

URGENCY ITEMS - MINUTE OF DECISION

Delegation arrangements for dealing with matters of urgency

Paragraph 7.2.1 of the Council's Constitution provides that Chief Officers may take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken by the Council prior to the time when such action could be approved through normal Council Procedures. They shall, where practicable, first consult with the Leader and Chairman (or in their absence the Vice Chairman) and the Opposition Spokesperson of the appropriate committee (Constitution incorporating a scheme of delegation approved by the Council on 14th May 2013)

Subject: Items 5, 6, 7, 8 and 9 considered at Planning Committee on 31 March 2020

Appropriate Committee: Planning Committee

Details of Item (including reason(s) for use of urgency procedure):

Due to the Covid-19 Pandemic, attendance at, and public access to, the Planning Committee on 31 March 2020 were by remote means. The Government had passed legislation enabling Regulations to be made for Councils to undertake committee meetings remotely. However, the Regulations setting out the detailed provisions and the procedures to be followed were not yet published by the date of the meeting. Therefore, the Committee was asked to make recommendations to the Council's Chief Executive to determine each application under the urgency provisions set out above, taking into account the Committee's recommendations.

Item 5

Land at Lord Hawke Way and Bowbridge Road Newark 20/00275/FULM

Proposal for residential development for 87 dwellings and associated works (resubmission of 19/01790/FULM. Applicant – Mr Andrew Dewberry – Arkwood Developments Limited. This application was referred to Planning Committee for consideration as the applicant is a company owned by Newark and Sherwood District Council and the Town Council objected to the application, contrary to Officer Recommendation

The Committee resolved to recommend to the Chief Executive, that contrary to Officer Recommendation planning permission be refused on the grounds that the previous objection relating to car parking has not been adequately addressed. Despite the changes made since the previously refused scheme, the proposal would still fail to provide adequate off street parking to facilitate the development, which in turn would lead to on street parking to the detriment of the safety and operation of the highways network. The proposal is therefore contrary to Spatial Policy 7 and Core Policy 9 of the Core Strategy as well as Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material planning consideration.

Decision

Not to accept the Committee's recommendation because of serious concerns on the soundness of a refusal and of the Council being found to have acted unreasonably at a subsequent appeal. Rather, I am referring it back to Planning Committee for determination at the 28 April meeting. The Committee is now able to determine the application itself as Regulations regarding remote meetings are now in force.

Item 6

Community And Activity Village, Lord Hawke Way; Newark On Trent, NG24 4FH 20/00339/S73M (Major)

Application to vary condition 3 attached to 17/01693/FULM to allow changes to building, minor changes to elevations and other substitute information to accommodate additional wellbeing facilities and associated offices, and revised landscape design. This application was referred to Planning Committee as part of the application site forms land under the control of the District Council.

Members agreed that the wording for Condition 013 should be amended to 'shall be controlled' rather than 'should be controlled' with regard to the security gate for the staff car park. The Business Manager- Planning Development confirmed that this would be amended.

The Committee resolved to recommend to the Chief Executive that planning permission be approved in accordance with Officer Recommendation with the conditions detailed in the report.

Decision

That planning permission be approved in accordance with Officer Recommendation with the conditions detailed in the report, subject to Condition 013 being amended to state 'shall be controlled' rather than 'should be controlled' with regard to the security gate for the staff car park.

Item 7

Land at Ollerton Road, Edwinstowe 19/02159/FUL

Development of one temporary construction access point. This application was referred to Planning Committee for determination by all 3 of its local ward members on the grounds of highway safety.

The Committee resolved to recommend to the Chief Executive that Planning Permission be refused contrary to Officer Recommendation on the grounds of highway safety and lack of need, given the width and adequacy of the existing access.

In the opinion of the Local Planning Authority, the proposed temporary construction access was considered likely to lead to conflicts between vehicles utilising it and other traffic using the highway, particularly given the speed of traffic along Ollerton Road. When considering this likely highway conflict and the lack of robust justification regarding the need for such a temporary construction access given the width and adequacy of the existing main access already in situ, it was considered that the application was unnecessary, harmful and contrary to Policies SP7 (Sustainable Transport), ShAP4 (Land at Thoresby Colliery) of the adopted Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) of the Allocation and Development Management DPD, adopted 2013 which together form the relevant parts of the Development Plan.

