

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 16 January 2018 at 4.00 pm.

PRESENT: Councillor D Payne (Chairman)
 Councillor P Handley (Vice-Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks,
Councillor J Lee, Councillor B Wells, Councillor Mrs M Dobson,
Councillor Mrs P Rainbow, Councillor Mrs S Saddington, Councillor
Mrs L Tift and Councillor I Walker

APOLOGIES FOR Councillor Mrs Y Woodhead and Councillor B Crowe
ABSENCE:

171 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

172 MINUTES OF THE PREVIOUS MEETING

Minute No. 153 – Trent Farmhouse, Norwell Road, Norwell Woodhouse (17/01888/FUL) The third paragraph of the minute be amended to read ‘would triple the size of the original property’.

AGREED that subject to the above amendment the minutes of the meeting held on 5 December 2017 be approved as a correct record and signed by the Chairman.

173 PLATTS ORCHARD, 39 CHURCH STREET, SOUTHWELL (17/01688/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for a two bedroom dwelling, a three bedroom dwelling and two four bedroom dwellings.

Members considered the application and it was commented that the application put before Committee was acceptable given that the footprint was the same as the planning permission granted on appeal. The height of the properties had been reduced and there was a mix of properties. It was commented that a scheme containing three dwellings would have been even better. Flood mitigation was raised as the granted planning permission which was granted on appeal in 2008 had no reference to any flood mitigation. On balance the scheme was considered better than that allowed on appeal. A Member asked that adequate off street parking would be made available for all plots, especially plot 1 as the plan appeared tight for two cars to be parked in tandem on the drive. It was further commented that on looking at the plan the developer could do a mix and match from the granted planning permission and could build two large houses and two small properties. It was proposed through the planning permission conditions the extinguishment of the right of extant consent, to prevent this from happening.

The Senior Planning Officer confirmed that a Section 106 legal agreement could be sought from the applicant to prevent the mix and match approach. The Chairman requested that this should be undertaken and if the applicant was not willing to sign the Section 106 agreement a further report be submitted to the Planning Committee.

AGREED (unanimously) that full planning permission be approved subject to the following:

- (i) conditions contained within the report;
- (ii) the signing of a Section 106 Legal Agreement to extinguish the right to mix/part implement the two permissions; and
- (iii) that adequate off street car parking be made available to plot

174 BECHERS COTTAGE, BECHERS WALK, BURGAGE LANE, SOUTHWELL (17/01787/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the householder application for a single storey pitched roof extension to the north of Bechers Cottage with flat roof and glazed roof.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer, informing the Committee of a typographical error within the report. Reference was made to the immediately adjacent dwelling to the north of the site being North Lodge, this should read Garden Lodge.

The Senior Planning Officer presented this application (17/01787/FUL) and the following application as minuted below (17/02137/LBC) together. Members also considered both applications together and took a separate vote on each application and a combined recorded vote as follows.

Members considered the application and it was commented that the proposal was too close in proximity to Garden Lodge and would enclose their limited patio area. The extension would also detract from the setting and aspect of the listed building (Hill House), would result in an excessive adverse impact on Garden Lodge and was a development too far.

AGREED (with 10 votes for and 3 votes against) that contrary to Officer recommendation planning permission be refused on the following grounds:

- (i) Loss of Amenity for Garden Lodge;
- (ii) Impact on the character and appearance of the listed building.

175 BECHERS COTTAGE, BECHERS WALK, BURGAGE LANE, SOUTHWELL (17/02137/LBC)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought a single storey pitched roof extension to the north of Bechers Cottage with flat roof and glazed link.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer, informing the Committee of a typographical error within the report. Reference was made to the immediately adjacent dwelling to the north of the site being North Lodge, this should read Garden Lodge.

AGREED (with 10 votes for and 3 votes against) that contrary to Officer recommendation Listed Building Consent be refused on the grounds of the impact on the listed building.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against recommendation, a recorded vote was taken.

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	Against
R.A. Crowe	Absent
Mrs M. Dobson	For
G.P. Handley	For
J. Lee	For
N. Mison	For
D.R. Payne	Against
Mrs P. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	Against
Mrs Y. Woodhead	Absent

176 SOUTHWELL METHODIST CHAPEL, PREBEND PASSAGE, WESTGATE, SOUTHWELL (17/02143/FUL)

The application was withdrawn from the agenda due to the Town Council's objection being removed and was granted under the Officer scheme of delegation.

177 THE BYRE, BATHLEY LANE, LITTLE CARLTON (17/01751/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought a householder application for the extension to the existing bungalow, to comprise new master bedroom, en-suite bathroom and study.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the following: South Muskham Parish Council; Neighbour; Local Ward Member; and the Applicant.

Members considered the application and felt that the proposal was acceptable.

