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, 6 August 2019 at 4.00 pm.

PRESENT:	Councillor R Blaney (Chairman) Councillor I Walker (Vice-Chairman) Councillor L Brazier, Councillor M Brock, Councillor M Brown, Councillor L Dales, Councillor L Goff, Councillor R Holloway, Councillor J Lee, Councillor Mrs P Rainbow, Councillor M Skinner, Councillor K Walker and Councillor Mrs Y Woodhead
ALSO IN ATTENDANCE:	Councillor L Brailsford, Councillor R Jackson and Councillor R B Laughton
APOLOGIES FOR ABSENCE:	Councillor Mrs M Dobson (Committee Member) and Councillor T Smith (Committee Member)

58 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors Mrs L. Dales, J. Lee and I. Walker all declared personal interests as they were Council's appointed representatives on the Trent Valley Drainage Board.

Councillor R.V. Blaney declared a personal interest in Agenda Item No. 10 – Field OS 8200 Marriott Lane, Blidworth (19/00184/FULM) as an objector to the application was known to him and he had received a direct representation.

59 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

60 MINUTES OF THE MEETING HELD ON 23 JULY 2019

The Committee considered the Minutes of the Planning Committee meeting held on Tuesday, 23 July 2019.

Minute Nos. 46 & 47 – Springfield Bungalow, Nottingham Road, Southwell (19/00689/FUL) and (19/00779/FULM)

It was noted that during the verbal presentation of the reports for the above applications an error had occurred with how Condition 11 had been referred to but that all information contained within the written reports had been correct. It was noted that the condition should have been referred to as a "pre-commencement condition". The Chairman advised that a note would be added to the signed minutes of the meeting to clarify the matter.

AGREED (unanimously) that, subject to the above point of clarification, the minutes of the meeting held on 23 July 2019 be approved as a correct record and signed by the Chairman.

61 WHITE POST GARAGE, WHITE POST, FARNSFIELD 18/02151/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the demolition of an existing vehicle sales garage and 2 bedroom bungalow and the erection of a new vehicle sales garage, showroom and office accommodation with associated car parking.

The local ward Member spoke in support of the application, highlighting that Farnsfield Parish Council had raised no objection to the proposal and adding that it would be an improvement to the current state of the site.

In considering the application Members commented that they would welcome the increase in employment opportunities and that any development would be an improvement to the current site which was in a poor state of repair.

The Chairman raised the issue of whether the proposal was an expansion of the existing business or a relocation from another site and the implications thereof. He advised that clarity had been sought by Officers from the applicant and his agent but that this had not been provided.

AGREED (with 8 votes for and 5 votes against) that, contrary to Officer recommendations, planning permission be approved subject to additional conditions in relation to the blocking off of the Rufford Road access; the reinstatement of the verge; the use of Mansfield Road only; and office use ancillary to car sales/plant hire operating only from the site. Delegated authority was also granted to Officers to determine any further appropriate conditions.

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

Councillor	**Vote**
Roger Blaney	Against
Lee Brazier	For
Malcolm Brock	Against
Michael Brown	For
Linda Dales	For
Maureen Dobson	Absent
Laurence Goff	For
Rhona Holloway	For
Johno Lee	Against
Penny Rainbow	For
Mathew Skinner	Against
Tom Smith	Absent
Ivor Walker	Against
Keith Walker	For
Yvonne Woodhead	For

62 FORMER CO-OP, MAIN STREET, FARNSFIELD 19/00208/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the change of use of the former Co-Op building (A1-retail use) to a Pizza Restaurant and Café/Bar (A3 & A4 – Food & Drink/Drinking Establishment use). As part of this change of use the applicant sought permission to carry out external and internal alterations and refurbishments including the installation of a new shop front and a new access door to the courtyard area.

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

In considering the application Members raised a number of issues in relation to the availability of parking for patrons of the proposed establishment, noting that NCC Highways had objected to the proposal; and also possible nuisance caused by noise and smells from the venue e.g. no provision of a designated smoking area for patrons.

A vote was taken for refusal and was lost by 3 votes for with 10 votes against.

In response to whether it was possible to attach conditions to the application that would restrict the use of the premises to A3 and A4 use only with no hot food takeaway provision and that a designated smoking area and hours of operation be provided, Officers confirmed that such conditions could be applied along with any other conditioned deemed appropriate by Environmental Health and Conservation.

