

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 7 September 2023 at 4.00 pm.

PRESENT: Councillor A Freeman (Chairman)
Councillor D Moore (Vice-Chairman)

Councillor A Amer, Councillor C Brooks, Councillor L Dales, Councillor P Harris, Councillor J Lee, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor M Shakeshaft, Councillor L Tift and Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor S Saddington (Committee Member) and Councillor M Spoors (Committee Member)

39 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Chairman advised the Committee of a blanket of other registerable interests declared on behalf of Councillors L Dales, A Freeman and K Melton as appointed representatives on the Trent Valley Internal Drainage Board for any relevant items.

Councillor J Lee declared having an other registerable interest as a member of the Fire Authority and a Member of Nottinghamshire County Council.

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

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

41 MINUTES OF THE MEETING HELD ON 10 AUGUST 2023

A Member advised that Minute No. 32 – South Barn, 4 Redmay Farm, Church Lane, South Scarle – 23/00829/House, was incorrect as Councillor Farmer spoke on Minute No. 30 – Westwood Farm, Main Street, Thorney – 23/00927/FUL and not the South Scarle application.

Minute No. 24 – Declarations of Interest by Members and Officers, Councillor L Dales confirmed that the reason for her declaration of interest was that the applicants husband was a close associate.

AGREED that subject to the above amendments, the minutes of the meeting held on 10 August 2023 were approved as a correct record and signed by the Chairman.

42 TESCO EXPRESS, KIRKLINGTON ROAD, RAINWORTH, NOTTINGHAMSHIRE, NG21 0AE - 22/01298/FUL

The Committee considered the report of the Business Manager – Planning

Development, which sought a proposed retail unit with parking and an amended site entrance. The application had been deferred from the 10 August 2023, Planning Committee, to enable officers to re-evaluate the proposal in the context of Condition 11 (delivery hours) not being enforceable.

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the Agenda from Nottinghamshire County Council Highways and the Planning Case Officer.

Councillor C Penny, speaking against the application as Local Ward Member (Rainworth North & Rufford) stated that she was speaking regarding the views of the residents of Rainworth and Rainworth Parish Council. The proposal would have overwhelming negative consequences due to its layout and disagreed that the retail unit would be an asset to the village. The car park was eighteen car parking spaces short of the recommended number and commented that recommendations for car parking spaces were there for a reason. Delivery lorries would have to park on Kirklington Road and the new plan would not allow delivery lorries to turn into the car park. A bat survey had been undertaken for a previous application that had indicated that there were bats in that area, but one had not been undertaken for this application. There was already a considerable amount of congestion on the surrounding roads and the current situation was very dangerous. Making the change to the entrance would only make the problem move around the corner. There was a skate park and other venues opposite the site and concern was raised that children would have to cross Kirklington Road on an already dangerous junction. The layout in the car park may create a rat run for motorists to avoid the lights. It was recommended that the current fenced off car park should be opened and used as a car park for deliveries to be made to the Tesco store. There was also a sink hole in the vicinity, repairs had been made to the sink hole, but concern was raised that the increase in volume of traffic could create collapse of the sink hole.

Councillor T Smith, speaking against the application as adjoining Ward Member (Rainworth South & Blidworth) was granted permission to address the Committee by the Planning Committee Chairman, Vice-Chairman and Business Manager – Planning Development in accordance with Planning Protocol, on the grounds that the application would have an impact on both wards. Councillor T Smith supported Councillor C Penny's address and commented that he represented Rainworth and lived in the village. The junction adjoining the site was awful and the proposal would exacerbate the traffic problem. There were not enough car parking spaces to serve another retail unit in that vicinity and if the application was approved customers would be forced to park on the road. A rat run would be created to by-pass the traffic lights. The road network and pavements adjacent to the proposal serviced two primary schools and a secondary school. A youth club, skate park and toddlers venue were located opposite the site and concern was raised regarding the safety of those users. The plot would create over intensification if Committee were minded to approve the application. Trees would need to be felled, which was not acceptable even though they were classed as low-quality trees, they were the only trees in the village. Rainworth Parish Council were against the application, residents were not in

support, and it was commented that NCC Highways can get things wrong.

Members considered the application and commented that there was a shortfall of eighteen car parking spaces and the application should be refused on the grounds of a restrained location.

Members commented on the reversing of lorries into the car park area and considered that dangerous. A Member sought clarification as to the number of car parking spaces required for one new retail unit, the Planning Case Officer confirmed that twenty-four spaces would be required for one food retail unit. A Member commented that the proposed car park layout was unsafe as pedestrians would be forced to walk behind vehicles and felt that should be addressed to have a safe pedestrian route through the car park.