AGREED (with 10 votes for, 2 votes against and 1 abstention) that full planning permission be approved subject to the conditions contained within the report.

178 GARAGE HOUSE, GREAT NORTH ROAD, SOUTH MUSKHAM (17/02016/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the construction of a large detached four bedroom dwelling of contemporary design with integral garage.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Agent.

Councillor H. Clack, representing South Muskham Parish Council spoke in support of the application in accordance with the views of South Muskham Parish Council as contained within the report.

Members considered the application and felt that the design was not sympathetic with the fact that it would sit in a rural area, outside of the village envelope. It was also commented that there was no doubt that the land was in the open countryside, the Great North Road being the boundary line. It was felt that a development of this size was wrong in the position of open countryside.

AGREED (with 12 votes for and 1 abstention) that:

- (i) full planning permission be refused for the reasons contained within the report; and
- (ii) an investigation to take place regarding whether there has been a breach of planning control (change of use and erection of structures without the necessary planning permission).

179 22 HIGH STREET, SUTTON ON TRENT (17/01300/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought demolition of the prefabricated concrete garage and the division of the existing residential property to form an additional dwelling in the existing footprint.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Agent. The Agent confirmed that the fence had been erected for the single property, should approval be granted and the works be completed to form two dwellings, the fence would be moved back to form three car parking spaces.

The Planning Case Officer had revised Condition three to read as follows: Prior to the first occupation of the dwellings hereby approved, the existing fencing that has been erected to the rear of the property immediately adjacent to the shared driveway shall be removed and the three new parking spaces shall be provided as shown on the

approved plan. Ref. 302 P 02 Rev A. The parking spaces shall thereafter be retained for the lifetime of the development.

Members considered the application and felt that the proposal was acceptable subject to the three car parking spaces being made available.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and the revised condition three as contained in the schedule of communication regarding the three car parking spaces.

180 ROSE COTTAGE , WASHTUB LANE, SOUTH SCARLE (17/01987/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the demolition of the existing rear porch and the construction of a two-storey side and part-storey front extension; refurbishment of the existing dormer windows; replacement of external doors and windows throughout; replacement of the existing 4ft fence on the southern boundary with 6ft fence and removal of the existing gated access.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Agent and South Scarle Parish Meeting.

Councillor D. Clarke representing South Scarle Parish Meeting spoke against the application on the grounds of not enough adequate car parking for the proposed five bedroom house and the narrow access/egress onto Washtub Lane. The proposed development would create highway issues in the village with the increase in vehicles. South Scarle Parish Meeting had taken a vote at their meeting with 10 votes for and 17 votes against planning permission, therefore by a majority vote the proposed planning permission was objected to.

Members sought clarification regarding car parking for this property. The Planning Officer confirmed that there was land at the front of the property in ownership of Rose Cottage which could be used to park around five vehicles.

It was commented that as Nottinghamshire Highways had no grounds for refusal it was felt that this was a substantial plot and considered acceptable. Other Members had concerns regarding parking on Washtub Lane and the extra traffic this property would bring to a very small road network in the village.

AGREED (with 10 votes for and 3 votes against) that planning permission be approved subject to the conditions contained within the report.

Having declared interests on the following Minute Councillors Mrs A.C. Brooks and D.R. Payne (Chairman) left the meeting and took no part in the discussion or vote. Councillor G.P. Handley took the Chair.

181 23 HAYWOOD OAKS LANE, BLIDWORTH (17/02145/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought the installation of a dropped kerb and driveway plus provision of ramped/sloped access to rear door.

Members considered the application and a felt that the proposal was acceptable.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report.

Councillors Mrs A.C. Brooks and D.R. Payne (Chairman) returned to the meeting. Councillor D.R. Payne resumed Chairman.

182 LAND AT OLDBRIDGE WAY, BILSTHORPE (17/01910/OUTM)

The Committee considered the report of the Deputy Chief Executive, which sought the variation of condition 14 attached to planning permission 16/01618/OUTM to allow an increase of the number of dwellings being accessed off each access from 10 to 12 in each case.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer which proposed an amendment to the recommendation, that planning permission be granted subject to conditions and the signing of a Section 106 agreement.

Members considered the application and felt that the proposal was acceptable.

AGREED (unanimously) that the variation of condition 14 be approved, subject to the conditions contained within the report and the signing of a Section 106 agreement.

(Councillor Mrs A.C. Brooks left the meeting at this point).

183 SHANNON FALLS, TOLNEY LANE, NEWARK (16/01884/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought the views of Members to additional information received in connection with an appeal against a previous committee decision to refuse the change of use of scrubland for the siting of eight static mobile homes for gypsy travellers and reduce ground levels to 10.5m AOD at the site.

