

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, 18 January 2024 at 4.00 pm.

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

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 S Saddington, Councillor M Shakeshaft, Councillor M Spoons, Councillor L Tift and Councillor T Wildgust

94 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Chair advised the Committee 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 L Dales declared an other registerable Interest in Application Item 5 – Newark Day Service, Woods Court, Walker Close, Newark On Trent (22/02321/FULM (Major) as she was a District Councillor appointed as a Governor on the Sherwood Forest Hospitals Foundation Trust and a Parish Councillor appointed on the Newark health consultation group, Councillor L Dales confirmed that she had not discussed this item at any other meeting.

Councillor J Lee declared an other registrable Interest as appointed representative on the Nottingham Fire Authority. He also declared an other registrable Interest in Application No. 5 – Newark Day Service, Woods Court, Walker Close, Newark On Trent (22/02321/FULM (Major) as he had taken part in discussions at Newark Town Council.

Councillor D Moore declared an other registerable Interest in Agenda Item 6 – Newark Castle, Castle Gate, Newark-on-Trent (21/02690/FUL) as he commented during the debate of this item, that tourism would be good for his business.

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

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

96 MINUTES OF THE MEETING HELD ON 7 DECEMBER 2023

AGREED that the minutes of the meeting held on 7 December 2023 were approved as a correct record and signed by the Chair.

97 ORDER OF BUSINESS

The Chair with the permission of the Committee changed the order of business on the

agenda and Agenda Item No. 7 – The Rhymes, Carlton Lane, Sutton On Trent (23/00584/FUL) was taken as the first item of business under Part 1 – Items For Decision.

98 THE RHYMES, CARLTON LANE, SUTTON ON TRENT, NG23 6PH - 23/00584/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the rebuilding and replacement of existing barns, sheds and outbuildings for agricultural use, following demolition, the application was part Retrospective.

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. The Planning Officer therefore suggested an amendment to condition 01 to read:

The approved building shall be completed in accordance with the approved plans listed below, within 12 months of the date of this decision.

- 0001 P1 Site Location Plan received 31st March 2023
- 0005 P1 Proposed Block Plan received 31st March 2023
- 0004 REV P4 Proposed Plans and Elevations received 25th October 2023

Reason: To define this permission and to ensure the development is completed in accordance with the approved plans.

Recommend condition 02 is amended to read:

The development shall be carried out in accordance with the submitted flood risk assessment (ref TRST-BSP-XX-XX-T-W-0001-P04_Flood_Risk_Assessment, revision P04, dated 24 October 2023 and compiled by BSP Consulting) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7.79 metres above Ordnance Datum (AOD) as detailed within Section 4.1.2 of the report.
- A water entry strategy shall be provided through the addition of a 6700mm x 175mm security mesh panels as the base of the two pairs of timber barn doors to allow the flow of water during a flood event. This is detailed within Section 4.1.3 and on the plan and elevation details within Appendix B of the report.

These mitigation measures shall be fully implemented prior to first use of the building or within 12 months of the date of this decision, whichever comes first. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that floodplain volume is not lost during a flood event.

Councillor S Michael, Local Ward Member for Sutton-on-Trent, spoke against the

application on the grounds of design, inappropriate building and uncharacteristic of a farm building.

Councillor S Tyers, of Sutton-on-Trent Parish Council, spoke against the application in accordance with the views of Sutton-on-Trent Parish Council as contained within the report.

Members considered the application and raised their concern regarding whether the proposed barn would be used for farming as there appeared to be windows being installed and there was no roof ventilation.

In answer to a Members question seeking clarification if the building was not used solely for agricultural use what action would be taken. The Senior Planning Officer confirmed that the building would not have a lawful use and enforcement action could be taken.

It was suggested that a Section 106 agreement be sought which prevented the applicant from constructing a separate barn which had already received prior approval, subject to confirmation from the legal team as being lawful.

AGREED (with 9 votes For, 4 votes Against and 2 Abstentions) that full planning permission be approved, subject to the conditions contained within the report as amended by the Schedule of Communication and the addition of a Section 106 agreement, which would compel the applicant from constructing a separate barn which had already been subject to a prior approval process, this would be subject to confirmation from the legal team as lawful.

99 NEWARK DAY SERVICE, WOODS COURT, WALKER CLOSE, NEWARK ON TRENT, NG24 4BP - 22/02321/FULM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of existing store building, the creation of car parking and removal of trees.

