

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **Planning Committee** Broadcast from the Civic Suite, Castle House, Great North Road, Newark NG24 1BY on Tuesday, 3 November 2020 at 2.00 pm.

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

Councillor M Brock, Councillor R Crowe, Councillor Mrs L Dales, Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow, Councillor Mrs S Saddington, Councillor M Skinner, Councillor K Walker and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor T Wendels

APOLOGIES FOR ABSENCE: Councillor L Brazier (Committee Member), Councillor Mrs M Dobson (Committee Member) and Councillor T Smith (Committee Member)

262 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor R Crowe declared a personal interest in Agenda Item No. 6 – Grove Bungalows, Barnby Road, Newark (20/01720/OUTM), as the application was considered by Newark Town Council’s Planning Committee, which he was present when considered. He stated that he would not take part in the debate or vote regarding this item.

Councillors Mrs 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 P Rainbow declared a personal interest in Agenda Item No. 9 – Land Rear of 49 & 49A The Ropewalk, Southwell (20/01422/FUL), as her husband had previously tried to purchase that land.

Councillor Mrs R Holloway declared a personal interest in Agenda Item No. 7 – Field Reference Number 7108 Eakring Road, Bilsthorpe (20/00873/FULM), as this was considered by Bilsthorpe Parish Council, Councillor Mrs Holloway however took no part in the vote at Parish Council level.

263 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.

264 MINUTES OF THE MEETING HELD ON 6 OCTOBER 2020

AGREED that the minutes of the meeting held on 6 October 2020 were approved as a correct record of the meeting and signed by the Chairman.

The Chairman informed the Planning Committee of an additional urgent report entitled – Land at New Lane, Blidworth (20/00475/FUL), which would be taken after

Agenda Item 14 – Temporary Structures.

265 FIELD AT GREAT NORTH ROAD, FERNWOOD- 20/01177/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission for a proposed single petrol filling station forecourt building with associated drive thru, drive thru kiosk, 6no car pump islands, canopy, HGV fueling, dedicated parking and landscaping.

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: Nottinghamshire County Council Highways and the Planning Case Officer.

The Business Manager – Planning Development informed Members of a suggested amendment to Condition 2 as follows:

Condition 2 - Report on Electric Vehicle Charging Provision dated June 2020.

Clarification was sought regarding the height of the fence around the site. The Business Manager – Planning Development confirmed that to her knowledge there wasn't a specific height, however the height of a fence was usually 1.8 metres, which could be included within the conditions if required if Members were minded to approve the application.

Members considered the application and found no valid reasons for refusal.

AGREED (with 10 votes For and 2 votes Against) that full planning permission be approved subject to the following:

- (a) conditions and reasons contained within the report, with the amendment as in the above minute to Condition 2 and the additional condition regarding the specified height of the fence being 1.8 metres if required; and
- (b) a Section 106 agreement securing off-site highways works and the road safety audit required by Highways England.

266 GROVE BUNGALOW BARNBY ROAD NEWARK ON TRENT - 20/01720/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning permission for a residential development of up to 17 no. new dwellings following the removal of Grove Bungalow and existing outbuildings. This was a resubmission of Application No. 19/02158/OUTM.

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.

The Senior Planning Officer informed Members of the suggested amendment to Recommendation B and an informative to the applicant regarding tandem parking as contained within the Schedule of Communication.

Members considered the application and felt that the reduction of two units from 19 dwellings to 17 was not significant and felt that the road network was not sufficient.

(Having declared a Personal Interest Councillor R Crowe took no part in the debate or vote).

A vote was taken and lost to approve outline planning permission with 5 votes For and 6 Votes Against.

AGREED (with 10 votes For and 1 Abstention) that contrary to Officer recommendation outline 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 and character 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 for the proposed development and lack of contributions as set out below.