This application was considered by the Planning Committee on 25 January 2017 when Members resolved to refuse planning permission on the grounds of flood risk. The applicant had appealed against the refusal of planning permission and an Informal Hearing was due to take place on 27 February 2018. Within the appeal submission, additional information had been submitted in relation to the proposed occupiers of the site that was not before Members when they came to their decision, which represented further material evidence that could have been weighed in the balance in the consideration process. The additional personal circumstances detail set out within their appeal documentation was included within the report.

The Committee was informed that had this information been presented with the original application, officers would have likely recommended a personal permission be granted for a temporary period of three years. In the light of this additional material information that had been received, Members were asked to consider whether this would be likely to affect their resolution on this proposal if the matter were to come before them again, for determination. Members were also informed that the flood evacuation plan was robust and was as up to date as it could be, bearing in mind constraints of the length of the Tolney Lane access, the flooding issues (including parts of the access flooding first) and level of warning offered depending on the severity of an event. A vote was taken to continue to defend the appeal on the basis that any consent, even temporary, would be unacceptable. This was lost by a vote of four votes for and eight votes against.

Members considered the report and resolved that if the additional information had been before them previously they would have been minded to have approved the application subject to a personal and temporary consent for a period of three years. The appeal therefore should be fought on the basis that any permission granted on appeal should be both temporary and personal. It should be made clear that this decision had been taken as soon as it reasonably could have been with Members following its receipt as part of the appellants appeal proposals.

The Environment Agency should also be advised that the Council's position at the hearing was that there is significant flood risk, but that a temporary permission was acceptable currently, subject to robust planning conditions and flood warden responsibilities. If the Environment Agency wanted to argue that permission should be resisted on any basis, including temporary, it would be for them to promote and would not form part of this authority's case.

AGREED (unanimously) that:

If the additional information had been before the Planning Committee previously Members would have been minded to approve the application subject to a personal and temporary consent for a period of three years, and subject to robust flood evacuation and warden requirements, similar to those previously accepted, such as at Green Park. The appeal therefore should be fought on the basis that any permission granted on appeal should be temporary and personal. It should be made clear that this decision had been taken as soon as it reasonably could have been with Members following its receipt as part of the appellants appeal proposals.

The Environment Agency should also be advised that the Council's position at the hearing was that there is flood risk, but until alternative sites were found, a temporary permission, with appropriate safeguards secured by condition, was acceptable. If the Environment Agency wanted to argue that any permission should be resisted it would be for them to argue that at the hearing.

(Councillor J. Lee left the meeting at this point).

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the conversion and extension of an existing detached barn on the site to form an independent dwelling.

Members considered the application and a Member commented on the vote that had taken place at South Scarle Parish meeting with twelve votes for, nineteen votes against and seven letters of objection. It was commented that the barn was attached to another barn which was being used as a hobby workshop. A compressor and a lifting machine was used which generated noise. Concerns had been raised by the owner of that barn that any future neighbour may submit a formal noise complaint to the district council. The Architect however had confirmed that the barn would be sound proofed.

The Chairman requested that a strongly worded letter be forwarded to the Environmental Health Business Unit advising them that any noise being emitted from the neighbouring barn to that of the application site was well known to the applicant. A note to the applicant was also suggested.

AGREED (with 10 votes for and 1 vote against) that full planning permission be approved subject to the following:

- (i) the conditions contained within the report;
- (ii) a strongly worded letter be forwarded to the Environmental Health Business Unit advising them that any noise being emitted from the neighbouring barn to that of the application was well known to the applicant; and
- (iii) a note to the applicant regarding noise issue from existing workshop used as a hobby workshop that the occupiers should be aware of this from the outset and that a condition to secure noise mitigation has been imposed.

185 APPEALS DETERMINED

AGREED that the report be noted

186 ENFORCEMENT ACTIVITY UPDATE

The Committee considered the report of the Deputy Chief Executive, which updated Members on planning enforcement matters.

The report followed on from the information presented to the 5 December 2017 Planning Committee, which highlighted planning enforcement performance and cases of note during the final quarter until 22 November 2017. The report provided enforcement information up to the end of the quarter, 31 December 2017 and provided a complete picture for the quarter.

The Committee was informed that a report would be submitted on a quarterly basis, providing performance information and an update on cases where formal action had

been taken. The report would also include case studies which would show how the breaches of planning control had been resolved through negotiation.

The report presented a snap shot on the general volumes of cases received and dealt with:

- Schedule A outlined the enforcement activity during the quarter (October to December 2017);
- Schedule B sets this (on a pro-rata basis) against the activity over previous quarters). The cases closed may have exceeded on occasion, cases received as a case received in an earlier quarter may have been closed;
- Schedule C detailed a summary of formal action taken since the last report was compiled, 22 November to 31 December 2017; and
- Schedule D provided a selection of cases where breaches had been resolved without formal action having been taken.

AGREED that the report be noted

Meeting closed at 6.40 pm.

Chairman