

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, 6 July 2023 at 4.00 pm.

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

Councillor C Brooks, Councillor L Dales, Councillor J Lee, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor M Spoons and Councillor L Tift

ALSO IN ATTENDANCE: Councillor R Cozens and Councillor S Michael

APOLOGIES FOR ABSENCE: Councillor S Crosby (Committee Member), Councillor P Harris (Committee Member) and Councillor T Wildgust (Committee Member)

12 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales, A Freeman and L Tift declared Non-Registrable Interests as appointed representatives on the Trent Valley Internal Drainage Board.

Councillor J Lee declared a Non-Registrable Interest as an appointed representative on the Nottingham Fire Authority. He also declared a Non-Registrable Interest in Application No. 23/00060/FUL – Appleby Lodge, Barnby Road, Newark on Trent as a former Newark Town Councillor when this had been discussed at a Planning Committee meeting. He also declared a further Non-Registrable Interest in Application No. 23/00107/FUL – Forest Farm House, Mansfield Road, Farnsfield as he knew the applicant and would not take part in the debate or vote.

Councillor K Melton declared a Disclosable Pecuniary Interest in Application No. 22/01840/FULM – Land South of Staythorpe Road, Staythorpe, as the owner of a residential property close to the application site. Councillor Melton would speak as Local Ward Member and then withdraw from the meeting.

Councillor D Moore declared a Non-Registrable Interest in Application No. 23/00060/FUL – Appleby Lodge, Barnby Road, Newark on Trent as he was known to the owner of a residential property in close proximity to the application site and would not take part in the debate or vote.

Councillor P Rainbow declared a Non-Registrable Interest in Application No. 23/00890/OUT – Willow Hall Farm, Mansfield Road, Edingley as an acquaintance of the applicant. She also declared a Non-Registrable Interest in Application No. 23/00107/FUL – Forest Farm House, Mansfield Road, Farnsfield as she knew the applicant.

Councillor S Saddington declared a Non-Registrable Interest in Application No. 22/01840/FULM – Land South of Staythorpe Road, Staythorpe as she had attended a residents’ meeting but had not commented and had not attended any subsequent meetings. She also declared a Non-Registrable Interest in Application No. 23/00107/FUL – Forest Farm House, Mansfield Road, Farnsfield as she knew the applicant.

13 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.

14 MINUTES OF THE MEETING HELD ON 8 JUNE 2023

AGREED that the Minutes of the Meeting held on 8 June 2023 were approved as a correct record and signed by the Chairman.

Prior to consideration of the following item on the Agenda, the Chairman adjourned the meeting for 5 minutes in order that Members be given opportunity to read the late Schedule of Communication as tabled.

15 LAND SOUTH OF STAYTHORPE ROAD, STAYTHORPE - 22/01840/FULM

The Committee considered the report of the Business Manager – Planning Development which sought to update Members on an application for the construction of a Battery Energy Storage System and associated infrastructure. Members attended a site visit prior to the commencement of the Planning Committee as the proposal was particularly contentious and the aspects being raised could only be viewed on site.

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

Schedules of Communications were circulated prior to and at the meeting, which detailed correspondence received following publication of the Agenda from the Battery Energy Storage System (BESS) Action Group; the Agent; the Agent of the Battery Storage Scheme currently pending on land to the north (east of Averham); the Case Officer, the Environmental Health Officer (NSDC); Nottinghamshire Fire & Rescue Service; Averham, Kelham & Staythorpe PC; and the Applicant.

Councillor K Melton, speaking as Local Ward Member stated that the application failed on 3 issues: scale; impact; and character. He referred to the loss of ancient and mature hedgerow; the poll of local residents undertaken by both the applicant and the BESS; noise pollution; failure of sequential testing; and harm to landscape and character.

*Having declared a Disclosable Pecuniary Interest, Councillor Melton left the meeting after addressing the Committee.*

Councillor Bradey, on behalf of Averham, Kelham & Staythorpe Parish Council spoke against the application in accordance with the view of the parish council contained within the report.

Members considered the application and whilst acknowledging the requirement for greener energy solutions raised concerns on a number of issues including: the potential for flooding at the site; the risk of fire or explosion from the storage of such an energy source; loss of high-quality agriculture land; impact on rights of way; detrimental visual impact; lighting of the scheme and mitigation thereof.

In response to several requests to defer determination of the application until it could be considered with similar applications in order to consider cumulative impact, the Business Manager advised that each application must be determined on its own merits. Unless Members required additional information, the application should be determined without delay. She added that when the next such application came before Committee, the effect of cumulative impact could be considered at that time.

Having considered advice given by the Committee's Legal Advisor in relation to pre-determination and bias, Councillor Saddington abstained from voting, as recorded below.

A vote was taken and lost with 10 votes against and 1 abstention for approval. The application was proposed for refusal by Councillor Lee and seconded by Councillor Oldham.

