

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 8 May 2018 at 4.00 pm.

PRESENT: Councillor D Payne (Chairman)  
Councillor P Handley (Vice-Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks, Councillor B Crowe, Councillor Mrs M Dobson, Councillor J Lee, Councillor N Mison, Councillor Mrs P Rainbow, Councillor Mrs S Saddington, Councillor Mrs L Tift, Councillor Mrs Y Woodhead and Councillor R Jackson (Present for Item No. 14)

APOLOGIES FOR ABSENCE: Councillor I Walker and Councillor B Wells

239 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

<u>Member/Officer</u>	<u>Agenda Item</u>
Councillor J Lee	Agenda Item 12 – Land at Junction with Beckingham Road, Brownslow Hall, Coddington (18/00168/FUL). Personal Interest as he supported the residents and declared he had pre-determined the decision.
Councillors Mrs C Brooks and D Payne	Agenda Item 12 – Land at Junction with Beckingham Road, Brownslow Hall, Coddington (18/00168/FUL). Both Members were Directors of Newark and Sherwood Homes and declared their personal interests.

240 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

241 MINUTES OF THE PLANNING COMMITTEE HELD ON 3 APRIL 2018

AGREED that the minutes of the above meeting be approved as a correct record and signed by the Chairman.

242 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda Items 12 and 14 were taken after Item 5, the agenda resumed its stated

order thereafter.

243 LAND AT FERNWOOD MEADOWS SOUTH, GREAT NORTH ROAD, FERNWOOD, NEWARK (17/01266/OUTM) (MAJOR)

The Committee considered the report of the Business Manager Growth & Regeneration which sought outline planning consent for a residential scheme of up to 350 dwellings with associated areas of public open space; green and drainage infrastructure. The proposal would include a mix of open market and affordable dwellings.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Nottinghamshire County Council Education Authority.

Members considered the application and one Member commented that she would have liked to have seen less development and more spent on infrastructure. A Member suggested that Fernwood Parish Council should be given an opportunity for allotment management and maintenance and the ability of another Fernwood Management Company to step in at a later date if the Parish Council were unable to continue. Mains water should also be made available to the allotment site and written into the Section 106 agreement.

A Member also commented that the report was inaccurate in stating that the Council was unwilling to take on the open space. The Council was willing to maintain the open space if an appropriate maintenance sum was provided by the applicant. The cost of this was unpalatable for the applicant.

AGREED (unanimously) that outline planning permission be approved subject to the conditions appended to the report; the completion of an associated Section 106 agreement - to be framed to allow Fernwood Parish Council first approach for allotment management and maintenance; the ability of another Fernwood ManCo to step in at a later date if the Parish were unable; and conditions as recommended (which can be amended provided they achieve substantively the same objective); and the finalisation of conditions in substantive accordance with those Appended within the report (this can include conditions being moved into the Section 106 subject to legal advice).

244 LAND AT JUNCTION WITH BECKINGHAM ROAD, BROWNLOWS HALL, CODDINGTON (18/00168/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration which sought planning permission for the demolition of the existing garage block (comprising six garages) and the erection of three two storey terraced dwellings with associated garden space and parking.

Councillor J Lee having declared a personal interest and pre-determination withdrew himself from the meeting and sat in the public seating area.

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

Councillor Mrs Cox, representing Coddington Parish Council spoke against the application in accordance with the views of Coddington Parish Council.

Councillor J Lee sought Committee approval to speak as the Local Ward Member for the application. The Chairman allowed Councillor J Lee to return to the meeting and speak on the item. Councillor J Lee did not take part in the debate or voting of the application.

Councillor J Lee, Local Ward Member for Balderton North & Coddington spoke against the application on the grounds of loss of green open space in a conservation area. He commented that this area of land was heavily used by children as a play area and dog walkers and would be a major loss to the local community. The nearest park was a fifteen minute walk. Nottinghamshire County Council had put in double yellow lines in that area and the mobile traffic camera was used to reduce parking issues. He felt the application was of bad design and urged the Committee to refuse the application.

