

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** broadcast from the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 4 August 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 Mrs P Rainbow, Councillor M Skinner,
Councillor K Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor J Lee (Committee Member) and Councillor T Smith
(Committee Member)

218 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Councillor Mrs M Dobson declared a personal interest in Agenda Item No. 8, Orchard Stables, Cottage Lane, Collingham (20/00550/FUL) as she knew the applicant.

Councillor M Skinner declared a personal interest in Agenda Item No. 12, Dukeries Leisure Centre, Dukeries Complex, Main Road, Boughton (20/01069/FUL) as he was a Director of Active4Today.

All Members of the Planning Committee declared personal interests in Agenda Item No. 12, Dukeries Leisure Centre, Dukeries Complex, Main Road, Boughton (20/01069/FUL) as they were Members of the Council.

219 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.

220 MINUTES OF THE MEETING HELD ON 30 JUNE 2020

AGREED that the minutes of the meeting held on 30 June 2020 were approved as a correct record of the meeting, to be signed by the Chairman.

221 FLOWSERVE PUMP DIVISION, HAWTON LANE, BALDERTON 19/00854/OUTM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought outline consent for a residential scheme of up to 322 dwellings with associated areas of public open space; green and drainage infrastructure. The proposal was for 100% market dwellings and the application has been submitted on the basis of all matters except access being reserved. 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 following: the Agent; Sports England; the Applicant; Planning Case Officer; the adjacent land owner; and Nottinghamshire County Council Education.

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

Members considered the application and it was commented that brownfield sites were normally ideal sites for development, the primary concern regarding this site was the viability of the development and the lack of sufficient developer contributions as a result of the high abnormal costs associated with redeveloping this Brownfield site. Members noted that as a result of the applicant splitting the outline application from the Remediation consent that the benefits of the remediation/de-contamination of the site, flood alleviation works and ecological enhancement had already been secured. Members did not challenge the cost of the remediation works (or their inclusion within the viability assessment) but considered only some weight (rather than full weight) could be given to the benefits of the works secured through the remediation consent. The proposal was considered to represent unsustainable development contrary to the development plan by virtue of the inability to provide appropriate level of infrastructure/contributions in respect of affordable housing, community facilities, health, libraries, open space and transport. The proposal would also be contrary to the NPPF which requires a provision of 10% affordable housing. These compromises, and thus harm, were not considered to be outweighed by the benefit of regenerating brownfield land in this instance.

The provisions of the NPPF were fully considered by Members but the amount of weight being attached to redeveloping brownfield land, when not all community benefits are being provided alongside the remediation having been secured through a previous application, is limited and was thus not considered to overcome the harm identified.

(Councillor M. Brock was not present for the duration of the Officer presentation and took no part in the discussion or vote).

A vote was taken to approve planning permission and unanimously lost.

AGREED (unanimously) that contrary to Officer recommendation outline planning permission be refused on the grounds that the proposal would represent unsustainable development contrary to the development plan by virtue of the inability to provide appropriate level of infrastructure/contributions in libraries, open space and transport. The proposal would also be contrary to the NPPF which requires a provision of 10% affordable housing.

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	Not present for the duration of the Officer presentation
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Apologies for absence
P. Rainbow	For
M. Skinner	For
T. Smith	Apologies for absence
I. Walker	For
K. Walker	For
Y. Woodhead	For

222 GROVE BUNGALOW, BARNBY ROAD, NEWARK-ON-TRENT 19/02158/OUTM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning permission with all matters reserved, except for the means of access, for residential development. The quantum of development was originally for up to 20 dwellings but during the application process had been reduced to a maximum of 19 dwellings. Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

The Chairman requested that ‘unless otherwise agreed with the Chair, Vice Chair and Business Manager for Planning Development’ should be removed from part b) of the recommendation. Failure to secure a section 106 agreement within a four month period would result in a refusal on grounds that the scheme fails to secure an appropriate drainage scheme and developer contributions.

Members considered the application and it was commented that this would double the dwellings on Barnby Road and it had not been demonstrated that the maximum quantum of development proposed would be in keeping with the character or density of development in the surrounding area. Members felt the proposal was considered to represent over intensive development of the site and would lead to a cramped development compared with surrounding plot sizes with a consequential detrimental impact on the visual amenity of the area. Furthermore it was considered that the cramped nature of development did not minimise the loss of trees and hedgerows. The developer had also failed to secure an appropriate drainage solution and there was a lack of other contributions through the Section 106.