A site visit had taken place prior to the commencement of the Planning Committee, for the reason that there were particular site factors which were significant in terms of the weight to be attached relative to other factors and they would be difficult to assess in the absence of a site inspection.

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

Members considered the application, and it was commented that this was a prime location for a medical practice which was a much-required requirement for residents of this area. A debate took place regarding whether the trees could be retained, and the car park be reduced on site, or whether the mature trees could be lifted with their root-ball by a qualified arborist and planted in an alternative location.

The Senior Planning Officer confirmed that discussions had taken place with the applicant regarding the reduction of the car park and they had confirmed that they did not want to reduce the car parking provision and that the application should be

determined on the car parking requested. It was also confirmed that it was doubtful whether the mature trees would successfully survive being moved and re-planted. It was confirmed that the trees may not survive if left in situ and the construction of a car park was undertaken.

A Member commented on the location of the site and the highly populated residential street adjacent to the proposed development. There was only a few houses on the street that had drive-ways and the on-street car parking was used by occupants. If the car park to the surgery was not constructed visitors to the surgery would use the on-street parking which would be detrimental to residents of that area. A Member commented that people needed to change their behaviour towards cars and look to use alternative methods of travel. It was further commented that the removal of the trees would change the ecology of the area and this was wrong in terms of reducing climate change.

Having declared an other registrable interest in this application, Councillor J Lee left the meeting for the duration of this item.

AGREED (unanimously) that full planning permission be refused.

Councillor J Lee returned to the meeting at this point.

The Director of Planning & Growth left the meeting for the duration of the following minute as the Council was the applicant.

100 NEWARK CASTLE, CASTLE GATE, NEWARK-ON-TRENT - 21/02690/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought engineering works to form a new gatehouse approach, alterations to existing castle, creation of new pedestrian access, construction of new entrance pavilion and multi-functional events facility and landscaping works.

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 applicant and the Planning Case Officer.

Members considered the application and some Members commented that the modern element had been taken too far and the proposed extension was not in keeping with the historic building and the ramp should be on the other side of the castle where it would be less visible. Concern was also raised regarding the loss of trees which was required in order for this project to be undertaken. The Senior Planning Officer informed Committee that the applicant had been mindful of the trees on site and Historic England had been the driver regarding the design and had tried to keep the tree loss to a minimum. The project would not be possible without the loss of some trees.

Other Members commented on the benefits this project would bring to the Town Centre through tourism and commented that Historic England had provided their view

that this project was a sound proposal for Newark. The proposals would provide a more desirable attraction, which would be accessible for all, educational and have a multi-use. Tourism was beneficial for Newark and the rest of the district and the balance was considered acceptable. It was suggested that Condition 09 - replacement of trees/shrubs be increased from 5 years to 15 years.

Councillor D Moore having commented that his business would benefit from tourism having declared an other registerable interest and abstained from the vote.

AGREED (with 11 votes For, 3 votes Against and 1 Abstention) that full planning permission be approved, subject to the conditions contained within the report as amended by the Schedule of Communication and the amendment to Condition 09 - the replacement of trees/shrubs be increased from 5 years to 15 years.

101 PALACE THEATRE, 16 - 18 APPLETON GATE, NEWARK ON TRENT, NG24 1JY - 23/02073/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought an addition of four poster boards on the theatre frontage.

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

Members considered the application acceptable.

AGREED (unanimously) that Listed Building Consent be approved subject to the conditions contained within the report.

102 STREET VOTE DEVELOPMENT ORDER CONSULTATION

The Committee considered the report of the Director – Planning & Growth relating to a consultation by the Government and for Members to consider the proposed response to be made.

On 22 December 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on Street vote development orders. The consultation ran for 6 weeks from the 22 December and would end 2 February 2024.

The report provided information regarding the Government’s directly quoted introduction to street vote development orders, why they were needed and their vision for such orders.

It was reported that the proposals for street vote development orders were guided by three key principles:

- to create a predictable system where residents have a high degree of certainty on what proposals are permitted to contain before they prepare a proposal;
- to make the system accessible and easy to use so local people can take up the

opportunity that street vote development orders provide; and

- to create a robust system that enables residents to bring forward well designed development on their street that has local support, in particular, from those most directly affected by it.

Members made the following comments and suggestions:

A Member commented that he agreed to question 41 with eligibility to vote and also the comments provided regarding Rural settlements.

Questions 4, 8, 11, 19, 22 & 38 would prefer it if the Council were more equivocal in their response and should say “yes or no” and “unsure” should not be used.

