

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday, 13th January 2016 at Retford Town Hall

Present:

Councillor H Richards (Chair)

Councillors H Burton, S Fielding, K H Isard, G A N Oxby, D G Pidwell, M W Quigley MBE, M Richardson, S Scotthorne and A Smith.

Officers in attendance: D Askwith, G Bailey (Items a3 and a4 only), P Cooper, C Crossland, K France, J Proudman (Items a3 and a4 only) and S Wormald.

(Meeting commenced at 6.30pm.)

(The Chair welcomed all to the meeting, read out the Fire Evacuation Procedure, and also enquired as to whether any member of the public wished to film the meeting or any part thereof, this was not taken up.)

55. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Freeman and T Taylor.

55 DECLARATIONS OF INTEREST

(a) Members

Councillor K H Isard declared a non-pecuniary interest in applications 15/01116/RSB and 14/01027/ful. He remained in the meeting.

Councillor H Richards declared a non-pecuniary interest in application 15/01165/OUT. She remained in the meeting.

(b) Officers

There were no declarations of interest by officers.

56. MINUTES OF THE MEETING HELD ON 16TH DECEMBER 2015

RESOLVED that the Minutes of the meeting held on 16th December 2015 be approved.

57. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 30TH NOVEMBER AND 21ST DECEMBER 2015

RESOLVED that the Minutes of the Planning Consultation Group meetings held between 30th November and 21st December 2015 be received.

58. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

59. REPORT(S) OF THE HEAD OF REGENERATION

(a) Public Interest Test

The Head of Regeneration had deemed that all Items on the Agenda were of a non-confidential nature.

(b) Change of Agenda Order

The Chair advised of a change of agenda order so that Items a3 and a4 would be taken first.

RESOLVED that Items a3 and a4 be brought forward on the Agenda.

(c) Planning Applications and Associated Items

| <u>Application No</u> | <u>Applicant</u> | <u>Proposal</u> |
|-----------------------|------------------|---|
| 14/01027/FUL | Mr J Mitchell | Retrospective application for the retention of engineering works, erection of club house, siting of storage containers, trap houses, palisade fencing, levelling ponds, car park and associated works, land off Whitewater Lane, off B6045 Bawtry Road, Blyth |

The application sought planning permission to retain engineering works, club house, storage containers, trap houses, palisade fencing, levelling ponds, car park and associated works. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location and site plans.

The site lies within an area of open countryside. Original planning permission was granted in February 2014 for the change of use of agricultural land to a clay target shooting club. The permission clearly stated that the permission was solely for change of use and further planning applications would be required for any other engineering works. The application seeks to retain unauthorised works.

A summary of responses from statutory consultees was given:

- Nottinghamshire County Council Highways have no objection.
- Highways England have no objection.
- Severn Trent Water have no objection.
- The Council has employed a consultant to carry out a noise assessment. Environmental Health have stated that they cannot support the application in its current form. They have commented that with modification and subject to compliance with Guidance the layout and construction of structures on site could contribute to noise mitigation.
- Blyth Parish Council object to the application.
- Styrrup-with-Oldcotes Parish Council object to the application.

Fourteen letters of objection from local residents have been received. A summary of the grounds for objection was summarised in the Committee report.

The Councillor for the Blyth Ward has submitted a letter of objection on behalf of residents.

The Development Team Manager read out late representations received since the publication of the Agenda.

Members were advised that the original application for change of use of the site established the principle of such use; however the buildings have not formed part of any planning application. A condition of the original application limited the hours of operation.

In terms of the character and appearance of the area the site is isolated and the works are relatively small in scale. It is considered that the retrospective works do not materially harm the character and appearance of the countryside.

With regard to the impact on residential amenity, the nearest residential property lies east of the site on the opposite side of the A1 and the nearest settlements are Blyth, Oldcotes, Styrrup and Harworth, with some isolated properties on the roads between the settlements.

Members were advised that it is considered that subject to suitable conditions the impact of the development could be mitigated.

Councillor D Smith Chairman of Styrrup-with-Oldcotes Parish Council spoke on behalf of the Parish Council and residents who strongly object to the application. He advised that:

- The unauthorised development has been on site for two years and has caused considerable disturbance.
- The noise level is getting worse as the site expands.
- Environmental Health are carrying out an investigation.
- Without planning permission the site is breaking the law, despite knowing this the operator is continuing with no regard for the noise and disturbance caused.
- Environmental Health do not support the application in its current form. Mitigation is suggested to reduce the noise level however this may not be achievable.
- A six month timescale for mitigation is proposed. The noise disturbance should not be allowed to continue for much of the summer.
- A new application should be made once adequate mitigation measures are in place and are proven to be effective.

