

## **PLANNING COMMITTEE**

### **Minutes of the meeting held on Wednesday, 19<sup>th</sup> July 2017 at Worksop Town Hall**

#### **Present:**

Councillor D Pidwell (Chair)

Councillors D Brett, G Clarkson, S Fielding, G Freeman, G A N Oxby, M W Quigley MBE, S Scotthorne, A K Smith and T Taylor.

Officers in attendance: D Armiger, D Askwith, C Crossland, J Davies, M Freeman and S Wormald.

(Meeting commenced at 6.30pm.)

(The Chair welcomed all to the meeting and read out the Fire Evacuation Procedure. He also enquired as to whether any member of the public wished to film the meeting or any part thereof. One member of the public responded that he would be audio recording Item a5; the Chair confirmed that the public speakers were happy to be recorded.)

#### **15. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H Burton and K H Isard.

#### **16. DECLARATIONS OF INTEREST**

##### **(a) Members**

Councillor M W Quigley declared non-pecuniary interests in Planning Application Nos. 17/00225/FUL and 17/00300/OUT. He remained in the meeting. He also declared a disclosable pecuniary interest in Planning Application No. 17/00285/FUL. He left the meeting for that application.

Councillor T Taylor declared non-pecuniary interests in Planning Application Nos. 17/00225/FUL, 17/00300/OUT and 17/00285/FUL. She remained in the meeting.

The Council Solicitor advised that in respect of applications 16/00401/VP04 and 17/00285/FUL Committee Members had had a briefing prior to the meeting.

##### **(b) Officers**

There were no declarations of interest by officers.

#### **17. MINUTES OF THE MEETING HELD ON 21<sup>ST</sup> JUNE 2017**

**RESOLVED** that the Minutes of the meeting held on 21<sup>st</sup> June 2017 be approved.

#### **18. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 22<sup>ND</sup> MAY AND 19<sup>TH</sup> JUNE 2017**

**RESOLVED** that the Minutes of the Planning Consultation Group meetings held between 22<sup>nd</sup> May and 19<sup>th</sup> June be received.

#### **19. OUTSTANDING MINUTES LIST**

None.

## **SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

### **Key Decisions**

None.

### **Other Decisions**

#### **20. 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) Planning Applications and Associated Items**

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
17/00225/FUL	Memoria Ltd	Construction of a new crematorium, associated car park, associated car park, access road, gardens of remembrance and area for natural and traditional burials, land north of Diggles Lodge, Old London Road, Barnby Moor.

Members were advised that the application sought detailed planning permission to construct a new crematorium with associated car parking, landscaping and areas for natural/ traditional burials. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location.

Members were advised that since the report was published late comments have been received from the agent in response to Notts County Council Landscape Team comments, who have in turn made comment.

The site is located outside of any defined development boundary and is therefore located in the countryside. The site is located 0.65km to the south of Barnby Moor, 3.2km to the west of Retford and 6.2km east of Worksop.

The site has an area of approximately 5.42 hectares which is currently used for agricultural purposes. The site is bounded by an existing highway to the south and associated field boundaries offering screening from the highway. The application includes the provision of new access from the highway on the southern boundary. Pedestrian access to the site is to be formed from Barnby Moor.

The Case Officer summarised the response received from statutory bodies:

- Highways England have no objection.
- Nottinghamshire County Council Highways have no objection subject to conditions.
- The Environmental Management and Design Team support the scheme subject to the imposition of conditions.
- Nottinghamshire County Council Rights of Way have no objection.
- Bassetlaw Environmental Health have no objection.
- Bassetlaw Conservation have no objection.
- Natural England have no comments to make on the application.
- Barnby Moor Parish Council object to the proposed development.

- NATS Safeguarding have no objection.

19 letters of objection have been received from local residents. A letter of objection has also been received on behalf of the Westerleigh Group. One letter of support has been received from a resident of Gainsborough and six letters of support have been received from funeral celebrants and funeral directors.

County Councillor Yates has objected to the proposal and District Councillor Taylor has requested that the application be determined at Planning Committee.

Members were advised that the application is considered acceptable in principle. In terms of conservation the proposal is also considered acceptable in principle and not detrimental to the overall character and amenity. In relation to residential amenity it is considered that there is a sufficient separation distance from the adjacent properties and there would be no significant impact on amenity. The site is within the setting of a heritage asset however the proposal is not considered to be harmful.

