

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 Thursday, 8 December 2022 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor Mrs L Dales (Vice-Chairman)

Councillor M Brock, Councillor R Crowe, Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow, Councillor M Skinner, Councillor I Walker, Councillor K Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor A Freeman (Committee Member), Councillor S Saddington (Committee Member), Councillor T Smith (Committee Member) and Councillor T Wildgust (Committee Member)

67 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor R V Blaney declared Non-Registerable Interest regarding Application No. 22/02063/TWCA, St. Denis's Church, Main Street, Morton, as he was the Church Warden and agent.

Councillor Mrs L Dales declared a Disclosable Pecuniary Interest regarding Application No. 22/01824/LDCP, 2 Redmay Corner, Main Street, South Scarle, Newark on Trent, as her husband was the applicant.

Councillor Mrs P Rainbow informed the Planning Committee that she had spoken on the telephone to the applicant regarding Application No. 22/00874/HOUSE, Meadow Farm, Greaves Lane, Edingley.

Councillor I Walker declared a Non-Registerable Interest regarding Application No. 22/01331/FUL, Land Adjacent to Fosse Road, Farndon, as his daughter was Vice-Chairman of Farndon Parish Council. Councillor K Walker also declared a Non-Registerable Interest regarding this application as his niece was Vice-Chairman of Farndon Parish Council.

Councillors L Dales, I Walker and K Walker declared Non-Registerable Interests as appointed representatives on the Trent Valley Internal Drainage Board.

68 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chairman advised that the proceedings were being audio recorded and live streamed by the Council.

69 MINUTES OF THE MEETING HELD ON 10 NOVEMBER 2022

AGREED that the Minutes of the meeting held on 10 November 2022 were approved as a correct record and signed by the Chairman.

70 LAND ADJACENT TO FOSSE ROAD, FARNDON - 22/01331/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of a four-bedroom bungalow.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Flood Risk Assessment Author.

Members considered the application, and it was felt that there was a need for a bungalow in this location given that Farndon had all facilities to offer this development. The building itself was not in the flood zone and it was questioned whether the driveway could be raised to alleviate the issue with that being in flood Zone 2. It was commented upon that to a local Members knowledge that land had never flooded and that it was a shame that the land would not be used given that there were developments surrounding that plot. Another Member commented that a consistent approach should be taken when considering Planning applications and the application should be refused on the advice of the Environment Agency on the grounds of being in flood Zone 2. The Chairman commented that it was disappointing that the land could not be developed however if the Committee were minded to refuse the application that there may be a solution to the land being developed, possibly through the access of a surrounding property, if that could be secured.

The Business Manager – Planning Development commented that the applicant had the right of appeal and that dwelling houses were more vulnerable as people reside there. This application was also for a bungalow which was more vulnerable than a two-storey house. The land may be feasible for allotments, or possibly a small business, although the surrounding development would need to be protected.

The Chairman commented that he hoped the applicant would engage with Officers, as this Committee would like to see some development on that parcel of land.

AGREED (with 6 votes For and 5 votes Against) that planning permission be refused for the reasons contained within the report.

71 LURCHER FARM BARN, MANSFIELD ROAD, FARNSFIELD - 22/01527/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of a new residential dwelling, demolishing the existing building, with associated parking and private amenity space, following a site visit.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Agent and Planning Case Officer.

Councillor B Laughton, Local Ward Member for Farnsfield, spoke in support of the development on the grounds that the applicant would like to build a property on the site of his business, which would be used as a family home and be retained by the applicant. The site although taller than what was currently in situ would not be seen from the road and would be hidden by trees. He mentioned that the current development had been cheaply constructed and may fall down if converted, it was therefore felt that a new build would be an improvement and would make it easier for the family and provide a development with an enhanced value.

Members considered the application, and it was commented that there were bats roosting on site which needed to be protected. Another Member commented that whilst he had no problem with the development, he did have a problem with the removal of the line of poplar trees, it was felt that a road could be built in front of them. A Member commented that she could not see any special circumstances and that the current building could be converted.

AGREED (with 8 votes For and 3 votes Against) that planning permission be refused for the reasons contained within the report, subject to the revised Reason for Refusal No. 2 as set out on the Schedule of Communication.

72 LAND NORTH OF HALLOUGHTON, SOUTHWELL - 22/01858/S73M

The Committee considered the report of the Business Manager – Planning Development, which sought the variation of condition 6 attached to the appeal decision for planning application 20/01242/FULM to amend the approved plans.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

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

Members considered the application acceptable.

AGREED (with 9 votes For and 2 Abstentions) that planning permission be approved, subject to the conditions contained within the report.

73 MEADOW FARM, GREAVES LANE, EDINGLEY - 22/00874/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the extension and refurbishment works to the farmhouse, which was part retrospective, following a site visit.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Agent. The agent had requested for the application to be determined at committee without the amendments submitted 21 November 2022.