Councillor B A Bowles spoke in objection on behalf of residents as ward Member for Blyth. He advised that he has collated complaints from at least 30 residents, most of whom do not want to be identified from fear of intimidation. The applicants have a complete disregard for planning conditions. Condition 4 relates clearly solely for change of use and does not permit any buildings. It states that further applications would be required and this has been ignored. Complaints have been received from residents demanding enforcement action regarding noise nuisance and the unauthorised buildings. The development causes a noise nuisance and loss of amenity. Half of the residents who have complained have health issues as a result of the development. The noise level is extremely loud and has gradually increased. The local authority has a duty and there could be a potential failure to meet the duties of the Human Rights Convention. The site is breaching shooting guidance.

Mr J Rigg spoke as agent on behalf of the applicant. He advised that he has been employed to provide objective advice. He advised that he has been working with the applicant since spring 2015 to identify measures of mitigation. Shot cartridge size has been reduced and changes have been made to the policing of cartridge sizes. The proposed earth bund would mitigate noise. This would be a robust solution improving the sustainability of the business and amenity of the local community. In respect of the conditions and the 55 dB(A) noise level, considering the background noise from the A1 a 60 dB(A) level would be more appropriate near Harworth Avenue. The

timescale for the implementation of the works may be tight due to the importation of materials and time to construct the bund.

Elected Members asked questions/ raised issues in relation to:

- Environmental Health action and investigation.
- The number of Environmental Health complaints.
- The original planning permission.
- How the conditions would be monitored and enforced.

In response to questions raised the Environmental Health Manager advised that there are currently 28 complaints on recorded from individual complainants in relation to noise and the investigation is ongoing.

The Development Team Manager advised that the shooting activity is not unlawful, the original application which was approved gave consent for the operation of a clay target shooting club. This application seeks to retain buildings and works erected without planning permission, the issue of noise is in relation to the following application. This application is to consider if the buildings on site are considered to be acceptable. Officers consider that the principle is acceptable however though conditions the buildings would be adjusted to be consistent with guidelines.

Observations of the County Director of Resources (Highways); Highways England; the Council's Environmental Health Officer; Severn Trent Water; Blyth Parish Council and Styrrup-with-Oldcotes Parish Council were taken into consideration. Also taken into consideration were fourteen letters of objection and a letter of objection from the ward Councillor.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant planning permission subject to the conditions as circulated.

COMMITTEE DECISION – Grant planning permission subject to the conditions as circulated.

| <u>Application No</u> | <u>Applicant</u> | <u>Proposal</u> |
|-----------------------|------------------|--|
| 14/01024/CONR | Mr J Mitchell | Removal of condition 3 of P/A 13/00977/COU – change to opening hours, land off Whitewater Lane, off B6045 Bawtry Road, Blyth |

The application sought to vary condition 3 of the planning permission to change the opening hours. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location.

The site lies within an area of open countryside. Original planning permission was granted in February 2014 for the change of use of agricultural land to a clay target shooting club. Condition 3 of the permission restricted operating hours. This application seeks to vary that condition to exclude the mention of a maximum cumulatively duration of 3 hours completely and include the addition of late night opening, 9.30am to 7.00pm on Tuesdays and Fridays during British Summer Time.

A summary of responses from statutory consultees was given:

- Nottinghamshire County Council Highways have no objection.
- Highways England have no objection.
- The Council's Environmental Health Team have stated that they cannot support the application. They have commented that extending the operating hours would have an adverse impact on local residents. Increased operating times will result in increased frequency and volume of shooting activity, this in turn will generate more complaints.

- Blyth Parish Council object to the application.
- Styrrup-with-Oldcotes Parish Council object to the application.

Eleven letters of objection from local residents have been received. A summary of the grounds for objection was summarised in the Committee report.

Members were advised that the original planning permission established the principle of the development in the location however a condition was imposed to limit the hours of operation. In terms of the impact on amenity, the nearest residential properties lies to the east of the site on the opposite side of the A1. Environmental Health has objected to the application as the proposed extension of hours would be to the detriment of amenity of local residents.

Mr R Leferve spoke in objection to the application. He advised that:

- He objects on the grounds of the noise impact and loss of residential amenity.
- The existing intolerable noise from the current operating hours would be made worse.
- The level of activity and noise has increased as the business has expanded.
- The development has had a negative impact on local resident's health. The repetitive noise is very distressing.
- The noise had an adverse impact on home life. Residents cannot enjoy the outdoors and the noise is still audible indoors.
- The site can operate for seven days a week all year round. Residents have very little respite. A condition of the original permission restricted shooting on special days however the club operated on Easter Sunday.
- There are no conditions imposed regarding competitions which can be particularly noisy and are usually held on Sundays and Bank Holidays when residents should be enjoying respite time.
- An extension of hours would introduce further noise at an important time of respite for residents.
- Residents should have the right to enjoy their homes in peace.
- The constant 'popping' noise is a noise nuisance.
- There is a case for tighter hours of operation.