Affordable Housing	30% on site (5 units in total; 3 x 2 bed affordable rent and 2 x 3 bed shared ownership)
Bus Stop Infrastructure	£13,000 for 2 new bus stops on Barnby Road
Community Facilities	£1,384.07 per dwelling (£23,529.19)
Children's Play Space	£927.26 per dwelling (£15,763.42)
SUDS/drainage features	To be maintained for the lifetime of the development and

	that drainage strategy be implemented on third party land (with relevant land owners joining in) prior to any other development being carried out on the site
Monitoring contributions for all contributions will also be sought along with appropriate standard triggers for all	As per SPD

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	Apology for absence
M. Brock	For
R. Crowe	Took no part in the vote
Mrs L. Dales	For
Mrs M. Dobson	Apology for absence
L. Goff	For
Mrs R. Holloway	Abstention
Mrs P. Rainbow	For
Mrs S. Saddington	For
M. Skinner	For
T. Smith	Apology for absence
I. Walker	For
K. Walker	For
Mrs Y. Woodhead	For

267 FIELD REFERENCE NUMBER 7108 EAKRING ROAD BILSTHORPE - 20/00873/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for a residential development of 103 dwellings and associated access and infrastructure.

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 Dlp Planning on behalf of the applicant.

Members considered the application and the number of large developments which were being considered within Bilsthorpe were commented upon. Three large applications were being submitted, this one in the North, one in the south and one in the west, which had a combined increase in housing of 28% within the village. Two of the developments would be constructed at the same time which would cause problems for residents with increase traffic levels and the loss of open green space. Bilsthorpe had currently a significant amount of traffic travelling through the village to

access the recycling centre. The village was also used as a rat run at busy times. Bilsthorpe Parish Council had also requested a level crossing be included within the plans, however that had not been addressed. On the positive side a significant amount of money had been secured through the Section 106 legal agreement, which was reported to have a significant impact for the village hall improvements project and the play parks. It was further commented that although the land had been included as allocated land, the indication was for seventy-five dwellings, consent had been for eighty-five, however the developer had come back with a proposal for one hundred and three dwellings. It was suggested that planning permission could be refused on the grounds that the proposal does not manage the transition in the built up area of Bilsthorpe as required within the Council's Allocation document.

A vote was taken and lost to approve planning permission, with 4 votes For and 8 votes Against.

AGREED (with 9 votes For and 3 votes Against) that contrary to Officer recommendation, full planning permission be refused on the grounds that the number of units as proposed does not manage the transition in the built up area of Bilsthorpe as required in the Council's Allocation document and the issues of tandem parking, number of units, housing mix/design forms the reasons for refusal.

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	Apology for absence
M. Brock	For
R. Crowe	Against
Mrs L. Dales	For
Mrs M. Dobson	Apology for absence
L. Goff	For
Mrs R. Holloway	For
Mrs P. Rainbow	Against
Mrs S. Saddington	For
M. Skinner	For
T. Smith	Apology for absence
I. Walker	For
K. Walker	Against
Mrs Y. Woodhead	For

268 LAND OFF MAIN STREET BALDERTON - 20/01405/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought material change of use of land for stationing of caravans for residential occupation with associated development (new access, hard standing, utility block). The application was part retrospective.

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 following: the Agent; Nottinghamshire County Council Highways Authority; and Planning Case Officer.

The Senior Planning Officer informed the Committee of the suggested additional amendments to the recommendation, should Members be minded to approve the application which included an amendment to Condition 6, as contained with the schedule of communications and as follows:

1. With regard to recommendation b), given the limited timescale set out in the recommendation, it is considered that a period of 6 months to complete the S106 is too long and this should be reduced to 3 months and a requirement for all the works to be completed within 3 months of the date of the permission has been added. To provide additional flexibility, the agreement with the Chair, Vice-Chair and Business Manager has also been added to recommendation b), so that it now reads as follows:-

“the completion of a section 106 legal agreement within **3** months of the date of this Planning Committee (failure to do so would result in a refusal on the grounds that the scheme fails to secure a safe vehicular and pedestrian access to/from the site **unless otherwise agreed with the Chair, Vice Chair and Business Manager - Planning Development**) to secure two footways either side of Hollowdyke Lane, to secure details of the width, position, radii and construction of the access and to secure a bound material for the access for a distance of 5m into the site **and for all agreed works to be completed within 3 months of the date of the permission, unless otherwise agreed in writing with the Chair, Vice-Chair and Business Manager - Planning Development.**”

2. Following the completion of the S106 requiring highway details to be secured, an additional condition be imposed to limit the existing informal access in the south-west corner of the site for pedestrian use only, the precise wording of which shall be agreed between the Chair, Vice-Chair and Business Manager – Planning Development.
3. To accord with the above timescales, amend condition 11 on the agenda to read “Within **three** months of the date of this permission”.

