

**PLANNING COMMITTEE - 1 JUNE 2021**

**Schedule of Communication Received after Printing of Agenda**

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
<p>5</p> <p>293 Bowbridge Road, Newark</p> <p>20/00580/FULM</p>	<p>Applicant/Agent's Counsel</p>	<p>26 May 2021</p>	<p>Primacy of Section 38(6) of PCPA 2004 – determination should be in accordance with development plan. All measures have been undertaken to mitigate proposal. All (relevant) consultees support the proposal raising no objection.</p> <p>Appeal will advised to be made if refused with associated costs application.</p> <p>Appendix 1 for full document.</p>	<p>Noted.</p>
<p>5</p> <p>293 Bowbridge Road, Newark</p> <p>20/00580/FULM</p>	<p>Malcolm Lawer Head of Strategic Planning &amp; Geology – Central</p> <p>Email submitted</p>	<p>25 May 2021</p>	<p><i>“This development is totally incompatible with the adjacent industrial uses. I note the concerns raised by Brian Beddows about noise and dust and can predict with some certainty that if this development is permitted there will be complaints made about the adjacent operations, which could impact the viability of those businesses, including that undertaken by Tarmac.</i></p> <p><i>Simply because the site is allocated for housing, that does not mean it should be given planning permission if it is not compatible with existing neighbouring uses.</i></p> <p><i>We maintain our objection to the proposal and request that it is refused given the adverse impact it is likely to have on adjacent uses.”</i></p>	<p>Noted, the comments do not alter the assessment within the Committee Report.</p>

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<p>5</p> <p>293 Bowbridge Road, Newark</p> <p>20/00580/FULM</p>	<p>NSDC Legal</p>	<p>28 May 2021</p>	<ol style="list-style-type: none"><li>1. The Committee are legally obliged to make its decision in accordance with the development plan unless there are material consideration that indicate otherwise. This is clearly set out in section 70(2) and section 38 of the Town and Country Planning Act.</li><li>2. The development plan allocates the Site for housing and if members wish to refuse this application, members will need to provide clear and convincing reasons <b><u>as to there should be a departure from the Development Plan</u></b>. Of fundamental importance is that there is nothing within the specific development plan policy that requires the industrial uses to cease for the site to come forward for residential development.</li><li>3. As the site is designated for housing development any reason for refusal must set out why the steps put forward by the developer are not suitable and sufficient to mitigate the impacts of noise and dust from the adjacent industrial sites on the dwellings. Technical evidence will be required to support this point. By law, any reason for refusal must be clear, precise and full: Article 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 .Failure to produce evidence to substantiate each reason for refusal on appeal is a grounds for a costs application.</li><li>4. Failure to provide a clear and precise reason for refusal will make it extremely difficult to articulate the council's arguments at appeal. Simply to say that the allocation of the site for housing in the Development Plan was a mistake is not a sufficient ground to refuse the application given the scrutiny of the Development Plan process prior to the Plan being adopted.</li></ol>	<p>Noted.</p>
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			5. Should the committee refuse this application it has to be mindful as to who will present evidence at the Inquiry to support any reason for refusal as your officers have made it clear that in the planning balance, mitigation measures make the development acceptable in planning terms.	
7 21/00535/FUL  Coghill Court, Southwell	Agent/Applicant	21.05.2021	Minor amendment to the proposed site plan to extend the footpath proposed to the north of Plot 1 to meet the western boundary.	Noted – the change is minor and does not alter the assessment within the committee report. Condition 2 to be amended to change the plan reference to read: <i>02</i> <i>The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:</i> <ul style="list-style-type: none"> <li>• <i>Site Location Plan - Ref. 00001 Rev. P01</i></li> <li>• <i>Revised Proposed Site Plan - Ref. 00002 Rev. P04</i></li> <li>• <i>Ground Floor Plan - Ref. 00004 Rev P01</i></li> <li>• <i>Elevations - Ref. 00005 P01</i></li> </ul> <i>Reason: So as to define this permission.</i>

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<p>7 21/00535/FUL  Coghill Court, Southwell</p>	<p>Rights of Way Officer</p>	<p>24.05.2021</p>	<p>No objection – subject to an informative note to the applicant.</p> <p><i>“Comments from Rights of Way: Public Footpath (Southwell Footpath No. 26) passes adjacent to the proposed development site alongside the western boundary. The Public Footpath starts at Westgate heading south to cross Potwell Dyke and then continues south to meet Halloughton Road.</i></p> <p><i>The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the footpath or materials unloaded or stored on the footpath so as to obstruct the path.</i></p> <p><i>There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.</i></p> <p><i>The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks’ notice is required to process the closure and an alternative route on should be provided if possible.”</i></p>	<p>Noted, the comments do not alter the assessment within the Committee Report. Informative note to be added as requested.</p>
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8  Staunton Industrial Estate, Alverton Road, Staunton in the Vale  21/00295/FULM			Item withdrawn from agenda	
9  20/01405/FUL  Main Street, Balderton	Resident	25.05.2021	There is a flagrant disregard to any planning rules, with the entrance and hardstanding carried out before the application had been heard and there are now more than 2 caravans on the site along with other vehicles.	Noted. Once the planning permission is issued, any breach of the permission or condition would be open to enforcement action.
9  20/01405/FUL  Main Street, Balderton	Resident	25.05.2021	The local planning authority granted planning permission for a specified period only because the Council could find and consider a better site, so there is no reason to approve any further changes. Where will this stop, there are already 6 caravans on this site and an increase in vehicles leaving the site onto a blind bend and a permanent wall erected.	Noted. Once the planning permission is issued, any breach of the permission or condition would be open to enforcement action. The Highway Authority are investigating taking action as the wall erected is on highway land.
9  20/01405/FUL  Main Street,	Resident	25.05.2021	The group of travellers who have put in the application have moved on and made the opening and surrounding land theirs. They have at least 5 caravans on the site and put up fencing and a huge brick wall, so they are not going anywhere fast.	Noted. The planning application, as submitted, needs to be assessed on its own merits. In terms of enforcement action, once the planning permission is issued