Councillor B A Bowles spoke in objection on behalf of residents as ward Member for Blyth. He referred to his comments to the preceding application in regards to noise nuisance and loss of amenity. Residents are unable to enjoy their gardens and the noise can be heard in many of their homes. Dogs are distressed and residents are experiencing health issues as a result of the intrusion. The noise has on occasion interrupted the church service. He asked the Committee to take the independent report commissioned by the Council into account. The site is failing to comply with noise regulations and shooting guidance. Environmental Health object to the application and recommend that the application be refused, he asked the Committee to support the recommendation. Residents have a right to enjoy their homes and amenity.

Mr J Rigg spoke as agent on behalf of the applicant. He advised that compliance with shooting noise limits would make sure there was no unacceptable loss of amenity. The shooting code of practice permits unrestricted shooting during the day. The research carried out for the code of practice was undertaken on rural sites with limited background noise and concludes that there is no evidence that a noise level of 55 dB(A) has an adverse impact. The applicant has invested into developing the shooting ground which has had an impact on employment and the local economy. In order to meet the demands of the business Condition 3 in its current form is unsustainable. The applicant has listened to the community and wants to work with them. The applicant is happy to remove the request for evening hours and just remove the word cumulative from the condition.

The Development Team Manager advised Members that they must consider the application presented to them. If in the future there is suitable proven mitigation and a new application is submitted officers may give a different view and recommendation.

Observations of the County Director of Resources (Highways); Highways England; the Council's Environmental Health Officer; Blyth Parish Council and Styrrup-with-Oldcotes Parish Council were taken into consideration. Also taken into consideration were eleven letters of objection and a letter of objection from the ward Councillor.

RECOMMENDATION OF THE HEAD OF REGENERATION –Refuse planning permission for the following reason:-

1. Given that the current operating hours have given rise to high numbers of complaints, it is considered that to further extend the hours would only serve to generate more complaints regarding the site and its operation. Increased operating times would result in increased frequency and volume of shooting activity, resulting in a negative impact on local residents to the detriment of residential amenity. The proposed extension to hours later into the evening presents a significant risk of detriment to the amenity of residents due to background noise levels during evening periods being lower, giving rise to the noise from the site being more audible and local residents perceiving it to be louder. The Bassetlaw Core Strategy and Development Management Policies DPD contains Policy DM1 which states that development proposals will only be accepted where they do not create significant or exacerbate existing environmental problems. The proposed extension to the permitted opening hours would result in the loss of residential amenity to properties in the locality. The proposal, therefore, would be contrary to Policy DM1 of the Core Strategy.

COMMITTEE DECISION – Refuse planning permission for the following reason:-

1. Given that the current operating hours have given rise to high numbers of complaints, it is considered that to further extend the hours would only serve to generate more complaints regarding the site and its operation. Increased operating times would result in increased frequency and volume of shooting activity, resulting in a negative impact on local residents to the detriment of residential amenity. The proposed extension to hours later into the evening presents a significant risk of detriment to the amenity of residents due to background noise levels during evening periods being lower, giving rise to the noise from the site being more audible and local residents perceiving it to be louder. The Bassetlaw Core Strategy and Development Management Policies DPD contains Policy DM1 which states that development proposals will only be accepted where they do not create significant or exacerbate existing environmental problems. The proposed extension to the permitted opening hours would result in the loss of residential amenity to properties in the locality. The proposal, therefore, would be contrary to Policy DM1 of the Core Strategy.

| <u>Application No</u> | <u>Applicant</u> | <u>Proposal</u> |
|-----------------------|------------------|--|
| 15/0116/RSB | Mr C Bridgett | Erect a two storey rear extension and detached garage to rear of property (resubmission of P/A 15/00765/HSE), Woodstock Cottage, Main Street, Oldcotes |

The application sought to erect a two storey rear extension and detached garage to the rear of the property. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location and site plans.

The site comprises a small, two storey dwelling, which forms one half of a pair of semi-detached cottages within the Oldcotes Conservation Area. The proposed extension consists of two elements, a two storey gabled extension forming an M-plan roof and a single storey element with a cat slide roof. The footprint of the original cottage would be significantly increased. Members were advised that the scheme originally submitted had been amended following discussion with the Council's Conservation Officer and has been the subject of re-consultation.