AGREED (unanimously) that, contrary to Officer recommendation, planning permission be approved subject to additional conditions as noted above.

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

Councillor	**Vote**
Roger Blaney	For
Lee Brazier	For
Malcolm Brock	For
Michael Brown	For
Linda Dales	For
Maureen Dobson	Absent
Laurence Goff	For
Rhona Holloway	For
Johno Lee	For
Penny Rainbow	For
Mathew Skinner	For
Tom Smith	Absent
Ivor Walker	For
Keith Walker	For
Yvonne Woodhead	For

63 GRANGE BARN, NEWARK ROAD, CAUNTON 19/00848/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the erection of a first floor extension over the existing dining room and garage with no increase in the footprint of the application dwelling.

Councillor Chris Jagger, Chairman of Caunton Parish Council, spoke in support of the application in accordance of the views of the Parish Council as contained within the report.

In considering the application Members debated the issue of whether the proposed first-floor extension was over bearing with Officers advising of the tolerances when considering such matters. Officers further advised that whsislt separation distances are not set out in policy, there are best practice guidelines.

AGREED (by 11 votes for, with 2 votes against) that planning permission be refused for the reasons set out in the report.

64 THE ACADEMY, 62 GAINSBOROUGH ROAD, WINTHORPE, NEWARK ON TRENT 19/00503/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the erection of a single detached dwelling in the southern portion of the garden of The Academy.

Members considered the application and raised issues in relation to the loss of some of the trees on site and whether the existing fencing and vegetation would be replaced by a brick wall at the boundary of the site.

AGREED (by 12 votes for, with 1 abstention) that planning permission be refused for the reasons set out the in the report.

65 2 GAINSBOROUGH ROAD, WINTHORPE, 19/01129/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the erection of 2 no. semi-detached; 3 bedroom dwellings set across two storeys. The dwelling would be positioned to the rear of the existing dwelling sharing the same vehicular access with Plot 1 positioned northwards and staggered slightly forwards of Plot 2.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Officer to rectify a mistake in the report. Page 83 referred to the proposed dwellings as being semi-detached when this should have been detached dwellings.

In considering the application Members offered differing points of view as to whether they considered the proposal to be 'backland' development.

AGREED (by 7 votes for with 5 votes against) that planning permission be approved subject to the conditions and reasons as set out in the report.

Councillor Lee did not take part in the vote as he was absent for the discussion of the application.

66 FIELD OS 8200 MARRIOTT LANE, BLIDWORTH 19/00184/FULM

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for full planning permission for the change of use of the land for equestrian use and the erection of an additional stable and tack room attached to the existing stable block. It was noted that revised plans had been deposited which had reduced the scale of the proposed extension to the stable.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Planning Officers and the Applicant.

In considering the application Members raised issues in relation to whether use of the premises would be private or commercial and that clarity was needed as to whether the lane adjacent to the site was an official bridleway.

AGREED (by 10 votes for with 3 votes against) that planning permission be approved subject to the reasons and conditions as set out in the report.

67 BANKWOOD FARM, OXTON ROAD, THURGARTON 19/00746/FULM

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the demolition of the farm complex and the subsequent erection of five new dwellings (each containing 5 bedrooms) and one conversion of an existing barn to form a 4-bed dwelling.

Councillor R. Foster, representing Thurgarton Parish Council, spoke in support of the application in accordance with the views of the Parish Council as contained within the report.

The local ward Member also spoke in support of the application.

In considering the report Members commented that the current site was a derelict eyesore and that the proposed design was both unique and contemporary, commenting that it was in keeping with the area.

In noting the existing planning permission for 5 smaller units, Members queried whether further development would come forward should the application being considered be refused. Officers confirmed that a submission for prior approval would be required and that strict tests would need to be satisfied.

The Chairman commented that he was also in favour of the proposed design but noted that there were similar situations across the district where farm buildings had fallen into disrepair and whether the approval of this application may set a precedent for the future. Members, however, commented that they believed the design to be sufficiently unique to resist future applications.