Members considered the application and it was commented that the site had a range of garages and hard standing, the open space wrapped around the garages and would therefore wrap around the proposed development. The proposed houses would be placed on the derelict site. It was also confirmed that the green area left would be accessible by the public. Members also considered the information regarding the current open space being 1851 sqm which would reduce to 1639 sqm and felt that there would be minimal loss. The development would provide three houses to three families on the Newark and Sherwood Homes waiting list and would be valued by those people.

Other Members commented that the site was in the protected open space and was in the Core Strategy. The local community were against the development and it was felt that the site should be cleared and retained as a green open space in line with what the local community wanted. The school traffic issues with car parking were also raised and it was felt that the development would only exasperate that problem.

The Business Manager Growth & Regeneration clarified that whilst the site was dedicated as protected open space in the Core Strategy, as a matter of law planners and indeed members should consider whether other material considerations outweigh the development plan and in this case it was considered by planners that the gaining of three affordable dwellings outweighed the minimal loss of green space cited above.

AGREED (with 8 votes for and 4 votes against) that planning permission be approved subject to the conditions contained within the report, the following amendment to condition 2 and additional condition.

- (i) The updated plan requested to include proposed visibility splays. Condition 2 to be amended to reflect the awaited revised plan which will also show the removal of only one tree;

- and
- (ii) An additional condition be included to restrict the root protection area to be a 'hand dig' zone along with tree protection.

245 LAND ADJACENT TO THE MANOR HOUSE, MAIN STREET, HOVERINGHAM (18/00373/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit, which sought full planning permission for the erection of a two storey, two bedroom dwelling that would be sited in the west of the garden of the Manor House, Hoveringham.

Councillor Lady H Nall, representing Hoveringham Parish Council spoke in support of the application in accordance with the views of Hoveringham Parish Council as contained within the report.

Councillor R Jackson, the Local Ward Member for Dover Beck, spoke in support of the application and commented that the application site was next to the church and Manor House which was the highest point within the village and had not previously flooded. The village was desperate for two bedroom properties for people to downsize and stay in the village.

Members considered the application and it was commented that the reason for Officer refusal was due to the sequential test and Hoveringham being a SP3 village. Members felt that the site visit had shown that the hedge had been a feature in the garden for a long period of time and the access to the proposed development was off the existing access. It was felt that taking both those into consideration it would look like the proposed development had always been in situ. Members were therefore minded to approve subject to appropriate and proportionate mitigation to address the issue of possible flooding.

*(Councillor J Lee was not present for the Officer presentation and took no part in the vote).*

AGREED (unanimously) that contrary to Officer recommendation full planning permission be approved subject to demonstration that the proposal would not increase flood risk to third parties to the satisfaction of Newark and Sherwood District Council and appropriate and proportionate mitigation measures for possible flooding to be secured by conditions as well as other suitable conditions.

246 LAND NORTH OF PETERSMITH DRIVE, OLLERTON (17/00595/FULM)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission for a residential development of the site for 305 dwellings with associated open space and ancillary works.

*(Councillor R A Crowe left the meeting at this point).*

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

Members considered the application and commented on the two access points from the development; particular concern was raised regarding the 180 degree turn off Petersmith Drive. It was suggested that the turn could be eased through further discussions with the applicant's agent for an improved layout. It was suggested that delegated authority be granted to the Business Manager in consultation with the Planning Committee Chairman and Vice-Chairman to negotiate an improved layout in terms of the T junction.

AGREED (with 11 votes for and 1 abstention) that Planning permission be approved, subject to conditions (including delegated authority to amend draft conditions accordingly should appropriate information be submitted effectively discharging pre-commencement conditions set out in the agenda prior to a decision being issued) and signing and sealing of S106 to secure developer contributions and provisions as set out in report. Officers to seek softening of T junction at western end of the site details of which to be delegated to the Business Manager Growth & Regeneration in conjunction with the Planning Committee Chairman and Vice-Chairman.

247 LAND AT PINFOLD LANE, AVERHAM (17/02307/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit prior to the meeting, which sought full planning permission for the erection of a single detached three bedroom dwelling and detached single garage.

Members considered the application and it was commented that this was a landlocked paddock, access of which would need to be sought from the bungalow which was in the ownership of the applicant. The property had been created to fit onto the site and whilst the concerns of the Parish Council were taken on board this was considered an appropriate infill development in this small settlement.

