

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **Planning Committee** Broadcast from Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 8 September 2020 at 2.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor I Walker (Vice-Chairman)

Councillor L Brazier, Councillor M Brock, Councillor M Brown,
Councillor L Dales, Councillor Mrs M Dobson, Councillor L Goff,
Councillor R Holloway, Councillor J Lee, Councillor Mrs P Rainbow,
Councillor M Skinner, Councillor T Smith, Councillor K Walker and
Councillor Mrs Y Woodhead

232 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Councillor Blaney declared a personal interest in Agenda Item No.9 – Garage Off Bull Yard, Southwell (20/00886/FUL), as the objector as referred to in the Schedule of Communication, was a fellow trustee of a local charity.

Councillor Mrs Dobson declared a personal interest in Agenda Item 5 - P.A.Freight Services Ltd., International Logistics Centre, Park House, Farndon Road, Newark (11/01300/FULM), she was known to the occupier of property to the rear of the site.

Councillor J Lee declared personal interests in Agenda Items 5 – P.A.Freight Services Ltd., International Logistics Centre, Park House, Farndon Road, Newark (11/01300/FULM), the applicant was a personal friend. Agenda Item 6 – Chapel Farm, Newark Road, Wellow (20/00593/FUL) the applicant was an old personal friend.

233 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting which was to be webcast.

234 MINUTES OF THE MEETING HELD ON 4 AUGUST 2020

AGREED that the minutes of the meeting held on 4 August 2020 were approved as a correct record of the meeting, to be signed by the Chairman.

235 P.A. FREIGHT SERVICES LTD., INTERNATIONAL LOGISTICS CENTRE, PARK HOUSE, FARNDON ROAD, NEWARK ON TRENT (11/01300/FULM)

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission for the re-configuration of access arrangements to the existing freight yard and provision of new parking and turning area for commercial vehicles. The issue of a lorry park at this location has been a very long and complex issue, primarily as a result of the existing PA Freight access onto the

B6166 being made unsafe by the construction of the new A46 Farndon Roundabout which had taken a number of years to resolve. Members considered the presentation from the Business Manager - Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: Planning Case Officer; Neighbours; the Agent; Highways England; the Applicant's Agent; Nottinghamshire Wildlife Trust; Independent Facilitator Direct DLCC Ltd; and the Applicant.

The Business Manager – Planning Development informed Members that if they were minded to approve the application, condition 3 should be removed as Highways England had advised that they would be undertaking this work. Condition 10 to be amended as below. Consultations had taken place yesterday with the neighbouring properties with a deadline for any material issues to be submitted by the 29 September 2020, if there were any material issues the application would be reported back to the Planning Committee.

Condition 10 (landscape implementation) be amended to be more explicit in relation to the 'existing paved area to be broken out and returned to a field' as follows:

The approved landscaping (required by the condition above) shall be completed as follows:

1. The existing paved area shown on Drawing No 021D shall be broken out and removed from site (in accordance with the details required by the condition above) prior to the first use of the 'proposed new PA Freight Lorry Park'.
2. All other landscape works (required by the condition above) shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Councillor K Girling – Local Ward Member (Castle) spoke against the application on the grounds that it was difficult to understand that nine haulage vehicles would not have a visual impact and felt that this should not be allowed. There was a lorry park within one mile which had all amenities, the lorry park element to this application should be refused.

Members considered the application and it was commented that a meeting with the applicant had taken place some years ago with the former Chief Executive and Leader of the Council at that time. The meeting resolved that the operation taking place at this site would be better located on an industrial estate, temporary planning consent was approved in 2015 to allow the applicant time to find a suitable location. The application before the Committee today was in two parts, the re-configuration of access arrangements to the existing freight yard and provision of new parking and turning area for commercial vehicles. The access arrangements had taken eight years

to resolve with Highways England. Members commented that due to the close proximity of an overnight lorry park with all amenities no overnight parking should be permitted on this site and the previous condition to prevent this should remain in place. This land was part of the open break between Newark and Farndon and the advice taken from the Local Development Framework Task Group was that area of land should remain an open break. Members proposed an amendment that no parking should take place in the parking area from 18:30 until 08:00hours.

(Councillor Mrs L Dales entered the meeting during the Officers presentation and took no part in the debate or vote).

AGREED (with 8 votes For, 4 votes Against and 1 Abstention) that full planning permission be approved subject to the following:

- (i) the conditions contained within the report with the deletion of Condition 3;
- (ii) amendment of Condition 10 in accordance with the Schedule of Communication;
- (iii) no new material issues, if so the application be reported back before the Planning Committee; and
- (iv) a condition to be included to prevent overnight lorry parking in the replacement parking area during the hours of 18:30 until 08:00 hours for the reason of protecting the visual appearance/impact of the open break and overnight parking can be accommodated elsewhere.

