan 2017 2022 Rev 1 received 7/6/17 and as detailed on the Environmental Impact Map as approved correspondence dated 15th June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

09

The access shall be located in accordance with the submitted 'annotated site photo' and constructed in accordance with the submitted 'Station Road Access Design Rev.1' drawing offering 6m wide entrance, 10m radii and visibility splays of 2.4m x 185m to the north and 2.4m x 125m to the south. No other part of the development shall be commenced until the access has been provided.

Reason: In the interests of highway safety and to provide adequate access for construction vehicles.

010

No part of the development hereby permitted shall be commenced until the new access mouth (up to the edge of the gravel driveway) has been constructed with a hard bound surface.

Reason: To reduce the risk of deleterious material being deposited on the public highway (loose gravel etc.)

011

The lake known as Railway Lake shall not be floodlit or illuminated in any way, unless express planning permission has first been granted by the local planning authority.

Reason: In the interest of the character of the surrounding area.

012

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application and as shown on the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

013

The activities hereby approved shall only be undertaken during the following times; weekday evenings 1700 – 2100, up to 3 days a week and weekends 0900 – 1600 during the months of April to September inclusive.

Reason: So as to not cause an unacceptable impact upon local or residential amenities.

014

A log of all boat usage shall be maintained at the lake. The log shall record the time, date and number of boats on the water. The log shall be kept up to date and made available to an authorised officer of the Local Planning Authority within 2 working days of a written request for inspection.

Reason: To allow the Local Planning Authority to monitor and confirm all such movements, including in the event of any complaint concerning regattas being received by the Local Planning Authority.

015

No more than 75 persons shall be undertaking water based activities at any given time.

Reason: So as to not cause an unacceptable impact upon local or residential amenities

016

Landscape planting shall be undertaken in accordance with site layout plan 2016 received 1/8/16 as approved correspondence dated 15th June 2017 under discharge of condition application ref: 17/00711/DISCON and as detailed on site layout plan received 15/1/18.

Reason: In the interests of visual amenity and biodiversity.

017

The approved landscaping shall be completed during the first planting season following the commencement 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 five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

018

Parking on site shall be as detailed on site layout plan 2016 received 1/8/16 as approved correspondence dated 15th June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: In the interests of the character and appearance of the area

Notes to Applicant

01

In order to carry out the new access works, 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. Alternatively, works may be carried out on your behalf by Nottinghamshire County Council at an agreed cost without a need to enter into Agreement. Please contact david.albans@nottscc.gov.uk for details.

02

Safety literature as regards level crossings should be made available to users of the site.

03

Further to the comments received from Network Rail on 09/09/15 the applicant is advised to contact the asset protection team to discuss the proposed delivery route to site of any required abnormal loads. The asset protection team can be contacted on tel 01904 389678 or email tony.rivero3@networkrail.co.uk

04

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to

avoid work potentially affecting nesting birds during the period 1 March to 31 August in any year, although birds can nest either side of this period.

05

The comments received from Trent Valley Internal Drainage Board dated 12/10/15 should be noted. For clarity, any works within 9m of any watercourse controlled by the board, works to increase the flow of water to any watercourse or erection of a dam, weir or other obstruction to the flow or erection or alteration of any culvert would require the board's prior written consent.

06

The applicant shall inform users of the site of the most appropriate route for accessing the site; via Station Road accessed from the A612, to reduce the thoroughfare of traffic through the villages of Hoveringham & Thurgarton.

07

The applicant and the local parish councils shall undertake quarterly meetings to discuss activities and operations on the lake, in the interests of maintaining good working relationships.

08

The applicant is advised that all planning permissions granted on or after the 1 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.

BACKGROUND PAPERS

Application case file.

For further information, please contact James Mountain on ext 5841.

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

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 17/01882/FULM