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

248 DOWNTOWN GARDEN CENTRE, OLD GREAT NORTH ROAD, GREAT GONERBY (17/02120/NPA)

The Committee considered the report of the Business Manager Growth & Regeneration which related to a planning application seeking outline planning permission within the neighbouring South Kesteven District for the erection of a Designer Outlet Centre of up to 20,479 sqm (GEA) of floor space comprising retail units (A1) restaurants and cafes (A3) and storage. Additional large goods retail (5,574 sqm GEA) garden centre (5,521 sqm GEA) and external display area for garden centre (1,393 sqm) tourist information and visitor centre, training academy, leisure unit and offices including high-tech hub/start up offices. Demolition of existing garden centre and sales area and existing warehouse. Improvements to existing Downtown

Grantham Store elevations. Reconfigured car-parking and provision of new multi storey car park. Increased coach parking. Access improvements, drainage works, hard and soft landscaping and all ancillary works. All matters reserved with the exception of access.

Members were informed that the Council had been consulted on the above planning application and were invited to make comments on the scheme to the decision maker, South Kesteven District Council. A Holding Objection was issued to South Kesteven District Council until such time as the Council had secured professional retail advice on the scheme. The report set out what officers considered those comments should be for Members consideration.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Carter Jonas – Retail Consultant.

The Business Manager Growth & Regeneration advised Members of the application before them and informed them that the Retail Consultant had advised that it was unlikely that the market would be able to support two large-scale schemes within such close proximity. If one scheme was in place the impact would be £7.1m loss to Newark, the consultant had advised that the impact was just short of significant impact, albeit it was for Members to debate this issue. In any event the Business Manager informed that the view of Queens Counsel had been obtained regarding the proper retail planning test to consider. The issue for us to assess is whether the impact of 2 no. planning consents would be acceptable on the vitality and viability of Newark town centre. Retail advisors to the Council consider that the impact of both schemes to Newark Town Centre would be £11.8m. The Council was also considering the pending application for Marks & Spencer to relocate to Newark North Gate, which would also have an impact on the Town Centre. The Business Manager suggested that both a Planning Officer and an elected Member should attend South Kesteven District Council's Planning Committee to speak against the application, in addition to providing a strong written objection.

Members considered the application and agreed that the application would have a significant adverse impact on Newark Town Centre, particularly when viability margins were lower than ever in difficult market conditions. The loss of a significant town centre retailer would further exacerbate any significant adverse harm. It was suggested that the Newark MP should be informed and asked to seek confirmation that the Secretary of State call the matter in for his own determination should South Kesteven District Council be minded to approve the application. Members also confirmed they supported attendance of both a Planning Officer and an elected Member at the South Kesteven District Council Planning Committee to raise their objection.

AGREED (unanimously) that:

- (i) Strong objection be placed in writing to South Kesteven District Council; and
- (ii) attendance at South Kesteven District Council by both an Officer and elected Member to speak at their Planning Committee

against the scheme due to the retail impact on Newark town centre as per advice set out by Carter Jonas – Retail Consultant as detailed in the late items schedule.

249 RULE NO. 30 - DURATION OF MEETINGS

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 extend the meeting by one hour.

AGREED (unanimously) that the meeting continue for a further one hour.

250 LAND OFF MILL LANE, NORTH CLIFTON (17/01564/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit, which sought planning permission for the erection of a single holiday unit in the form of a timber construction.

The application had been presented to the Planning Committee in line with the Council's Scheme of Delegation as North Clifton Parish Council had written in support of the application which differed to the professional officer recommendation.

Members at the December Planning Committee unanimously agreed to defer the application pending the submission of a protected species survey and to enable a site visit to take place.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Newark Showground and the Local Pub.

A further letter of support was hand delivered to the Business Manager Growth & Regeneration at the meeting from Girton sailing club.

Members considered the application and one Member commented that whilst she was not in support of the design, as she felt it did not fit into the area, she was in support of the application. This proposal would provide holiday accommodation to this rural area which was in demand. It was suggested that the development should be changed to look like a log cabin.

Other Members questioned whether the single three bedroom log house was acceptable in this location as holiday accommodation, or whether a future change of use application would be submitted if the accommodation was not viable.

A vote was taken and lost to grant planning permission with 5 votes for, 6 votes against and 1 abstention.

