

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 Tuesday, 5 February 2019 at 4.00 pm.

PRESENT: Councillor D Payne (Chairman)
Councillor P Handley (Vice-Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks, Councillor B Crowe, Councillor J Lee, Councillor Mrs P Rainbow, Councillor F Taylor, Councillor Mrs L Tift, Councillor I Walker, Councillor B Wells and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor Mrs M Dobson (Committee Member) and Councillor P Duncan (Committee Member)

187 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs P. Rainbow declared a Personal Interest in agenda Item No. 5 – Land Adjacent Fish Pond Farm, Main Street, Eakring (18/02159/FUL) as she was known to the applicant.

Councillor J. Lee declared a Personal Interest in agenda Item No. 8 – 34 Castle Gate, Newark (18/01444/FUL) as he was known to the applicant.

Councillor F. Taylor declared Personal Interest in agenda Item No. 11 – Gibbet Wood, Brown Wood Lane, Thorney (18/01671/FUL) as he was known to the applicant.

Councillors D.R. Payne, I. Walker and B. Wells declared Personal Interests in Agenda Item No. 11 – Gibbet Wood, Brown Wood Lane, Thorney (18/01671/FUL) as they were known to the father of the applicant due to service as Members of the Trent Valley Internal Drainage Board. They asked that their personal interest be recorded for any further applications containing information relating to the Trent Valley Internal Drainage Board.

Councillor I. Walker declared a Personal Interest in agenda Item No. 12 – Land Adjacent Tu Pare, Low Street, Elston (18/01891/FUL) as he was known to the applicant.

Councillor R.V. Blaney declared a Personal Interest in agenda Item No. 13 – The Orchard, Middle Lane, Morton, Southwell (18/02146/FUL) known to one of the objectors.

188 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

189 MINUTES OF THE PREVIOUS MEETING

AGREED (unanimously) that the minutes of the meeting held on 5 February

2019 be approved as a correct record and signed by the Chairman.

190 LAND ADJACENT FISH POND FARM, MAIN STREET, EAKRING (18/02159/FUL)

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the conversion and extension of the existing barn/cart shed to form a dwelling and the erection of three further dwellings.

Councillor R. Ford representing Eakring parish Council spoke against the application in accordance with the views of Eakring Parish Council.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer and local representation.

Members considered the application and it was commented that the land for the proposed development was untidy and was calling out for development. It was commented that there was not a need for four and five bedroom houses in the village, smaller more affordable homes were however required. The development would be in a conservation area and the land had been stripped before the application had been submitted which Members found disappointing. The treatment of the cart shed was commented as good and there was no problem with that. Plot 3 had an overbearing impact and loss of privacy on the amenity of the former Fish Pond Farm. It was suggested that the application be deferred to seek amendments to the scale, layout of the development and house type, plot 3 to be single storey in line with the cart shed.

AGREED (unanimously) that the application be deferred to seek amendments to scale, layout of development and house type, plot 3 to be single storey in line with cart shed.

191 34 CASTLE GATE, NEWARK ON TRENT (18/01444/FUL)

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought retrospective planning permission for the installation of a 1.8m high fence surrounding the beer garden.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer. The Planning Case Officer recommended a change to Condition 1 to read as follows:

Within 56 days of the date of this permission the fencing including the trellis to be retained along the south eastern boundary of the site enclosing the outdoor area as shown on drawing no. 002 Rev AO1 deposited on the 23 January 2019 shall be stained a mid grey colour, a sample of which colour shall be submitted to and approved in writing by the Local Planning Authority and shall be retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Members considered the application acceptable. Comments were raised regarding

the picnic benches that had been placed in close proximity to the ten foot drop into the river.

AGREED (with 12 votes For and 1 Abstention) that planning permission be approved subject to the conditions contained within the report.

192 SHANNON FALLS, TOLNEY LANE, NEWARK (18/02167/FUL)

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the change of the site from scrubland to the creation of eight pitches each one housing a touring caravan each with its own associated amenity building, measuring 3.5m by 4m, 2.1 m to the eaves and 4.3m to the ridge, constructed of brick with tiled roof. One parking bay would also be provided within each pitch.

Members considered the application and some Members commented on the appeal decisions contained within the report and that the applicants never complied with the conditions set namely the removal of the unauthorised additional fill to raise the land levels. Other Members felt that the travelling community wanted to locate in this area and should be allowed to do so as they were aware of the risks from flooding and there was an evacuation scheme in place for the rest of the site. A Member commented that Planning Policy were undertaking a GTAA data gathering exercise which would be produced within two years and would help to determine need moving forward. Alongside this the Council was actively seeking additional sites to meet any likely need. It was suggested that a temporary three year permission may be acceptable given that within two years alternative sites within the district may come forward. It was further commented that no objections from the Town Council had been submitted regarding this application.