A vote was taken to approve planning permission and lost with 6 votes for and 7 votes against.

AGREED (with 7 votes For and 6 votes Against) that contrary to Officer recommendation planning permission be refused on the following grounds:

- (i) It has not been demonstrated that the maximum quantum of development proposed would be in keeping with the character or density of development in the surrounding area. As such, the proposal was considered to represent over intensive development of the site and would lead to a cramped development compared with surrounding plot sizes with a consequential detrimental impact on the visual amenity of the area. Furthermore it was considered that the cramped nature of development does not minimise the loss of trees/hedgerows; and
- (ii) Failure to secure an appropriate drainage solution and lack of other contributions through a S106.

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	Against
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	Against
R. Holloway	Against
J. Lee	Apology for absence
P. Rainbow	For
M. Skinner	For
T. Smith	Apology for absence
I. Walker	Against
K. Walker	Against
Y. Woodhead	For

223 LAND AT LATIMER WAY, OLLERTON 19/02279/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning permission for the change of use of the Prospect House building from office use (Class B1(a)) to 17 Apartments (Class C3) (Phase 1) and the erection of an apartment block for up to a maximum of 26 Apartments (Phase 2) (with all matters reserved). 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 Planning Case Officer.

The Planning Case Officer, following a review of the conditions recommended some minor amendments as contained in the schedule of communication, to conditions 3 and 4 as follows in addition to changing informative 3:

Conditions

3

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan. The approved details shall thereafter be implemented in accordance with the requirements of the reserved matters.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

4

The development hereby permitted authorises the conversion of Prospect House as identified on the Proposed Site Plan (19 / 2242 /(00)A/003 Rev. B) in Phase 1 to accommodate no more than 17 residential units and the erection of no more than 26 residential units within Phase 2 of the site as demarcated on the Amended Proposed Phasing Plan (19 / 2242 /(00)A/004 Rev. A). For the avoidance of doubt Phase 2 shall not commence until Phase 1 has been commenced.

Reason: To define the planning permission.

Informative

3

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

Members considered the application and it was commented that Prospect House had been left vacant for one year but hadn't been put forward for further office use and should have been replaced with another business, as this was a good location for businesses. Parts of the adjacent energy village were currently residential with a lot of vacancies, 70% of the energy village was occupied and the rest was on the market. It was commented that this property would be facing onto an industrial site with no open green space. The site was considered over-intensification as half of the car park would be used to create the new unit, which Members considered was not required due to the current vacant properties. The road network around this site was already heavily congested and the change of use would take away jobs in the area, however Members noted the fall-back position that Prospect House could change use to residential under permitted development and that consent had already been granted for this. There would be insufficient car parking given that there was only one parking place per unit but Members acknowledged this was a reserved matter. Other Members felt that given the current economic climate the country was facing due to

Covid-19, more businesses would be affected and similar schemes would be submitted. Members felt that it was a shame that this area of business regeneration was being changed.

AGREED (with 9 votes for and 4 votes against) that planning permission be approved, subject to the following:

- (i) conditions and reasons contained within the report, with the amendments to conditions 3 and 4 and the Informative 3 as contained in the schedule of communication and as detailed above; and
- (ii) the completion of a S106 Agreement also contained within the report.

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

224 ORCHARD STABLES, COTTAGE LANE, COLLINGHAM 20/00550/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of land to site up to six wigwam pods, one manager’s office with storage, biodisc tank, landscape bund and associated infrastructure. 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 Planning Case Officer, suggesting minor amendments to the following conditions:

Conditions

10 - Ecology

No building on site shall be first occupied until details including location of a hedgehog house and a bird nest boxes and any other ecological enhancement, have been

submitted to and approved in writing by the local planning authority. The hedgehog houses/nest boxes and the approved ecological enhancement scheme shall then be installed prior to first use or in agreement with a timeframe to be arranged, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

14 – Further uses/PD

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 3 of the Order.

Reason: To ensure that the local planning authority retains control over future uses of the site normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amending legislation).

Councillor M. Davies on behalf of Collingham Parish Council spoke in support of the application in accordance with the views of Collingham Parish Council, as contained within the report.