Decision

That Planning Permission be refused contrary to Officer Recommendation on the grounds of highway safety and lack of need, given the width and adequacy of the existing access. The proposed temporary construction access is considered likely to lead to conflicts between vehicles utilising it and other traffic using the highway, particularly given the speed of traffic along Ollerton Road. When considering this likely highway conflict and the lack of robust justification regarding the need for such a temporary construction access given the width and adequacy of the existing main access already in situ, it is considered that the application was unnecessary, harmful and contrary to Policies SP7 (Sustainable Transport), ShAP4 (Land at Thoresby Colliery) of the adopted Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) of the Allocation and Development Management DPD, adopted 2013 which together form the relevant parts of the Development Plan.

Item 8

Land at Rear 37 Easthorpe, Southwell 20/00113/FUL

Application to vary condition 02 to add extension to approved dwelling, attached to planning permission 17/01839/FUL; Demolition of shed and erection of 1 No. 4 bedroomed house. This item was referred to Planning Committee for consideration because the Town Council have supported the proposal, which differs to the Officer recommendation. Local Ward Members were given the opportunity to call the application to Planning Committee in line with the scheme of delegation. Cllr Rainbow referred the application to committee on the basis that the character impacts are not perceived to be harmful to the area. The referral was agreed by the Business Manager in discussion with Chair and Vice Chair.

The Committee resolved to recommend to the Chief Executive that Planning Permission be refused, in accordance with Officer Recommendation, for the reasons set out in the report.

Decision

That Planning Permission be refused, in accordance with Officer Recommendation, for the reasons set out in the report.

Item 9

9 Fisher Close, Collingham NG23 7SL 19/02287/FUL

Proposed new single detached bungalow. The application was referred to Committee due the professional officer recommendation differing to the view of the Parish Council and Ward Councillor Linda Dale subsequently calling in the application in line with the Council's Scheme of Delegation.

The Committee resolved to recommend to the Chief Executive that Planning Permission be refused, contrary to Officer recommendation on the grounds of its positioning and cramped appearance, uncomfortable relationship with host property, domination of parking to road frontage, all of which result in the proposal being out of character with the area and detrimental to the visual amenities of the streetscene.

The proposed bungalow would, by reason of its positioning and its constrained layout on the site result in a cramped appearance; its positioning and proximity to the host property results in an uncomfortable and uncharacteristic relationship; and the resulting domination of car parking to the road frontage, results in a proposal that is out of character with the surrounding area and detrimental to the visual amenities of the streetscene.

In the opinion of the Local Planning Authority, the proposed development is thereby contrary to Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (2019), Policy DM5 (Design) of the Allocation and Development Management DPD (2013) and the National Planning Policy Framework (2019), which is a material planning consideration.

Decision

That Planning Permissions be refused contrary to Officer recommendation on the grounds of its positioning and cramped appearance, uncomfortable relationship with host property, domination of parking to road frontage, all of which result in the proposal being out of character with the area and detrimental to the visual amenities of the streetscene.

The proposed bungalow would, by reason of its positioning and its constrained layout on the site result in a cramped appearance; its positioning and proximity to the host property results in an uncomfortable and uncharacteristic relationship; and the resulting domination of car parking to the road frontage, results in a proposal that is out of character with the surrounding area and detrimental to the visual amenities of the streetscene.

The proposed development is thereby contrary to Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (2019), Policy DM5 (Design) of the Allocation and Development Management DPD (2013) and the National Planning Policy Framework (2019), which is a material planning consideration.

Members Consulted:

Councillor D Lloyd – Leader of the Council

Councillor R Blaney – Chairman of the Planning Committee

A handwritten signature in black ink, appearing to read 'J. C. Blaney'.

Signed
Chief Executive

Date 9 April 2020