The Planning Case Officer confirmed that the shortage of car parking had been accepted by NCC Highways, as the two retail units would share an overall car parking provision of thirty spaces, the shortfall was deemed acceptable and the scheme would incorporate some landscaping and measures to ensure safe pedestrian movements through the site. Alternative measures had been considered but this was the preferred layout for various reasons including the safe pedestrian access through the site.

Proposed by Councillor D Moore and Seconded by Councillor Mrs L Tift
AGREED (unanimously) that contrary to Officer recommendation, planning permission be refused for the following reasons:

- (i) Not sufficient car parking spaces; and
- (ii) Convenience for uses in terms of safety.

In accordance with paragraph 13.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
A Amer	For
C Brooks	For
L Dales	For
A Freeman	For
P Harris	For
J Lee	For
K Melton	For
D Moore	For
E Oldham	For
P Rainbow	For
S Saddington	Absent
M Shakeshaft	For
M Spoors	Absent
L Tift	For
T Wildgust	For

The Committee considered the report of the Business Manager – Planning Development, which proposed a four-bedroom family bungalow on Brownfield Site.

A site visit had taken place prior to the commencement of the Planning Committee in order that Members could see the impact of the proposed development, as it was considered difficult to visualise.

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the Agenda from the Agent.

Councillor S Davies, on behalf of East Stoke Parish Council spoke for the application in accordance with the view of the Parish Council contained within the report.

Members considered the application and commented that whilst on foot it was unclear to see whether the land was in the open countryside, the aerial photograph clearly showed that the land was in the open countryside. Concern was raised that no ecological assessment had been undertaken and it was felt that the walnut tree on site would need to be felled. The tree however looked healthy and there was an opportunity for bat roosting in that tree. A Member commented that there was an opportunity for the Parish Council to include the site in their Neighbourhood Plan. Another Member commented that as there was a concrete driveway which could be seen under the overgrown land, he felt that the land was not in the open countryside and was a brown field site as it was once the garden to the neighbouring property.

The Business Manager – Planning Development confirmed that the definition of a brown field site excluded a garden.

AGREED (with 12 votes For and 1 vote Against) that the report be refused for the reasons set out within the report.

44 THE WILLOWS, STATION ROAD, BLEASBY, NG14 7GH - 23/01016/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the installation of external wall insulation cladding.

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

Members considered the application, and it was commented by one Member that there was a variety of house styles on the road the proposed application was on, including several Victorian houses, with their frontage facing the road. This property however showed the gable end from the road, which was not attractive to the eye, and was considered that rendering the property would not make a difference to the street scene. The extension to the house had been rendered and it was suggested that the rest of the house could be rendered, especially if that helped to make the house more efficient. The house was not in a conservation area and the plans showed

that the proposal included retaining the character of the house. It was considered that perhaps the owners of the house were also trying to retain the internal character of the house, hence not making the dwelling thermally efficient internally.

Other Members commented that the design of the house should be retained and considered rendering would destroy that and would be a loss to a potential undesignated heritage asset. It was also confirmed that there was no evidence that rendering the property would make the house more efficient.

AGREED (with 9 votes For and 4 votes Against) that planning permission be refused subject to the reasons contained within the report.

45 2 ST MARYS DRIVE, EDWINSTOWE, NG21 9LY - 23/00668/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought to erect a single storey rear extension, which was part retrospective.

A site visit had taken place prior to the commencement of the Planning Committee in order that Members could see the impact of the proposed development, as it was considered difficult to visualise.

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

Councillor P Peacock, speaking against the application as Local Ward Member (Edwinstowe & Clipstone) raised his concern that the extension would be structurally unsound and would create damp for neighbouring property No. 4. The extension was imposing on the neighbouring property No. 4, as the land dropped away. Concern was also raised regarding the product proposed to stain the brickwork, although he commented that he had been assured that the product proposed would not fade or flake over time. It was commented that a condition could not be secured to ensure that the occupier painted the extension brickwork every two years. Concern was also raised regarding the painting of the wall adjoining the neighbouring property fence and how the section of wall behind the neighbour's fence would be painted and how the fence panels would be removed in the future due to the overhang of the guttering, as there was no party wall agreement in place. It was commented that this was a retrospective application and the extension had been in situ for some time. Some enforcement action had also been taken.