AGREED (with 6 votes for, 4 votes against and 2 abstentions) that planning permission be refused for the reasons contained within the report.

251 LAND AT EPPERSTON ROAD, LOWDHAM (18/00017/OUT)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site visit, which sought outline planning permission for the erection of a single dwelling.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Council's Environmental Health Officer which recommended an additional condition as follows:

"The reserved matters application shall be accompanied by Noise Report and Mitigation Strategy which includes proposed measures designed to mitigate the potential for noise disturbance to the occupiers of the proposed dwelling hereby approved. These measures shall include, but are not limited to, a suitable noise barrier/boundary. The approved Mitigation Strategy shall detail the timings of implementation of the measures proposed.

Reason: This proposal would introduce a new residential use close to an existing manufacturing business so the condition is necessary in the interests providing suitable mitigation for future occupiers of the dwelling hereby approved."

It is noted that the proposed access would serve the remainder of the site allocation. In order to ensure that the means of access to the wider allocation site is not prejudiced, a condition to ensure that the access remains outside of the residential curtilage to the proposed dwelling is considered appropriate and necessary as follows:

The reserved matters application shall be accompanied by a plan defining the extent of curtilage to the dwelling hereby approved which shall exclude the proposed shared vehicular access from Epperstone Road.

Reason: So as not to prejudice the remainder of the site allocation from the ability of achieving a single safe and appropriate means of vehicular access point as required by Policy Lo/Ho/1.

Members considered the application and the proposal was considered disappointing as the land had been allocated for five houses and there was a difficulty of securing sites that were surrounded by green belt land.

AGREED (with 10 votes for and 2 abstentions) that outline planning permission be approved subject to the conditions contained within the report and the additional condition detailed in the Schedule of communication and above.

252 J. HARRISON LTD, SOUTHWELL ROAD, LOWDHAM (17/01616/FUL)

The application was withdrawn from the agenda by the Planning Case Officer.

253 MOORBECK HOUSE, MILL LANE, CAUNTON (18/00515/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration which sought full planning permission for the demolition of the existing



semi-dilapidated cattle store and its replacement with a building approximately 40% larger occupying approximately the same location.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from Caunton Parish Council, who had no objection to the application.

Members considered the application and felt that the proposal was acceptable.

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

254 CORAL BETTING OFFICE, KIRKLINGTON ROAD, RAINWORTH (18/00437/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration which sought full planning permission to change the use of the building from its established A2 use to an A4 use. The change of use would allow the premise to operate as a Micropub to provide between 25 and 30 covers.

Members considered the application and the majority of Members welcomed the Micropub. Concern was raised regarding additional seating being placed on the grass areas surrounding the building and it was proposed that an additional condition be imposed to prevent any additional exterior covers.

AGREED (with 11 votes for and 1 vote against) that planning permission be approved subject to the conditions contained within the report and the additional condition preventing any additional exterior covers.

255 LANCRESSE, 24 STATION ROAD, COLLINGHAM (18/00514/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration which sought full planning permission for the proposed extensions and alterations to the dwelling, including the demolition of a single storey outbuilding and the erection of a western boundary fence.

Members considered the application and felt that the proposals were acceptable.

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

256 Appeals Lodged

a

AGREED that the report be noted.

256 Appeals Determined

b

AGREED that the report be noted.

257 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Business Manager Growth & Regeneration, which updated Members on planning enforcement matters.

The report followed on from the information presented to the 16 January 2018 Planning Committee, which highlighted planning enforcement performance until the end of 2017. The report provided enforcement information up to the quarter from 1 January until 31 March 2018 and provided an update on cases where formal action had been taken. It 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 (January to March 2018) 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 sets this (on a pro-rata basis) against the activity over previous quarters). The cases closed may have exceeded on occasion, cases received as a case received in an earlier quarter may have been closed.
- Schedule C detailed a summary of formal action taken since the last report was compiled which in this case was for the quarter.
- Schedule D – provided examples of cases where breaches of planning control had been resolved without formal action having been taken.
- Schedule E – Notices complied with.

Members thanked officers for their hard work in preparing the report and were pleased with the scope and content.

AGREED that the report be noted.

Meeting closed at 7.30 pm.

Chairman