AGREED (with 10 votes For and 1 Abstention) that contrary to Officer recommendation, planning permission be refused, subject to the following reasons:

Reasons:

- i. Scale of Development
- ii. Design of Development
- iii. Visual Impact
- iv. Loss of amenity without sufficient mitigation
- v. Perceived Safety Risks
- vi. Loss of Agricultural Land
- vii. Failure to pass Sequential Flood Risk Test

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

| <b>Councillor</b> | <b>Vote</b>  |
|-------------------|--------------|
| C Brooks          | For          |
| S Crosby          | Absent       |
| L Dales           | For          |
| A Freeman         | For          |
| P Harris          | Absent       |
| J Lee             | For          |
| K Melton          | Did Not Vote |
| D Moore           | For          |

|              |         |
|--------------|---------|
| E Oldham     | For     |
| P Rainbow    | For     |
| S Saddington | Abstain |
| M Shakeshaft | For     |
| M Spoons     | For     |
| L Tift       | For     |
| T Wildgust   | Absent  |

*Councillor Melton returned to the meeting.*

16 APPLEBY LODGE, BARNBY ROAD, NEWARK ON TRENT - 23/00060/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought to update Members on the application for a change of use of a paddock to provide 8 no. pitches for permanent residential occupation and 2 no. amenity buildings.

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

Schedules of Communications were circulated prior to and at the meeting, which detailed correspondence received following publication of the Agenda from: local residents; and Nottinghamshire County Council – Highways.

Members considered the application, noting the requirement of the Council to provide sustainable sites for Gypsy and Travellers. Members noted the number of objections received in relation to traffic and also the current community efforts in relation to the promotion of a safe environment for amphibians on the proposed site. Members considered the application acceptable, subject to the inclusion of an informative note to the applicant in relation to working with the community on the toad patrol.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report and the addition of the above-mentioned informative note to the applicant.

*Having declared a Non-Registrable Interest, Councillor Moore left the meeting during the debate and vote of the above item.*

17 TESCO EXPRESS, KIRKLINGTON ROAD, RAINWORTH - 22/01298/FUL

This application was withdrawn from the Agenda.

18 BILSTHORPE BUSINESS PARK, EAKRING ROAD, BILSTHORPE - 22/00424/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought to update Members on the proposal to create flexible commercial/industrial units together with the provision of allotments. 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 Business Manager – Planning Development 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 Planning Officers.

Members considered the application and commented on a number of issues including traffic from commercial vehicles and the potential ecological impact.

AGREED (with 6 votes For and 6 Votes Against, the Chairman used his casting vote for Refusal) that planning permission be refused for the reasons contained within the report.

19 WILLOW HALL FARM, MANSFIELD ROAD, EDINGLEY - 23/00890/OUT

The Committee considered the report of the Business Manager – Planning Development which sought to update Members on the outline application for a residential development to erect 1 no. dwelling with all matters reserved.

Members considered the presentation by 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 the publication of the Agenda from: Nottinghamshire County Council (Rights of Way); Nottinghamshire County Council (Highways Authority); and the Case Officer.

Councillor Diana Poole, Chair of Edingley Parish Council, spoke in support of the application in accordance with the views of Edingley Parish Council as contained within the report.

Members considered the application, noting that the proposed development was in open countryside. Some Members felt that the location of the site was suitable for the development with other Members stating that to approve this would set a precedent for future applications, similar in nature.

AGREED (with 7 votes For, 4 votes Against with 1 abstention) that planning permission be refused for the reasons contained within the report.

20 FOREST FARM HOUSE, MANSFIELD ROAD, FARNSFIELD - 23/00107/FUL

The Committee considered the report of the Business Manager – Planning Development which sought to update Members on the application for a replacement dwelling and office (including stores) with associated works including demolition of existing dwelling.

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

Members considered the application acceptable.

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

*Having declared a Non-Registrable Interest, Councillor Lee did not participate in the debate or vote of the above item.*

21 UPDATE TO PLANNING ENFORCEMENT PLAN (PEP) TO OUTLINE THE APPROACH TO THE ENFORCEMENT OF ADVERTISEMENTS

The Committee considered the report of the Director – Planning & Growth which sought to set out for Members how planning enforcement would proactively approach the display and enforcement of illegal advertisements within the district.

The Business Manager – Planning Development advised that following changes to the Council’s Portfolio Holders, Recommendation (b) of the report required amendment to read “Portfolio Holder for Sustainable Economic Development”.

The Director advised that an email would be forwarded to all Members of the Council advising them of the proposed amendment to the Planning Enforcement Plan.

AGREED (unanimously) that:

- a) the proposed updates to the Planning Enforcement Plan relating to advertisements be endorsed; and
- b) this amendment be forwarded to the Portfolio Holder for Sustainable Economic Development for adoption.

The PEP contributes toward assisting with:

- Continuing to maintain the high standard of cleanliness and appearance of the local environment;
- Enhancing and protecting the district’s natural environment.

22 APPEALS LODGED

AGREED that the report be noted.

23 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 7.55 pm.

Chairman