236 CHAPEL FARM, NEWARK ROAD, WELLOW (20/00593/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for 8no. holiday lets and ancillary swimming pool to the north east of the 13no. holiday lets (currently under construction) which were allowed on appeal under application 16/01638/FULM. The proposed development would be an expansion of this development. Members considered the presentation from the Business Manager - Planning, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: the Planning Case Officer; Severn Trent Water; the Agent; Wellow Residents; Local Resident; and Environmental Health.

The Planning Case Officer recommended an additional condition that the swimming pool was only to be used incidentally for the benefit of the occupiers of the holiday accommodation on site and not separately; in order to control the intensity of use and ensure it remains sustainable and appropriate for its context/location as per the schedule of communication.

Members considered the application and it was commented that Wellow Parish Council were against this development. The Local Ward Member commented that Wellow was a very unique village with lots of heritage and tradition. Residents were

concerned that this development would have a detrimental effect on that heritage/tradition and would create noise nuisance. Concern was also raised regarding the track accessing the proposed site which was not suitable for vehicles. The proposed swimming pool may also cause damage to the water infrastructure and overwhelm the water pipes in that area which were reported of poor quality. Members commented on the poor road infrastructure around and through Wellow village, especially when an accident had occurred on the A1, which diverted traffic through the village. Other Members commented that the festivals that took place at this site included up to three hundred movements, six times a day on that track, eight further movements would not make any difference.

A vote was taken and lost to approve planning permission with 3 votes For and 11 votes Against.

AGREED (with 11 votes For and 3 votes Against) that contrary to Officer recommendation full planning permission be refused on the grounds of cumulative impact due to scale of the development that would ensue on the village including upon the highway network and amenity. Authority to be delegated to the Business Manager – Planning Development in consultation with the Planning Committee Chairman, Vice-Chairman and local member to finalise the precise wording of the decision before issue.

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

Councillor	Vote
R. Blaney	Against
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Against
P. Rainbow	For
M. Skinner	Not Present
T. Smith	For
I. Walker	Against
K. Walker	For
Y. Woodhead	For

237 BRICKFIELD FARM, HOCKERTON ROAD, KIRKLINGTON (20/01159/FULM)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for a new farm shop and tearoom, including ancillary accommodation and additional car parking facility. Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

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

Members considered the application and it was commented that this was a thriving business and had merits for expansion. The development however would encroach onto the countryside and farming land and may cause increased traffic on the A617. It was commented that the proposed building would not be visible from the road as it would be built behind the current farm shop. The materials had been chosen sympathetically. The nature of a farm shop was to be in a rural setting. The shopping habits of the consumer were changing due to the global pandemic and Members needed to support independent businesses. It was commented that during the global pandemic local people could not get fresh fruit and vegetables, Maxey's Farm shop however offered a delivery service during the pandemic. The proposed expansion would create fifteen local jobs. Members considered how they might control the use from being an inappropriate open retail use not linked to the farm business and hours of opening if they were minded to approve.

A vote was taken to Refuse planning permission and lost with 4 votes For and 10 votes Against

AGREED (with 11 votes For and 3 votes Against) that contrary to Officer recommendation full planning permission be approved subject to reasonable conditions delegated to the Business Manager – Planning Development in consultation with the Planning Committee Chairman, Vice-Chairman and two Local Ward Members before issue taking account of those proposed by consultees, standard conditions and conditions that limit use to farm shop under new class E, hours of operation from 8am until 8pm.

The reason for approval was on the grounds of expansion of an existing business and contribution to the local economy and employment.

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

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	Against
M. Brown	For
L. Dales	Against
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Against
P. Rainbow	For
M. Skinner	Not Present
T. Smith	For
I. Walker	For

K. Walker	For
Y. Woodhead	For

238 LAND NORTH OF ESTHER VARNEY PLACE, NEWARK ON TRENT (19/02214/FULM)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for ten dwellings. Members considered the presentation from the Business Manager - Planning Development, which included photographs and plans of the proposed development.

Members considered the application and whilst Members would like to see this neglected piece of land developed and were in support of affordable housing, the proposed development was considered too close to the railway line and industrial park which would have noise implications and the houses were too small.

AGREED (with 13 votes For and 1 vote Against) that full planning permission be refused for the reason contained within the report.