Whilst Officers advised that they did not consider the proposal to meet the innovative tests set out in NPPF and DM8, Members took an alternative view in this instance. In addition, they disagreed that the proposal would result in an adverse impact on visual amenity and attached significant weight to the benefit of redeveloping the site in the manner proposed rather than through potential conversions. Members therefore considered the principle of development to be acceptable and development would therefore meet the 3 tests for an EPS in relation to bats.

AGREED (by 9 votes for with 3 votes against) that, contrary to Officer recommendation, planning permission be approved with conditions being included in relation to: repair works to the historic barn; design details including fenestration, materials, removal of permitted development for future extensions, fences; demolition of all buildings and removal of all element attached prior to occupation of the first self-build; and bat mitigation. The Chairman and Vice-Chairman of the Committee to be consulted with prior to any additional conditions being added.

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

Councillor	**Vote**
Roger Blaney	Against
Lee Brazier	Against
Malcolm Brock	For
Michael Brown	For
Linda Dales	For
Maureen Dobson	Absent
Laurence Goff	For
Rhona Holloway	For
Johno Lee	For
Penny Rainbow	For
Mathew Skinner	Did not vote
Tom Smith	Absent
Ivor Walker	For
Keith Walker	For
Yvonne Woodhead	For

Councillor Skinner did not take part in the vote as he was not present for the whole of the debate.

68 SAWMILLS FARM, RUFFORD LANE, OLLERTON 19/01230/FUL

The Committee considered the report of the Director – Growth & Regeneration which was a re-submission of a previous application in a direct attempt to overcome the harm identified as the reason for the previous refusal. The application continued to promote the complete demolition of the existing dwelling to be replaced with a detached residential unit. The scheme had been reduced in scale through the omission of first floor accommodation such that the three bed unit would be entirely delivered at ground floor with a footprint of approximately 336m^2. The proposed ridge height would be approximately 6.3m with an eaves height of 2.55m.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Ollerton & Boughton Town Council and a neighbour.

The local ward Member spoke against the proposal stating that the application was a significant increase in the footprint of the existing dwelling and would change the character of the surrounding area.

In considering the report some Members were supportive of the proposal noting that both Rufford Parish Council and Ollerton & Boughton Town Council had not raised any objections. However, some Members were concerned as to the size of the proposed dwelling stating that their previous reasons for refusal remained unchanged.

A vote was taken for approval and lost with 4 votes for and 9 votes against.

AGREED (by 9 votes for with 4 votes against) that, contrary to Officer recommendation, planning permission be refused on the grounds that the replacement dwelling was too large in terms of scale and size.

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

Councillor	**Vote**
Roger Blaney	For
Lee Brazier	Against
Malcolm Brock	For
Michael Brown	For
Linda Dales	For
Maureen Dobson	Absent
Laurence Goff	Against
Rhona Holloway	For
Johno Lee	For
Penny Rainbow	For
Mathew Skinner	For
Tom Smith	Absent
Ivor Walker	For
Keith Walker	Against
Yvonne Woodhead	Against

69 LAND OFF MAIN STREET, CODDINGTON 18/00799/FUL

The Committee considered the report of the Director – Growth & Regeneration which sought full planning permission for the erection of 7 no. dwellings. Two of the dwellings would have detached garages, three of the dwellings would have integral garages and two of the dwellings would have no garage. It was noted that the plans had been amended to overcome the concerns of the Case Officer and Conservation Officer in relation to both residential amenity and heritage impacts.

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

Councillor Lee, a local ward Member and a member of the Planning Committee commented that he would wish to see conditions attached to the application should it be approved to: restrict the hours of delivery; and ensure that boundary treatments were undertaken. Officers advised that restriction of delivery hours could alternatively be dealt with through the submission of a Construction Management Plan but this suggestion was declined.

In considering the application a Member commented that she would wish to see a condition attached in order to accommodate a right of way for hedgehogs as raised in the late communications.

AGREED (unanimously) that full planning permission be approved subject to the conditions as set out in the report and with additional conditions in relation to: no deliveries between the hours of 08:00 and 09:00 hours and 15:00 and 16:00 hours; landscaping (details to be discharged in consultation with the ward Members; and mitigation measures for hedgehogs to be included in and boundary treatments/landscape scheme.

Councillor Lee left the meeting at 6.49pm.