A vote was taken and lost with 4 votes For and 9 votes Against to refuse the application.

AGREED (unanimously) that contrary to Officer recommendation a temporary three year permission be granted subject to conditions regarding evacuation plan and landscaping.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

| Councillor | Vote |
|-------------------|-------------|
| Mrs K. Arnold | For |
| R.V. Blaney | For |
| Mrs A.C. Brooks | For |
| R.A. Crowe | For |
| Mrs M. Dobson | Absent |
| P. Duncan | Absent |
| G.P. Handley | For |
| J. Lee | For |
| D.R. Payne | For |
| Mrs P. Rainbow | For |

| | |
|-----------------|-----|
| F. Taylor | For |
| Mrs L.M.J. Tift | For |
| I. Walker | For |
| B. Wells | For |
| Mrs Y. Woodhead | For |

193 LAND TO THE REAR OF BRIDGE COTTAGES, BARNBY ROAD, NEWARK (18/02049/FUL)

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought full planning permission for the erection of a detached one and half storey dwelling with a horse shoe shaped footprint.

Members considered the application acceptable.

AGREED (with 12 votes For and 1 vote Against) that planning permission is approved subject to the conditions and reasons contained within the report.

194 WOODSIDE FARM, NOTTINGHAM ROAD, THURGARTON (18/01299/FUL) AND (18/01300/FUL)

The Committee considered the two reports of the Director of Growth & Regeneration, following a site inspection. Application 18/01299/FUL sought for the retention of the mobile home approved on appeal in 2005 which continued to be used in association with the agricultural operation at Woodside Farm. Application 18/01300/FUL sought the removal of Condition 9 of planning permission 12/00604/FUL to allow retention of the mobile home in connection with established agricultural operation.

Councillor R. Jackson local Ward Member Dover Beck spoke in support of the application on the grounds that the applicant had lived there for twenty five years and had built an enterprise on this site. He had sought permission to build a house for his son to occupy with his wife and child. The farm was a large enterprise with cows, calves, ewes and 10,000 laying hens. This was a labour intensive family farm unit with grandchildren. The need for living on the farm was explained to Members. He asked that Members consider the hard working family unit which should be allowed to stay together and look after Mr Kirk senior later in life.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Fisher German LLP (on behalf of Mr C Kirk).

Members considered the application and it was commented that the mobile home should have been removed after the house was built and occupied. There were a number of buildings on site that had potential for conversion for residential use as long as the buildings were connected for agricultural use which would be a fall-back position.

A Member commented on the history of this application which was contained within the report. The existing house was approved by the Local Planning Authority and the applicant was required to remove the existing mobile home. The house was required

to be large enough to accommodate at least three family members. This would allow Mr Kirk senior to be available on site. Within a few months of the house being completed an application was submitted for an annex to be converted for Mr R Kirk. At the time of the application 2014, the supporting statement confirmed that Mr R Kirk would reside in the annexe with his parents Mr and Mrs C Kirk residing in the main farm house. The committee has however been informed that Mr I Kirk is residing in the main house, which was contrary to the information provided for the 2014 application. It was felt that Mr C Kirk should have moved into the main farm house in 2012 and the mobile home removed within six months of the house being completed.

A Member commented that the Local Planning Authority had failed to pick up on this unauthorised use. It was commented that the report said that people were dependent upon one another and this was being looked upon from a financial perspective. Families help one another and the mobile home was still standing and was being used for residential purposes. If the occupier of that mobile home was helping on the farm it could be argued that the building was being used for agricultural use and had a purpose for serving that agricultural business. It was suggested that a temporary permission be granted.

Other Members commented that this application was retrospective; the mobile home had been there for six years more than it had permission for. This was not a sudden thing and the applicants had been given time to resolve their living accommodation.

AGREED (with 7 votes For and 6 votes Against) that:

- (a) planning permission be refused for the reason contained within the report; and
- (b) a Breach of Condition Notice be served at the same time to require the mobile home to be removed from the site within 6 months.