239 GARAGE OFF BULL YARD, SOUTHWELL (20/00886/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission to demolish the existing garage and construct a replacement building to comprise a small holiday let with one parking space. Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application and whilst Members recognised the benefits to the district through attracting tourism which this proposal would bring, they noted that Southwell Town Council and the Civic Society both opposed the development. This part of Southwell was considered to be very active with a mix of both pedestrians and vehicles and was very congested. It was commented that as there was no turning head vehicles would have to reverse onto Queen Street which would be very dangerous. It was considered that the proposed development would only exasperate the traffic problem in this location.

A vote was taken to approve planning permission and lost with 2 votes For and 12 votes Against.

AGREED (with 12 votes For and 2 votes Against) that contrary to Officer recommendation full planning permission be refused for the following reasons:

- (i) over intensive development and Highway Safety; and
- (ii) the precise wording for refusal be delegated to the Business Manager-Planning Development in consultation with the Planning Committee Chairman, Vice-Chairman and Local Ward Members.

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

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	Against
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	Absent
T. Smith	For
I. Walker	For
K. Walker	Against
Y. Woodhead	For

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to continue the meeting.

AGREED (unanimously) that the meeting continue.

(Councillor M Skinner entered the meeting at this point).

240 LAND OFF NORTH GATE, NEWARK ON TRENT (20/00711/S73M)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission to vary Condition 19, to allow unrestricted servicing/delivery times to Retail Units A, B and C, imposed on planning permission 19/01352/S73M. Members considered the presentation from the Planning Officer, which included photographs and plans of the proposed development.

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

Members considered the changes acceptable.

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

(Councillor T Smith left the meeting).

241 5 CHAUCER ROAD, BALDERTON (20/01312/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the demolition of an existing garage and erection of a single storey dwelling. Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the

proposed development.

Councillor Mrs L Hurst on behalf of Balderton Parish Council spoke against the application, in accordance with the views of Balderton Parish Council, as contained within the report.

Members considered the application and raised concern regarding the busy road surrounding this site. The local school was in short proximity of the site and a popular butcher's shop which made car parking very busy, pedestrian safety was therefore raised. The effect from the proposal on neighbouring properties was also taken into consideration, some Members felt that the bungalow would be overbearing, whilst other Members considered that given the fallback position of a detached games room that didn't need planning permission as established in 2012, the bungalow, which is smaller in footprint, was acceptable. The need for housing was also taken into consideration. It was therefore suggested that if the Committee were minded to approve planning permission Permitted Development rights should be removed preventing additional floors being inserted and an additional condition to prevent construction deliveries between 8am and 9am, or between 2.45pm and 3.30pm, due to the close proximity of the school.

AGREED (with 10 votes For and 4 votes Against) that full planning permission be approved subject to the conditions contained within the report and subject to amendment to condition 7 in respect of Permitted Development rights to ensure the new additional floors cannot be inserted plus an additional condition to prevent construction deliveries between 8am and 9am, or between 2.45pm and 3.30pm due to close proximity of school.

(Councillor M Brown left the meeting).

242 HENDRE COTTAGE, MAIN STREET, EPPERSTONE (20/00565/FUL)

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the demolition of existing outbuildings and construction of a two storey rear extension. Members considered the presentation from the Planning Officer, which included photographs and plans of the proposed development.

Councillor R Jackson – Local Ward Member (Dover Beck) spoke in support of the application on the grounds that the footprint for this rear extension does not extend further than what is presently in situ. There are medical reasons which should be taken into consideration regarding this application to allow a family to continue to live in this property. The property is in the middle of the village and the Parish Council are in support of the proposal.

Members considered the application and it was noted that the Conservation Officer had removed objection. On balance due to the need for this extension Members considered the application acceptable.

A vote was taken to refuse planning permission which was unanimously lost.

AGREED (unanimously) that contrary to Officer recommendation full planning permission be approved subject to reasonable conditions and a condition including the single window on the western elevation to be obscure glazed and non-opening up to height of 1.7m. The precise wording of the conditions to be delegated to the Business Manager – Planning Development in consultation with the Planning Committee Chairman, Vice-Chairman and Local Ward Member .

The reason for approval was the proposed development, would fail to comply with Green Belt Policy by virtue of the extent of the extension when taken cumulatively with the previous extension in numerical terms. However, the extension by virtue of being located to the rear of the dwelling and between adjoining built form within Epperstone is not visible within the wider domain and does not detract from the character or setting of the Conservation Area. The proposal is therefore considered acceptable.