The imposition of an additional condition as follows:

“Notwithstanding the hedgerow details submitted and within one month of the date of this permission, a revised soft landscaping scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved in accordance with Condition 6. These details shall include: full details of every tree and hedge to be planted (including its proposed species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual amenity and biodiversity.”

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.

Councillor J Lee, Local Ward Member (Balderton North & Coddington) spoke against the application on the grounds of health and wellbeing for the four children which live on site as the land and noise levels were inappropriate for a young family. He suggested that given the current pandemic a one year temporary permission should be granted to allow them time to relocate.

Members considered the application and it was commented that the application should be approved given that there was not enough Gypsy Travellers sites in the Newark and Sherwood District. Other Members commented that the site was not suitable on health grounds for this family to settle upon. It was further stated that this site had been approved on appeal for flats, the independent planning inspectorate had considered this site acceptable for habitation. The family were already living on the site with the noise issue.

AGREED (with 8 votes For, 3 votes Against and 1 Abstention) that planning permission is approved for a temporary period of 3 years subject to

- (a) the conditions and reasons contained within the report and additional amendment as contained within the above minute and schedule of communication;
- (b) the completion of a section 106 legal agreement within 3 months of the date of this Planning Committee (failure to do so would result in a refusal on the grounds that the scheme fails to secure a safe vehicular and pedestrian access to/from the site unless otherwise agreed with the Planning Committee Chairman, Vice-Chairman and Business Manager - Planning Development) to secure two footways either side of Hollowdyke Lane, to secure details of the width, position, radii and construction of the access and to secure a bound material for the access for a distance of 5m into the site and for all agreed works to be completed within 3 months of the date of the permission, unless otherwise agreed in writing with the Planning Committee Chairman, Vice-Chairman and Business Manager - Planning Development;
- (c) an additional condition to those agreed under (a) to limit the existing informal access in the south-west corner of the site for pedestrian use only, the precise wording of which shall be agreed between the Planning Committee Chairman, Vice-Chairman and Business Manager – Planning Development; and
- (d) to accord with the above timescales, amend condition 11 on the agenda to read “Within three months of the date of this permission”.

269 LAND AT REAR OF 49 & 49A THE ROPEWALK, SOUTHWELL - 20/01422/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the erection of two, two storey dwellings (Scheme C).

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: Neighbouring parties; Case Officer; the Agent.

The Planning Case Officer had provided an amendment to Conditions 2 and 3 as contained within the Schedule of Communications as follows:

Condition 2

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans reference;

- Scheme C Site Plan – C 02B;
- Scheme C Plots 1 Elevations – C 05B;
- Scheme C Plots 1 and 2 Garages – C 03;
- Scheme C Plot 1 Plans – C 06B;
- ~~Scheme C Plot 2 Elevations – C 07B;~~
- Scheme C Plot 2 Plans – C 08B;
- Scheme C Cross Section – C 04B;

Reason: So as to define this permission.

Condition 3

Notwithstanding the **detail shown on plan reference Scheme C Plot 2 Elevations – C 07B**, ~~approved plans referred to the previous condition the first floor full height window and Juliette balcony on the south eastern side elevation of Plot 2 as shown on Scheme C Plot 2 Elevations – C 07B, is not approved.~~ **prior** to the occupation of this plot, revised window details shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained for the lifetime of the development. For the avoidance of doubt, any first floor windows on the south eastern side elevation of Plot 2 shall be modest in size and obscurely glazed to level 3 or higher on the Pilkington scale of privacy or equivalent.

Reason: To protect neighbouring amenity.