195 BULCOTE FARM, OLD MAIN ROAD, BULCOTE (15/00784/FULM), (17/02325/FULM) AND (15/00785/LBC)

The Committee considered the two reports of the Director of Growth & Regeneration, contained within the agenda together regarding Bulcote Farm, Old Main Road, Bulcote for applications 15/00784/FULM, 17/02325/FULM and 15/00785/LBC, the applications sought the following:

Application No. 15/00784/FULM

Full Planning Application and Listed Building Consent for a development comprising 56 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. To be read in conjunction with application ref: 17/02325/FULM; and

Application No. 17/02325/FULM

Development comprising 16 residential units (Use Class C3) associated with Planning Application 15/00784/FULM and Listed Building Consent 15/00785/LBC for the Conversion of Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated infrastructure, parking and landscaping.

Application No. 15/00785/LBC

Listed Building Consent for a development comprising 64 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. To be read in conjunction with application ref: 17/02325/FULM.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the agent.

Councillor K. Simpson representing Bulcote Parish Council spoke against the applications in accordance with the views of Bulcote Parish Council as contained within the report.

Councillor R. Jackson local Ward Member Dover Beck and adjoining Ward Member for this application was allowed to speak due to the impact this application would have on the Dover Beck Ward. Councillor R. Jackson spoke against the application on the grounds that the proposal was for 72 houses, approx. 140 plus extra cars which would have a large impact on the road network, especially the Lowdham roundabout which was full to capacity. There would be a big impact on local schools and the health service if the application was granted. It was reported that the level railway crossing was closed twice a year for maintenance; this would prevent any access to the development including emergency vehicles. It was commented that it would be good to see the building converted to houses, this proposed scheme however offered no S106, or CIL contribution and was a development for pure profit.

Members considered Application No. 15/00785/LBC and the application was considered acceptable.

AGREED (unanimously) that Listed Building Consent be granted subject to the conditions set out in the report.

Members considered applications No. 15/00784/FULM and 17/02325/FULM and whilst they were not against some development to bring back to use the old buildings the scale of development now proposed was called into question. The site values for this site were commented upon. The problems with the railway junction were discussed and the need for an emergency evacuation plan. Building in the green belt was also discussed. It was commented that the terrace block did not add any value to the development. Some Members were not in support of the proposals, feeling that levels of return and overall scale were too far. It was suggested that the application

be deferred to enable officers to discuss with the applicant a reduction in amount of enabling development.

AGREED (unanimously) that the application be deferred to enable officers to discuss with the applicant viability and provision of developer contributions and reduction in amount of enabling development.

(Councillor J. Lee left at this point.)

196 GIBBET WOOD, BROWN WOOD LANE, THORNEY (18/01671/FUL)

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought full planning permission for the erection of a rural workers dwelling in the form of a detached two-storey dwelling located approximately 115m to the SE of the poultry unit it is intended to serve.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Parish Councillor J. Day representing Thorney Parish Council.

Members considered the application and it was commented that the proposed development was well positioned to the poultry unit and regulated and was less than 50 metres away from the permitted site. It was screened by woodland, would have its own access, although the highways comments were noted regarding the rise in the road over the drain, it was felt that given the low use for traffic, the highways comments should not be the reason for refusal.

AGREED (with 11 votes For and 1 vote Against) that contrary to Officer recommendation full planning permission be approved, subject to conditions to include an agricultural tie and S106 for non-implementation of previously approved dwelling

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

| Councillor | Vote |
|-------------------|-------------|
| Mrs K. Arnold | For |
| R.V. Blaney | Against |
| Mrs A.C. Brooks | For |
| R.A. Crowe | For |
| Mrs M. Dobson | Absent |
| P. Duncan | Absent |
| G.P. Handley | For |
| J. Lee | Absent |
| D.R. Payne | For |
| Mrs P. Rainbow | For |
| F. Taylor | For |
| Mrs L.M.J. Tift | For |
| I. Walker | For |

| | |
|-----------------|-----|
| B. Wells | For |
| Mrs Y. Woodhead | For |

197 RULE NO. 30 - DURATION OF MEETINGS

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours has expired and a motion was proposed and seconded to extend the meeting by a further hour.

AGREED (unanimously) that the meeting continue for a further hour.

(Councillor B. Wells left the meeting at this point.)

198 LAND ADJACENT TU PARE, LOW STREET, ELSTON (18/01891/FUL)

The Committee considered the report of the Director of Growth & Regeneration, which sought full planning permission for the erection of a single storey two bed dwelling.

Members considered the application and commented that given Elston Parish Council had not submitted any comments and a site visit had not been undertaken, it was suggested that the item be deferred pending a site visit.

AGREED (unanimously) that the item be deferred pending a site visit.