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

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	Not Present
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	Not Present
I. Walker	For
K. Walker	For
Y. Woodhead	For

(Councillor Mrs M Dobson left the meeting).

243 ADOPTION OF PLANNING ENFORCEMENT PLAN (PEP)

The Committee considered the report of the Director – Planning & Regeneration, which provided an update regarding adoption of the Council’s Planning Enforcement Plan (PEP) which was presented to the Planning Committee prior to being presented to Economic Development Committee on 3 March 2020. In accordance with the recommendation, the PEP was consulted on between 22 June and 31 July. The report responds to the responses received and recommends the Planning Committee support the adoption of the PEP, as amended, by the Economic Development Committee.

It was reported that National Planning Policy Framework (NPPF) stated that effective enforcement was important to maintain public confidence in the planning system. It also made clear that enforcement action was discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control.

The purpose of the proposed local planning enforcement plan was to provide information on how the Council would respond to suspected breaches of planning control, tackle unauthorised developments and monitor the implementation of planning permissions.

The planning enforcement function played a key role in helping the Council to deliver an effective Development Management service. The team formed part of the development management activity to deliver good community outcomes in line with the Community Plan (2019 – 2023) and Local Plan.

It was proposed to continue with the quarterly reports to Planning Committee setting out a snap shot on the general volumes of planning enforcement cases received and dealt with, along with details of the following:

- An outline of the enforcement activity during the previous quarter which captures the overall split to show the number of cases investigated, how many are found to be a breach of planning or otherwise.
- A summary of formal action taken for that quarter.
- Examples of cases where breaches of planning control have been resolved without formal action having been taken.
- Notices complied with.

The PEP had been written to reflect the Council's commitment to focus on the needs of the Newark and Sherwood community and to reflect the objectives contained within the Community Plan, towards which the planning enforcement service would be at the forefront. The PEP sought to not only provide information as to how the enforcement service would operate and how recorded cases would be prioritised, but also set targets for standards of service that customers could expect to receive from the service.

AGREED (unanimously) that:

- (a) the Planning Enforcement Plan (Appendix 1) and summary document (Appendix 2) to the report, be noted; and
- (b) the plan be presented to Economic Development Committee with a recommendation for adoption and its use in the investigation of planning enforcement investigations.

244 APPEALS LODGED

AGREED that the report be noted.

245 APPEALS DETERMINED

AGREED that the report be noted.

246 SPRINGFIELD BUNGALOW, NOTTINGHAM ROAD, SOUTHWELL - APPEAL COSTS

The Committee considered the report of the Director – Planning & Regeneration, which provided updated Members in respect of the costs applications made in relation to the two planning appeals made following refusal of applications seeking to vary planning conditions at the Planning Committee held on 23 July 2019. The planning applications were 19/00689/FUL and 19/00779/FULM, reasons for refusal were contained within the report.

AGREED (unanimously) that:

- (a) the contents of the report be noted; and
- (b) Members consider the likelihood of a costs award being made when determining applications.

247 Q1 AND Q2 ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Business Manager – Planning Development, which updated Members regarding the first quarter from 1 January 2020 to 31 March 2020, as well as the second quarter 1 April to 30 June 2020. The report provided an update on cases where formal action had been taken and also included case studies which showed how the breaches of planning control had been resolved through negotiation.

The report presented a snap shot on the general volumes of cases received and dealt with as follows:

- Schedule A outlined the enforcement activity during the quarter which captured the overall split to show of the cases investigated, how many were found to be a breach of planning or otherwise.
- Schedule B detailed a summary of formal action taken since the last report was compiled which in this case was for the quarter(s).
- Schedule C – provided examples of cases where breaches of planning control had been resolved without formal action having been taken.
- Schedule D – Notices complied with.

AGREED (unanimously) that the report be noted.

248 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered the report of the Business Manager – Planning Development, which updated Members regarding the performance of the Planning Development Business Unit over the three months period April to June 2020. In order for the latest quarter's performance to be understood in context, in some areas data going back to January 2019 was provided. Members have been made aware of the performance of the Planning Enforcement team but have not been provided details on the performance of the rest of the department in terms of numbers and types of

applications received, nor performance in relation to planning appeals.

The data contained within the report demonstrated that the planning department was positively dealing with its customers and aiming to determine applications in a timely manner or subject to time extensions to enable negotiations to take place, leading to grants of permission where appropriate. Over the previous quarter, there has been two vacancies within the team which have successfully been recruited to as well as change in personnel across teams

AGREED (unanimously) that the content of the report be noted.

Meeting closed at 6.15 pm.

Chairman