Members considered the application and commented that the two dwellings were very large having a footprint of 186 sq metres and were contemporary and different in design. They felt that the dwellings would dominate and be detrimental to the street scene. Flooding was also of concern as large amounts of flood water had travelled down the Ropewalk which was adjacent to this site.

(Having declared a Personal Interest Councillor Mrs P Rainbow took no part in the debate or vote. Councillor M Skinner was absent when this item was considered).

AGREED (with 9 votes For and 1 Abstention) that full planning permission be approved subject to the conditions contained within the report with the amendments to Conditions 2 and 3 as in the above minute.

270 LAND REAR OF THE VINERIES, LOWER KIRKLINGTON ROAD, SOUTHWELL - 20/01190/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning permission for forty-five dwellings.

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 and Planning Case Officer.

Members considered the application and it was commented that as this was an allocated site Members could only make objection regarding the detail. Concerns were raised regarding the site having the ability to urbanise the gateway into Southwell. The three arm roundabout was questioned whether it would be safe when another site in close proximity to this one would be developed with one-hundred further houses. It was suggested that the access for this site would have been better achieved from Kirklington Road, in order to alleviate the need for the roundabout. Drainage was reported as an issue within this area and the surface water runoff into Springfield Dyke, which was not maintained. The surface water also ran through the garden of a private property on Springfield Road which also raised concern. A pumping station was suggested as a solution for the drainage issues raised which was not included on the plan. It was suggested that the application be deferred in order for the balancing pond to be located in a different place and access to be reconsidered.

(Councillor M Skinner did not take part in the vote as he was not present for the duration of the presentation).

AGREED (with 8 votes For, 1 vote Against and 2 Abstentions) that:

- (a) outline planning permission be approved subject to the conditions contained within the report; and
- (b) the execution of a legal agreement to secure the contributions set out in the table within the report.

271 COSY COT, CLIFTON LANE, THORNEY - 20/01280/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission for the demolition of the existing dwelling and the erection of a replacement dwelling with associated works.

Members considered the presentation from the Business Manager - Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable subject to the removal of Permitted Development Rights, Class A – extensions to dwellings.

AGREED (unanimously) that full planning permission be approved subject to the the conditions contained within the report and the removal of Permitted Development Rights, Class A – extensions to dwellings.

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.

272 17 GUNTHORPE ROAD, LOWDHAM - 20/00889/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the demolition of a dwelling and erection of a replacement dwelling and detached garage/workshop.

Members considered the presentation from the Business Manager - Planning Development, which included photographs and plans of the proposed development.

Councillor Emma Wilson on behalf of Lowdham Parish Council spoke against the application, in accordance with the views of Lowdham Parish Council, as contained within the report.

Councillor T Wendels – Local Ward Member (Lowdham) spoke against the application on the grounds of flooding, including the most recent flooding in February 2020 were ninety properties flooded. The Environment Agency’s objection was read out to the Committee, as contained within the report which made it clear that the proposed application was not acceptable. The two storey proposed dwelling had a footprint which was double that of the current property.

Members considered the application and it was commented that no further development should be undertaken given the impact in surface water drainage that this may cause to surrounding properties in a flood area such as this. Lowdham Parish Council had indicated that a flood defence scheme was being undertaken and until that had been concluded no further developments should be approved.

The Business Manager – Planning Development confirmed that if this was an application for a new dwelling, this application would be refused based on the advice of the Environment Agency (EA). The risk to people’s lives as commented by the EA was considered to be not relevant as the householder could take refuge on the first floor. The applicant could extend the ground floor footprint through permitted development rights and the floor levels would not be in the Local Planning Authority’s control. Whilst the hard surface area of the proposed dwelling would increase, in terms of flooding itself it would have little impact. It was suggested that if the Committee were minded to approve the application permitted development rights - Class A could be removed for extensions.

(As Councillor Mrs P Rainbow was not present for the entire presentation due to connection failure, she took no part in the debate or vote).

A vote was taken and lost to approve planning permission with the removal of

permitted development rights Class A, with 1 vote For and 10 votes Against.

AGREED (with 10 votes For and 1 votes Against) that contrary to Officer recommendation full planning permission be refused on the grounds of the advice of the Environment Agency response.