70 8 WILLOW DRIVE, NORTH MUSKHAM 19/01160/S73

The Committee considered the report of the Director – Growth & Regeneration in relation to the submission of a Section 73 application to vary conditions 2 and 7 of permission 16/00155/FUL to allow the floor level of the approved dwellings to be lowered by 270mm (set at 10.470 rather than 10.740 AOD).

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from North Muskham Parish Council and the applicant's Agent.

Members considered the application acceptable.

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

71 LAND ADJACENT IVYDENE, MAIN STREET, WESTON 19/01294/PIP

The Committee considered the report of the Director – Growth & Regeneration which sought Permission in Principle (PIP) (the first of a 2 stage process) for the development of one or two dwellings on the site.

In considering the application, the Chairman commented that this was the first PIP received by the Council since its introduction by the Government in 2017. He added that it would ordinarily have been granted under Delegated Authority and that its inclusion in the Scheme of Delegation was to be considered at the next meeting of the Councillors' Commission.

AGREED (unanimously) that Permission in Principle be approved.

72 LAND OFF HUTCHINSON ROAD, NEWARK ON TRENT 19/00192/RMA

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought to vary Conditions 1 and 3 of Planning Permission 17/01573/RMA which was for reserved matters consent for the erection of 7 dwellings and associated public open space, landscaping and infrastructure.

Councillor Skinner, a local ward Member and a Member of the Planning Committee expressed concerns in relation to the removal of mature hedgerows by the developers and the erection of a post and rail fence. He commented that a further application to replace the existing fence with a solid fence may be submitted in the future. He added that it was his understanding that any works to rectify the removal of the mature hedgerows would now be the responsibility of the owners of the dwellings. In response, the Chairman noted that there had been some single line planting to the exterior of the fencing which would, in time, replace the removed hedgerow and that in some places there had been multiple planting to replace the hedgerow. The Planning Officer advised that the developer had stated that they would undertake a planting scheme if the Committee required that course of action.

In considering the application it was noted that Plot 1 remained unoccupied and therefore it would be the developer's responsibility to undertake any planting. However, Plot 7 had been purchased and was occupied and therefore planting would be the responsibility of the owners. The Chairman suggested that, with the owners' permission, the developers be required to undertake a Planting Scheme at Plot 7. With the Chairman's permission, the owner of the property addressed the Committee. He stated that he owned the land to the front of the dwelling and would not wish to see the removal of the fence. He added that it was his understanding that there was additional planting scheduled by the developer.

In response to whether the Landscaping Scheme had been finalised and agreed with the developer, the Planning Officer confirmed that it had not and that discussions to finalise the scheme could take into account the above comments.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and clarification on whether additional landscaping can be provided by the developer to the front of the site, subject to the agreement of the occupants of Plot 7, via Councillor Skinner. All conditions to be amended under delegated authority in response to this issue, as deemed appropriate.

73 TPO N367 - G1 GROUP OF TREES ON LAND TO THE REAR OF NO'S 38 TO 120 MIDDLETON ROAD, NEWARK 19/00002/TPO

The Committee considered the report of the Director – Growth & Regeneration which sought confirmation of a Tree Preservation Order on land to the rear of Nos. 38 to 120 Middleton Road, Newark.

Members considered that the confirmation of the Tree Preservation Order was appropriate. The Committee considered the report of the Director – Growth & Regeneration which sought confirmation of a Tree Preservation Order on land to the rear of Nos. 38 to 120 Middleton Road, Newark.

Members considered that the confirmation of the Tree Preservation Order was appropriate.

AGREED (unanimously) that the Tree Preservation Order be confirmed for the following reasons:

(1) the trees on site appear to be in good health and structural condition and provide a mature setting for the locality;
(2) they provide valuable screening of the site to neighbouring properties;
(3) they form a prominent feature in the area and also provide a positive visual public amenity contribution to the local street scene, being visible from many viewpoints; and
(4) it is considered that the trees could be at risk from future development.

74 APPEALS LODGED

AGREED that the report be noted.

75 APPEALS DETERMINED

AGREED that

(a) the report be noted; and

(b) the continued efforts of the Enforcement Team be welcomed.

76 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

AGREED that the report be noted.

77 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

Meeting closed at 7.35 pm.

Chairman