Members considered the application and the local Ward Member commented that the dwelling had been left in a derelict state and the alterations made had enhanced the site. There had been a number of letters in support of the application including support of the Parish Council, who encouraged families to settle in Edingley. It was commented that the Oak cladding would mellow in time and fitted in with Meadow Barn next door, which was totally wood cladded. The previous windows were not original and dated back to 1988, therefore had no merit. The current windows and roof tiles had been chosen carefully to reflect the cottage style. It was alleged that the applicant had engaged with the Local Planning Authority and had been advised that there was nothing contentious regarding their plans. The applicant had only added a small amount more than permitted development. Retrospective applications were not a material consideration and she asked that the family be given a home they had built and need. Other Members felt that the character of the property had been fundamentally changed, was incongruous in setting and the materials were not suitable. It was commented that the applicant should have appealed against the refusal issued in 2021. It was considered not right to undertake alterations of this scale without seeking planning permission.

AGREED (with 9 votes For and 2 votes Against) that planning permission be refused for the reasons set out within the report.

74 CAUNTON COTTAGE, AMEN CORNER, CAUNTON - 22/01902/HOUSE

The application was withdrawn from the agenda and would be considered at a future Planning Committee.

Councillor L Goff left the meeting at this point.

75 2 REDMAY CORNER, MAIN STREET, SOUTH SCARLE, NEWARK ON TRENT - 22/01824/LDCP

The Committee considered the report of the Business Manager – Planning Development, which sought a certificate of lawfulness for proposed replacement conservatory.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

(Having declared a Disclosable Pecuniary Interest, Councillor Mrs L Dales left the meeting for the duration of this item).

AGREED (unanimously) that a certificate of lawfulness be approved for the reason detailed within the report.

(Councillor Mrs L Dales returned to the meeting).

76 ST DENIS'S CHURCH, MAIN STREET, MORTON - 22/02063/TWCA

The Committee considered the report of the Business Manager – Planning Development, which sought the following:

1no Cedar - 8 on accompanying plan - remove snapped/broken branches and overall crown reduction of approx 1-2m, crown thin to a max. of 15% and crown lift to 1-2m

1no Mulberry -10 on accompanying plan - remove

1no Rowan - 27 on accompanying plan - remove

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

(Having declared a Non-Registerable Interest, Councillor R V Blaney left the meeting for the duration of this item).

AGREED (unanimously) that no objections to the proposed works.

(Councillor R V Blaney returned to the meeting).

77 PROTOCOL FOR MEMBERS ON DEALING WITH PLANNING MATTERS

The Business Manager – Planning Development sought Member approval regarding an amendment to the protocol for Members on dealing with planning matters following recent case law.

Members were informed of recent case law published which highlighted that it would be beneficial to provide greater clarity, in order to minimise the risk of any legal challenge, in relation to decisions made by Members of the Planning Committee.

Section 15: Voting at Committee of the Protocol set out when a member was able to vote on an agenda item:

“15.1 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter.”

Recent case law R (on the application of The Spitalfields Historic Building Trust) v London Borough of Tower Hamlets (LBTH), Date: 6 September 2022, [2022] EWHC 2262 (Admin) was a challenge against the London Borough of Tower of Hamlets (LBTH) by an interested party that the Council had erred in its decision making at their planning committee. A summary of the case in a report was presented to the committee in April 2021 at which time it was deferred. The application was re-presented in September 2021 by which time a new Constitution had been adopted as well as a change in the membership of the committee. LBTH’s Constitution was such that only those members who were present at the April 2021 meeting were able to vote at the September meeting. The case was dismissed, and the Court found the power prohibiting members from the vote on the deferred application had been lawfully constructed in Council’s Constitution and fell within the Local Authority’s power under Paragraph 42 of Schedule 12 to the Local Government Act 1972. However, the case highlighted the need for clarity when exercising the discretion to

regulate proceedings and business.

It was reported that each council adopted their own constitution, protocols and delegation arrangements. Newark and Sherwood District Council was different in that it only related to members needing to be present at the meeting on the day a decision was made. However, to provide clarity for all, the proposed change was recommended:

15.1 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter. For clarity, the '*whole of the presentation and debate*' comprises only the presentation and debate on the day the application is determined. It does not include any previous presentation and/or debate of the item for either referrals or resolutions to approve subject to '...' which might include completion of a s106 planning obligation, consultations or notifications to expire or other matter.

In addition, it had been noted that the paragraph numbering of the document adopted in June was, towards the end of the document, mistyped. There was also an error in paragraph 15.1 of the report and the last word should read 'matters' and not matter. Those amendments were also suggested to be corrected.

AGREED: (unanimously) that Planning Committee adopt the amended Protocol for Members on dealing with planning matters, including the additional amendments.

78 APPEALS LODGED

AGREED that the report be noted.

79 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 5.32 pm.

Chairman