A Member commented that this system was already in place and was called Parish Councils, Community Groups, District Councils and County Councils. The proposals may make Parish Councils obsolete to save money. There would be a place for this if Newark and Sherwood was a Unitary Authority, however this would create another tier of decision making and would generate more work for Officers. The landowner had to be in agreement with any proposed development and it was questioned whether the agreement of the land owner should be sought before any work commenced. It was commented that the proposals did not make sense.

A Member commented that in relation to Question 22 & 23 Neighbourhood Plans should be referenced in our response and there was a difference as Neighbourhood Plans were subject to Referendum. There was no acknowledgment of the role of a neighbourhood plan within this consultation, which was really important as some of the district councils towns had established Neighbourhood Plans and those plans were significant as to where development was required. It was questioned how these could be put together without a coherent strategy.

It was further commented that this was complex and in reality establishing this would be difficult. Question 24 had been answered as Yes, it was questioned whether that should be No, looking at the biodiversity side of this.

Paragraph 64 – why lose the right to re-submit for three years, clarification was sought regarding the rationale behind that and suggested to be reviewed.

Paragraph 69 – 60% have to vote to agree, this may need reviewing.

It was commented that the criteria for what can be accepted had to be 50% plus one for the street vote order. If there wasn't the threshold what was the point of doing the work. It was felt that this did not make sense and was far too complex.

It was commented that the impact on residents at the end of a street could be detrimental and been missed out.

Question 11 – it was considered that this did not cover the areas with isolated pockets of up to nine dwellings, which would not get a voice. Those areas already felt frustrated that they had not currently got a voice.

Split boundaries was also questioned and what would happen in those circumstances.

The Chair requested that the responses be circulated to Members of the Planning Committee before the final version was submitted.

AGREED that:

- (a) the contents of the report and the proposal for street vote development orders be noted;
- (b) subject to the above comments and any further comments submitted after the Planning Committee, the draft Council response in Appendix 1 be endorsed; and
- (c) the responses be circulated to Members of the Planning Committee before the final version was submitted.

103 DE-LISTING NOTIFICATION

The Committee considered the report of the Director – Planning & Growth relating to the formal Notification of the de-listing of a Listed Building within the District.

On the 15 December, Historic England notified Newark and Sherwood District Council that Old Hall Cottage of Main Street, Kneesall had been removed from the List of Buildings of Special Architectural or Historic Interest (List entry number: 1045629). The date of Notification was reported as the date of de-listing. The building was originally designated in 1986. The report provided detail regarding how and why buildings were listed.

AGREED that the contents of the report and the notification of De-listing be noted.

104 PERMITTED DEVELOPMENT RIGHTS: SOLAR AND TELECOMMUNICATIONS MASTS

The Committee considered the report of the Director – Planning & Growth relating to the latest permitted development right.

On 28 February 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on 4 proposals concerning:

- (1) permitted development rights relating to recreational campsites;
- (2) renewable energy;
- (3) electric charge vehicle points; and
- (4) film-making.

A paper was presented to the 20 April 2023 Planning Committee, setting out the Council's response to this consultation. The Government had issued, on the 28 November 2023, a new Statutory Instrument 2023 No. 1279 (The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023), setting out permitted development rights relating to (2) Renewable Energy, in addition to amendments to the telecommunications permitted development right and extensions to schools, colleges, universities, prisons and hospitals. The amended legislation came into force on 21 December 2023. A report was also presented to the 10 August 2023 Planning Committee in relation to (1) and (4) as above.

AGREED that the contents of the report and the permitted development right changes be noted.

105 NATIONAL PLANNING POLICY FRAMEWORK 2023 AND MINISTERIAL STATEMENT - THE NEXT STAGE IN OUR LONG TERM PLAN FOR HOUSING UPDATE

The Committee considered the report of the Director – Planning & Growth relating to changes arising from the recently amended National Planning Policy Framework (December 2023) and changes that were to come into effect for planning.

AGREED that the report be noted and the Planning Committee be aware of the contents of the documents when considering planning applications.

During the presentation of the above item, in accordance with Rule 2.7, the Chair indicated that the meeting had been ongoing for three hours and a motion was required to be proposed and seconded to extend the meeting for the duration of one hour.

AGREED (unanimously) that the meeting continue for the duration of one hour.

106 APPEALS LODGED

AGREED that the report be noted.

107 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 7.08 pm.

Chair