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	Apology for absence
M. Brock	For
R. Crowe	For
Mrs L. Dales	For
Mrs M. Dobson	Apology for absence
L. Goff	For
Mrs R. Holloway	For
Mrs P. Rainbow	Did not vote
Mrs S. Saddington	For
M. Skinner	For
T. Smith	Apology for absence
I. Walker	For
K. Walker	Against
Mrs Y. Woodhead	For

273 LAND AT NORWELL ROAD CAUNTON - 20/01436/RMA

The Committee considered the report of the Business Manager – Planning Development, which sought reserved matters approval for the erection of one, four bed house with attached garage and one, four bed house with detached garage.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application acceptable.

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

274 TEMPORARY STRUCTURES

The Committee considered the report of the Director – Growth & Regeneration which sought Committee approval for the adoption of a policy for under enforcement of temporary structures requested as a result of the Covid – 19 pandemic.

The Planning Committee Chairman requested that this information be sent out to all Members of the Council as they would be aware of any temporary structures within their Wards and they could notify the Planning Development Business Unit.

AGREED (unanimously) that:

- (a) the approach to under enforcing breaches of the planning regulations for temporary structures for businesses for a temporary period up until the 31 March 2021 be approved;
- (b) after 31 March 2021, Officers will review the requests received or any temporary structure erected without a request to determine whether it is appropriate to allow the structure to remain for a longer period of time; and
- (c) this information be sent out to all Members of the Council as they would be aware of any temporary structures within their Wards and they could notify the Planning Development Business Unit

275 URGENT REPORT - LAND AT NEW LANE, BLIDWORTH - 20/00475/FUL

The Committee considered the report of the Business Manager – Planning Development, regarding Land at New Lane, Blidworth, which sought Committee approval to amend Condition 17 of the previously agreed conditions. The reason for the urgency of the report was in order for the decision to be issued without delay.

This application was presented at the 6 October 2020 Planning Committee. Members resolved to approve the application subject to conditions and an associated legal agreement. The decision was yet to be issued awaiting completion of the aforementioned legal agreement. Since the October meeting, colleagues at Nottinghamshire County Council as the Highways Authority had contacted Officers requesting a very slight change to the suggested condition 17. The change proposed was shown with strikethrough below:

Condition 17

Prior to the commencement of development, the Highway works as shown for indicative purposes only on drawing 190024/P/001/G shall be completed. For the avoidance of doubt, these works require a Traffic Regulation Order ~~to enable the priority workings~~, which will need to be agreed and fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority. Reason: To provide adequate & safe access to the site.

It was reported that for absolute clarity, the overall off site highways works would not change. NCC Highways had simply pointed out that the condition was technically worded incorrectly as the ‘give way to oncoming vehicles’ was a red roundel sign giving an order, it was one of the few of this sort that does not require the making of a Traffic Regulation Order. The off-site highways works would still need to be implemented on site but they would be undertaken through the associated Section 278 Highways agreement. A traffic regulation order would still be required for the other off site highways works including the waiting restrictions (e.g. double yellow lines). The position on the ground would be identical to what Members considered at the October meeting.

AGREED (unanimously) that the revision to condition 17 be accepted and the

application be approved in line with the original Officer recommendation / late items schedule / associated legal agreement.

276 APPEALS LODGED

AGREED that the report be noted.

277 APPEALS DETERMINED

AGREED that the report be noted.

278 ENFORCEMENT REPORT- QUARTER TWO

The Committee considered the report of the Business Manager – Planning Development, which updated Members regarding the second quarter from 1 July 2020 to 30 September 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 and showed an overview of the enforcement activity compared to previous quarters.

AGREED (unanimously) that the report be noted.

279 PERFORMANCE REPORT- QUARTER TWO

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 July to September 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 had been made aware of the performance of the Planning Enforcement team but had 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 performance had continued to be met and exceeded, notwithstanding the need to work remotely due to Covid-19. The recent recruitment into the team had and would enable further positive changes to be made to the service for the benefit of the District's communities and businesses.

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

Meeting closed at 5.37 pm.

Chairman