Members considered the application and it was commented that Cottage Lane was too narrow for the additional traffic this site would generate, given that people walk and cycle down Cottage Lane which had no pedestrian foot paths. The proposal would take the character away from Cottage Lane and the surrounding area. There was also no proven need for this business in this location. There was already three Bed and Breakfast businesses and a substantial caravan site in the village. The site would also generate noise of which the Environmental Health Officers had commented upon within the report and suggested noise monitoring. Other Members commented that the Parish Council was in support of the application. The existing business was in the open countryside and the applicant was trying to diversify. The vehicle movements would replace those of the previous business. This proposal may also support the local economy. It was also commented that a possible bike hire provision would be good and would support Sustrans. The Senior Planning Officer confirmed that permitted development rights could be removed and included in condition 14. A condition regarding the playing of music after 22:00 hours was not unreasonable and a 30mph restriction on Cottage Lane could be included as an informative.

A vote was taken to approve planning permission and lost with 3 votes for and 10 votes against.

AGREED (with 9 votes For 3 votes Against and 1 Abstention) that contrary to Officer recommendation planning permission be refused on the following grounds:

The proposal does not represent sustainable rural tourism in the open countryside with an identified need and is unacceptable in terms of its impacts on local infrastructure and amenity noting the narrow nature of Cottage Lane contrary to CP7 and DM8.

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	Against
M. Dobson	For
L. Goff	Against
R. Holloway	For
J. Lee	Apology for absence
P. Rainbow	For
M. Skinner	Abstention
T. Smith	Apology for absence
I. Walker	For
K. Walker	For
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.

225 FIELD REFERENCE 0683 OFF LOW STREET, COLLINGHAM 20/00556/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the erection of one greenhouse and one shed adjacent to the eastern boundary of the site. The sheds were intended to serve the agricultural use of the site as a market garden. 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 Historic England.

Members considered the application and it was commented that Collingham Parish Council had unanimously objected to this application due to the amount of vandalism which had taken place on this site. The burnt out caravan had been removed from the site. The applicant had reduced the size of the summer house which was now described as a greenhouse. The hedgerows were very overgrown around the side of the proposed site and needed to be maintained. Some Members raised concern that the views from the adjacent church would be affected should the proposed application be granted. The site flooded and markers displaying where flood waters had reached previously could be found on the church wall. The safety around flooding was raised and the risk of the sheds floating away. Other Members commented that this site had previously been a market garden and the applicant should be supported by bringing this site back into use, which would also bring business into Collingham. This was subject to the hedge being maintained to a

reasonable height to screen the proposed buildings from outside of the site and the unkempt area being made clean and tidy. It was further commented that unkempt areas attract anti-social behaviour and the proposed business may resolve that problem.

(Councillor Mrs Y Woodhead left the meeting during the presentation and took no part in the vote).

AGREED (with 11 votes for and 1 abstention) that planning permission be approved, subject to an additional informative requesting the hedge be maintained at a reasonable height to screen the proposed buildings from outside of the site.

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	Abstention
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Apology for absence
P. Rainbow	For
M. Skinner	For
T. Smith	Apology for absence
I. Walker	For
K. Walker	For
Y. Woodhead	Did not take part in the vote.

226 THE HOMESTEAD, MAIN STREET, EDINGLEY 20/00659/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of a single storey residential dwelling and associated works. 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.

Councillor D Poole on behalf 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 and it was commented that an application had already been approved for a two bedroomed bungalow on this site. This application was requesting a three bedroomed bungalow, which would have the appearance of a barn. The bungalow would be occupied by a young family which would add to the local community. Concern was raised regarding the privacy of the adjacent neighbours, which would include three properties. The residents of Thorney House

wanted to retain their conifers. It was therefore suggested that the velux window on the south-east elevation be obscure glazed and further details be added regarding the boundary treatment to satisfy the retention of the conifers.

(Councillor Mrs Y Woodhead was not present for the duration of the presentation and took no part in the vote).

AGREED (unanimously) that planning permission be approved, subject to the conditions and reasons contained within the report and the additional conditions as follows:

- (i) obscure glass to the south-east velux window;
- (ii) details of boundary treatments.

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Apology for absence
P. Rainbow	For
M. Skinner	For
T. Smith	Apology for absence
I. Walker	For
K. Walker	For
Y. Woodhead	Was not present for duration of presentation.