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Balderton				(subject to this being the case), any breach of the permission or condition would be open to enforcement action. The Highway Authority are investigating taking action as the wall erected is on highway land.
9 20/01405/FUL Main Street, Balderton	Resident	26.05.2021	There are several caravans on the site so fire risk of so many caravans in close proximity is higher and children are living on the site. The Council should extend Tolney Lane where the children would be away from a main road and caravans are positioned further apart. Nothing is done when planning permissions/conditions are ignored.	Noted. Once the planning permission is issued (subject to this being the case), any breach of the permission or condition would be open to enforcement action.
9 20/01405/FUL Main Street, Balderton	Resident	28.05.2021	Concerned that given the digging up of the site and construction of walls etc shows that this is not a temporary site. I don't own a computer or get You Tube, web sites etc so there is no consideration for people such as myself regarding communication and I live near this site.	Noted. The Highway Authority are investigating taking action as the wall erected is on highway land.
9 20/01405/FUL Main Street, Balderton	Anonymous	28.05.2021	Cannot see how you can say no after 3 years. Clearly local neighbourhood view are not taken into account. This was given for one family and two caravans. There are at least 5 caravans on site at the time of writing, despite many comments made about the land being set up for 6 caravans, Something needs to be done. If one family had lived there as agreed I think most neighbours would have accepted it. Rules	Noted. Once the planning permission is issued (subject to this being the case), any breach of the permission or condition would be open to enforcement action.

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			are being flouted and no action appears to have been taken. Please take responsibility and sort this matter out.	
9  20/01405/FUL  Main Street, Balderton	Applicant	29.05.2021	<p>In response to the current situation and neighbour's concerns, I would like to raise further information.</p> <p>I have been living on the site for the past 12 months and getting settled in with my family and the local community without problems and the children attending school.</p> <p>I have seen that neighbours are concerned regarding other caravans on the site.</p> <p>I have not authorised these to be there and I am seeking help to remove the caravans as these have nothing to do with me. I went away for the weekend and the caravans were there when I came back. I have asked them to leave on several occasions. I have contacted the Council for help and have had no response so the neighbour's concerns are also my concerns.</p> <p>At present you are only granting a 3 year permission which is obviously no good to me, my family or the site. By granting me a permanent permission will enable me to plan the site, provide the necessary that you are asking for and to secure the site to prevent further caravans arriving. On a temporary permission I would not be able to secure the funding that is needed to correct everything that you have asked for as no bank would give funding on a 3 year temporary permission.</p>	<p>The contents of the applicant's letter is noted.</p> <p>The officer's previous report and recommendation remain before Members for consideration.</p> <p>The applicant has been advised to contact the Police concerning the unauthorised occupation of the site by unknown third parties.</p> <p>Any potential enforcement action would take all circumstances into consideration within the assessment of expediency.</p>

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			<p>I am wanting the best for myself, my family and my future and the local community and I feel by giving a permanent permission that was granted for 6 apartments on this site would enable me to put security in place for all concerned.</p> <p>Concerning the noise issue, I am a traveller and have lived all my life in caravans. As the permission is only for me and my family, the concerns should be with us and we are happy with it and it does not affect us whatsoever, which is why we applied for permission on this site in the first place.</p> <p>I am anxious for my future and my family and want to make the site safe for me and the concerned community. If I don't get a permanent permission, to make the site safe, if I went away for another weekend how do I or you know there won't be even more caravans arriving further upsetting the neighbours, myself and the local community. I want the opportunity to make good of everything and meet your requests but without funding and the support of the Council, I would be unable to do so.</p>	
9	Resident	01.06.2021	<p>A temporary permission has been given for 3 years for a static caravan and motorised home and two parking spaces to be placed there. There are now several caravans on the site, well in excess of those allowed. The applicant takes no account of planning as he created the hardstanding and entrance before any permission was granted. In Bolton a million pound mansion had to be pulled down because it was a third bigger</p>	<p>Noted. Once the planning permission is issued (subject to this being the case), any breach of the permission or condition would be open to enforcement action.</p>



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			than agreed in a planning application. I hope unauthorised works will be enforced as soon as possible on this application.	
9 20/01405/FUL Main Street, Balderton	Resident	29.05.2021	Please consider the number of caravans allowed to be sited. Since the residents first arrived there has been 2 or 3 caravans for the majority of the time but more recently more and more have arrived and there is now approx 10 which is a lot for a small area of land. Also empty gas bottles keep being left out on the side of the adjacent road which is unsightly.	Noted. The officer report recommends a condition restricting the number of caravans on the site to be limited to only two at any one time.