199 THE ORCHARD, MIDDLE LANE, MORTON, SOUTHWELL (18/02146/FUL)

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought variation of condition 2 attached to planning permission 17/01861/FUL to vary the approved plans.

Members considered the application and it was confirmed that the variation of condition 2 was for two roof lights which had been installed without permission. The roof lights when opened and the Planning Case Officer was standing within the property provided a view over the front driveway to the host dwelling. A Member commented that if the roof lights were obscure glazed and non-opening that would address any overlooking. Members debated whether there was a need for the obscure glazing and non-opening of the windows and it was questioned whether this was a step too far, due to the height level and angle of the velux windows. It was therefore proposed that the additional rooflights would be obscure glazed to an appropriate level but could be opened.

AGREED (with 10 votes For) (Councillor G.P. Handley did not take part in the vote) that:

- (a) full planning permission be approved subject to the conditions contained within the report; and
- (b) the additional condition to the treatment of roof lights to be obscure glazed to a level 3 or higher on the Pilkington Scale.

200 STONEWOLD, GRAVELLY LANE, FISKERTON (18/02204/FUL)

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought full planning permission for the erection of a detached, one and half storey dwelling with integral single garage.

Members considered the application acceptable.

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

201 37 LAMBLEY ROAD, LOWDHAM (18/02317/FUL)

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the conversion of the annex building and carport range to a single residential dwelling

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer. The Case Officer proposed a recommendation to add a condition regarding the new access point as follows:

Prior to the construction of the new access onto Lambley Road precise details of any retaining structures required shall be submitted to and agreed in writing to the Local Planning Authority (LPA). The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interest of visual amenity.

Members considered the planning application acceptable.

AGREED (unanimously) that:

- (a) full planning permission is approved subject to the conditions contained within the report; and
- (b) the additional condition regarding details of any retaining structures required shall be submitted to and agreed in writing to the LPA.

202 LAND AT FERNWOOD SOUTH, NOTTINGHAMSHIRE (16/00506/OUTM)

The Committee considered the report of the Director of Growth & Regeneration, which sought outline planning application for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports pitches,

pocket parks, structural landscaping / greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Sanderson Weatherall LLP (on behalf of Newark Steel) and drawing Members attention to the issues of relevance in this regard.

Members considered the planning application acceptable.

AGREED (unanimously) that outline planning permission be approved subject to the conditions appended at Appendix 4 of the report and the sealing of an associated Section 106 legal agreement on the basis of the contributions outlined in Appendix 5 contained within the report.

203 FORMER THORESBY COLLIERY, OLLERTON ROAD, EDWINSTOWE (16/02173/OUTM)

The Committee considered the report of the Director of Growth & Regeneration, which sought outline planning permission for a residential development up to 800 dwellings (Class C3), strategic employment site comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road.)

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the agent, which proposed revised wording to Condition 32 of the draft planning permission.

Members considered the planning application acceptable.

AGREED (unanimously) that outline planning permission be granted subject to:

- (a) the conditions which were contained with the Appendix to the report; (The draft decision notice was attached at Appendix 2 to the report);
- (b) the completion of a S106 Agreement to control the matters outlined in the report and as summarised in Appendix 1; and
- (c) delegated authority be granted to the Director of Growth & Regeneration to modify the conditions/S106 obligations in order to achieve the same objectives prior to the issuing of the decision notice as advised by legal representatives.

204 APPEALS LODGED

AGREED that the report be noted.

205 APPEALS DETERMINED

AGREED that the report be noted.

206 SOUTH KESTEVEN DISTRICT COUNCIL PLANNING APPLICATION

The Director of Growth & Regeneration provided a verbal update to the Committee regarding an application for a Designer outlet that had been considered and granted with 10 votes for and 3 votes against by South Kesteven District Council. The application was approved subject to the Secretary of State call in procedure.

The Council had previously commissioned work to Carter Jones to research whether the designer outlets north and south of Grantham would have an adverse impact on Newark Town Centre. It had been confirmed that such developments would have substantial impact.

The Committee were asked to determine whether they would like to write as a Planning Committee to the Secretary of State seeking a public enquiry. The Director of Growth & Regeneration confirmed that he had, had a meeting with the Council's Leader and he had stated that this development would have a substantial impact on Newark Town Centre.

AGREED (unanimously) that the Director of Growth & Regeneration be granted permission to write on behalf of the Planning Committee to the Secretary of State, requesting that the application be called in for public enquiry.

207 EXCLUSION OF THE PRESS AND PUBLIC

There were no exempt reports.

Meeting closed at 7.45 pm.

Chairman