A summary of responses from statutory consultees was given:

- The Council's Conservation Officer has no objection. To overcome initial concerns of scale and to reduce the mass of the extension an M-plan roof is now proposed. M-plan roofs are not uncommon form of extensions to historic properties.
- Nottinghamshire Wildlife Trust have no objection.
- Styrrup-with-Oldcotes Parish Council object to the application. A summary of the concerns raised was contained within the report.

Twelve letters of objection from local residents have been received. A summary of the letters was contained within the report.

Members were advised that a previous application had been refused on the grounds of scale and appearance. The previous application proposed a H-plan roof. The Conservation Officer is satisfied that the form of the proposed extension is acceptable and there are similar forms of development in the locality.

In terms of the impact on amenity it is not considered that the development would have an significant adverse impact.

Councillor D Smith Chairman of Styrrup-with-Oldcotes Parish Council spoke in objection on behalf of the Parish Council and local residents. He advised that:

- The development would amount to a new dwelling in the garden of a property that would not normally be acceptable.
- The proposal is out of character with the existing property.
- The reference to similar developments in the locality is misleading as the other properties are detached and do not have an adverse impact on the neighbouring property. Extensions to the other properties were built before the area was designated as a Conservation Area.
- The proposal would result in significant overshadowing to the neighbouring property.
- The extension to the neighbouring property was a minor addition.
- The submitted drawings are not accurate and are misleading.
- The development would restrict access for the adjacent property.
- The extension would be built over the drainage system for the adjacent property.
- The development would have an adverse impact on residential amenity space.
- The development would not preserve or enhance the character of the area.
- He hoped localism still has a voice.

Mr S Daine spoke in objection to the application on behalf of the residents of the adjacent cottage. He advised that the neighbouring residents object on the grounds of the size of the extension and overshadowing. The cottages are one of the few remaining of their type in the area and occupy a prominent position on Main Street. Any extension would be seen from the road and would have a visual impact. The cottage is a small village property; the size of the proposed extension is excessive compared to the existing property. There are issues with the plans which fail to take into account the extension and close proximity to the property. The only element that should be granted is the single storey extension in a similar style to the existing property. He asked the Committee to refuse the application.

Members asked questions/ raised issues in relation to:

- The mass of the extension;
- Access to the adjacent property; and
- The visual impact.

In response to questions raised Members were advised that access to the neighbouring property would be a private legal matter.

Observations of the Council's Conservation Officer, Nottinghamshire Wildlife Trust and Styrrup-with-Oldcotes Parish Council were taken into consideration. 12 letters of objection from local residents were also taken into account.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant subject to the conditions as circulated.

COMMITTEE DECISION – Grant subject to the conditions as circulated.

| <u>Application No</u> | <u>Applicant</u> | <u>Proposal</u> |
|-----------------------|---|--|
| 15/01165/OUT | JVH Town Planning Consultants Ltd | Outline application to erect ten dwellings and construct new access, land north east of Harwell Lane, Sluice Lane, Everton |

The application sought outline planning permission to erect ten dwellings and construct new access. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location and site plans.

A summary of responses from statutory consultees was given:

- Nottinghamshire Wildlife Trust have commented that a survey would be welcomed.
- Nottinghamshire County Council Education have indicated that the proposal would create the need for two primary and two secondary school places. An education contribution for primary school provision would be sought.
- Nottinghamshire Lead Local Flood Authority have indicated that the proposals are acceptable subject to a Flood Risk Assessment being submitted at reserved matters stage.
- Environmental Health have requested that if land contamination is identified during development then work should cease and remediation be carried out.
- Everton Parish Council are concerned about the amount of larger properties being built in the village; the impact on the village and neighbouring properties; increase in traffic; and the capacity of the sewerage system.

Four letters of objection have been received from local residents.

Members were advised that the site is outside of but adjacent to the development boundary. The Council has a lack of a five year housing supply and this application would help to address the shortfall. In terms of the impact on heritage assets it is not considered that the proposal would be to the detriment of the setting of heritage assets.

Ms J Hodson spoke as the agent for the application. She advised that:

- Only access is fixed at this point in time.
- Constraining factors have led to the indicative design. The applicant wants to retain the two large trees which are a significant feature on the street.
- The applicant would like to retain as much greenery as possible including the hedgerows which has led to the proposed layout.
- The application has been subject to pre-application discussion.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant subject to a Legal Agreement and the conditions as circulated.

COMMITTEE DECISION – Grant subject to a Legal Agreement and the conditions as circulated.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

None.

60. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other urgent business to be considered, the Chair closed the meeting.

(Meeting closed at 7.55 pm.)