227 LAND AT OLLERTON ROAD, EDWINSTOWE 20/00999/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the resubmission for the development of one temporary construction access point. Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application and it was commented that the application did not comply with Policy DM5 – Safe and inclusive access to development. The access was too close to the village of Edwinstowe and should not be allowed on the grounds of highway safety, as cars would be travelling at speed which may cause an accident should vehicles be entering/exiting the site using this proposed access. It was felt that the spine dual carriage way road should be used as a single point of access/egress. Having two entrances to the site would have security implications and would also create further work for the developer in terms of keeping the main road clean.

Other Members considered the Planning Case Officers comments that if the application was refused the scheme would be delayed which would impact on the improvements to the Ollerton roundabout. It was also noted that no objection had

been received to the application from the Local Highways Authority subject to conditions relating to an extension of the 30mph speed limited, measures to prevent deposit of debris on the adjacent highway and removal / reinstatement with a permanent pedestrian link within 5 years.

(Councillors L. Dales and P. Rainbow were not present for the duration of the presentation and took no part in the debate or vote).

AGREED (with 6 votes For and 5 votes Against) that planning permission be approved, subject to the conditions contained within the report.

Councillor	Vote
R. Blaney	For
L. Brazier	Against
M. Brock	For
M. Brown	Against
L. Dales	Was not present for duration of presentation
M. Dobson	Against
L. Goff	Against
R. Holloway	For
J. Lee	Apology for absence
P. Rainbow	Was not present for duration of presentation
M. Skinner	For
T. Smith	Apology for absence
I. Walker	For
K. Walker	For
Y. Woodhead	Against

228 DUKERIES LEISURE CENTRE, DUKERIES COMPLEX, MAIN ROAD, BOUGHTON 20/01069/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission to extend the existing leisure centre through the erection of a swimming pool building and associated facilities including a unisex changing facility; plant room and an enhanced entrance and circulation area. The swimming pool itself would measure 20m x 10m and be positioned to the eastern elevation of the building within the existing car park. The total floor area would be approximately 685m² and would occupy the space taken by 42 of the existing car parking spaces. Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application acceptable.

(Having declared a personal interest regarding this application, Councillor M Skinner did not take part in the discussion or vote).

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

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Apology for absence
P. Rainbow	For
M. Skinner	Did not vote
T. Smith	Apology for absence
I. Walker	For
K. Walker	For
Y. Woodhead	For

229 APPEALS LODGED

AGREED that the report be noted.

230 APPEALS DETERMINED

AGREED that the report be noted.

231 AMENDMENTS TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 AND TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987

The Committee considered the report of the Director of Growth & Regeneration which provided an update on the recently published Statutory Instruments (SI).

- SI 2020 No. 632 - The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 which has extended and introduced new permitted development rights.
- SI 2020 No. 755 - The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 also introducing new permitted development rights.
- SI 2020 No. 757 - The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which has made a number of quite significant changes to the Use Class Order.
- SI 2020 No. 756 - The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 which has also introduced new permitted development rights.

Each of these new instruments had significant impacts in terms of planning, although like the majority of permitted development rights, there were a number of restrictions.

It was also reported that other statutory instruments relating to planning had been implemented following the Covid-19 outbreak, four of which were reported of particular interest, as follows:

- SI 2020 No. 505 - The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.
- SI 2020 No. 412 - The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020.
- SI 2020 No. 330 - The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020.
- SI 2020 No. 781 - The Community Infrastructure Levy (Coronavirus) (Amendment) (England) Regulations 2020.

A Bill had also been progressing through Parliament – Business and Planning Bill which gained Royal Assent on 22 July. The Business and Planning Act introduced, inter alia, amendments in relation to construction working hours and extension of time periods for commencement of developments for certain planning permissions. Guidance had also been issued on 14 July aimed at supporting the cultural and tourism sector. In relation to caravan, campsite or holiday parks which were limited by planning conditions, the guidance encouraged the extension of the open season into the winter. It encouraged owners to speak to the planning authority prior to submitting an application.

Members suggested a meeting or training session take place at the end of August or early September 2020, to inform them of the changes to planning legislation.

AGREED (unanimously) that:

- (a) the report be noted;
- (b) further changes to legislation will be reported to a future meeting of the Planning Committee; and
- (c) a meeting or training session take place at the end of August or early September 2020, to inform Members of the Planning Committee of the changes to planning legislation.

Meeting closed at 6.21 pm.

Chairman