Members considered the application and a Member commented that Core Policy 9 stated 'a high-quality sustainable design' it was commented that the extension was unsympathetic and that there was no evidence that the extension had been built to building regulation standard. It was commented that the extension was incongruous; over-bearing and loss of amenity to neighbours; and was the wrong brick, which was not sympathetic to the existing house brick. Members considered what was allowed under Permitted Development Rights. A Member suggested a recommended change and asked that the wall adjoining the neighbouring property should be painted, as that would have a detrimental visual impact if the neighbour choose to replace the fence panels in the future.

The Senior Planning Officer asked Members to consider the over-coating of the brickwork and not what had been built.

A vote was taken for the amendment to the conditions, to ensure the method statement included the painting of the entire extension walls including the south facing wall. The Senior Planner advised that the proposed amendment to the condition would not be reasonable. The amendment was approved with 7 votes For and 6 votes Against.

A vote was taken and lost with 1 vote For and 12 votes Against approval including the amendment.

The application was proposed by Councillor M Shakeshaft and seconded by Councillor C Brooks.

AGREED (with 12 votes For and 1 vote Against) that contrary to Officer recommendation that planning permission be refused for the following grounds:

- (i) loss of amenity to the neighbour;
- (ii) size – overbearing nature; and
- (iii) in appropriate overcoating.

In accordance with paragraph 13.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
A Amer	For
C Brooks	For
L Dales	For
A Freeman	For
P Harris	For
J Lee	For
K Melton	For
D Moore	For
E Oldham	For
P Rainbow	Against
S Saddington	Absent
M Shakeshaft	For
M Spoors	Absent
L Tift	For
T Wildgust	For

Councillor P Harris left the meeting at this point.

46 PROPOSED PERMITTED DEVELOPMENT RIGHTS CONSULTATION

The Committee considered the report of the Director for Planning and Growth, which informed the Committee of the latest permitted development right consultation and considered proposed responses to be made.

On 24 July 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on six proposals concerning amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended. They were:

- Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.
- Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- The application of local design codes to certain permitted development rights.

AGREED (with 12 votes For and 1 Abstention) that:

- (a) the contents of the report and the permitted development right changes be noted;
- (b) subject to any other comments Planning Committee agrees to make, that it endorsed the draft Council response in Section 2 of the report.

47 STRONGER PERFORMANCE OF LOCAL PLANNING AUTHORITIES SUPPORTED THROUGH AN INCREASE IN PLANNING FEES: GOVERNMENT RESPONSE

The Committee considered the report of the Director for Planning and Growth, which informed the Committee of the outcome of the government's consultation on the proposal to increase planning fees and to improve capacity, capability, and performance within local planning authorities.

It was reported that 495 responses had been received to the consultation with just under half of those by local planning authorities. As a result of the responses, the Government was looking to increase planning fees by 35% for major applications and 25% for non-majors. Draft regulations (The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023) were laid on 20 July. Those regulations also set out the fee increase (if brought into force) would take effect, in the main 28 days after being made. They also set out an annual increase, on or after 1 April 2025 each year, of the lower of either consumer price index and 10% rounded up or down to the nearest £1. That suggested annual increase resulted from various parties reporting that application fees did not cover the cost of processing an application and local planning authorities were therefore unable to provide the resources needed to deliver an effective and efficient service.

In addition, one of the other major changes was to potentially remove the ability for applicants to submit 'free-go's'. Currently an applicant was able to resubmit an application without a fee under the following circumstances (a) they have not benefitted from a free go on the application site in the past; (b) the resubmission is within 12 months of the decision (which included planning appeals); and (c) the resubmission was of a similar character to the previous application. A number of applicants used the ability of a free-go as a way to circumvent the need to apply for pre-application advice as, if the application was refused, they had in effect secured that advice also following wider consultation and notification. Removing that exemption could have implications in terms of income which was a significant benefit, it may also result in a greater number of pre-application enquiries for which a charge was levied, but could also trigger a greater number of planning appeals.

The consultation had looked to the possibility of ring-fencing planning income to the planning service; however the Government was not looking to bring this into force. Notwithstanding this, the Council does allocate application (and other) income to the planning service.

The possibly more substantive changes in relation to performance, as will be noted, are being considered in greater depth by the government but, depending upon the outcome, could result in some significant changes to service delivery. These would be reported to Planning Committee as more information becomes known.

AGREED (unanimously) that:

- (a) the report be noted;
- (b) the Planning Committee would be advised when legislation was amended or further outcome was published.

48 APPEALS LODGED

AGREED that the report be noted.

49 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 6.52 pm.

Chairman