The application is supported by a Flood Risk Assessment and Ecological Appraisal. The proposal does not conflict with planning policy and is acceptable subject to conditions. It is accepted that there is a need for the facility in the locality. The proposal is not considered to have any significant adverse impacts.

Ms Battiscombe-Scott spoke in object to the application. She advised that she lives on Old London Road, less than a five minute drive from the site, and objects on the grounds of traffic, landscaping and the loss of amenity at Diggles Lodge. The volume and speed of traffic is a concern, fast cars are competing with agricultural vehicles. And the road is suited to additional traffic. The site is too close to Diggles Lodge which will result in the loss of privacy to the house and gardens. The slip road on the A1 is short and sudden and not suitable for slow funeral vehicles. Highways concerns in relation to the hedgerows should be clarified. The development should be sited on a main road with better access. The Westerleigh site has better access and is a better site. If approved traffic calming measures should be put in place.

Mr J Walker spoke in support of the application. He commented that he is a civil celebrant and lifelong resident of Bassetlaw. Bassetlaw has been in need of a crematorium for many years. Currently Bassetlaw residents have to travel for over 30 minutes to the nearest crematorium. He advised that he has reviewed the plans and the proposal represents a tranquil peaceful location, the site is suitable for families to remember their loved ones. Access to the site has been carefully designed. The site is screened by existing trees and would not impact the current landscape. The development is a much needed community facility in Bassetlaw, Memoria is the best placed for this. He commented that he conducted funerals with Memoria at Amber Valley, the staff are professional and the business is family run. They were the first company to pioneer one hour service times for families to have the facility to themselves. Bassetlaw has waited a long time for this facility. He urged Members to approve the application.

Mr J Hodgson spoke as the agent for the application. The business is family run with 87 years experience in the industry. The applicant is looking to invest £5m to address the gap in service. A needs assessment has shown that people are located over 30 minutes from the current crematorium. The site is not overlooked or overdeveloped with mature planting. The development would have minimum impact on the local countryside. The applicant has actively consulted the local community and has support from the local clergy community. The site is accessible by local transport. The development would significantly reduce journey times, reducing CO2 emissions and is highly sustainable. The development is acceptable in principle and there are no technical objections. He commented that he hoped the application would be approved and operate for the benefit of the local community. He added that they are a family business who provide an excellent service.

Elected Members asked questions/raised issues in relation to:

- There is no vehicle routing proposed.
- The conditions allow for longer operating hours than the other crematorium application on the Agenda. Could the Committee consider different operating hours to be mindful of the impact on nearby residential properties?
- Access to the site.
- What is the difference between a natural and transitional burial?
- Is the application for a crematorium and cemetery?
- Increase in traffic and traffic flow from the A1.
- The capacity for the site to accommodate burials.

In response to questions raised Members were advised that no routing is required as part of the application, highways have not sought a restriction. In relation to operating hours these hours were requested as part of the application and there is no reason to believe the hours are not appropriate.

The Director of Regeneration and Neighbourhoods advised that the application is for the uses as stated on the application form. Members are considering the land use as described. In terms of Highways they have been consulted and will have taken into account the description of the application and nature of the site.

(The meeting was adjourned for two minutes to seek clarification in relation to the difference between traditional and natural burials.)

Members were advised that burials are non-cremation. A natural burial is a burial with no marking or gravestone. A traditional burial is a burial with a headstone. It expected that there will be around 20 burials per year with small headstones.

Members discussed the hours of operation and the possibility of reducing the hours of operation.

**RECOMMENDATION OF THE HEAD OF REGENERATION** – Grant planning permission subject to the completion of a Section 106 agreement and the imposition of the conditions as circulated.

**COMMITTEE DECISION** – Grant planning permission subject to the completion of a Section 106 agreement and the imposition of the conditions as circulated.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
17/00438/FUL	Westerleigh Group Ltd	Erect new crematorium with associated new access, car parking and landscaping, land at Junction of Straight Mile and Sutton Lane, Babworth

Members were advised that the application sought detailed planning permission to erect a new crematorium with associated new access, car parking and landscaping. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location.

Members were advised that since the report was published late comments have been received from the Notts County Council Landscape Team and the agent has responded. Clarification was provided regarding the number of objectors and supporters. Three letters of objection have been received from local residents; one letter neither supporting nor objecting; three letters of support; and a letter of support from the applicant.

The site is located outside of the development boundary, and therefore in the countryside. The site is located to the north of the A620 between Retford and Ranby at Babworth. The site approximately 4.8 hectares and is currently used for agricultural purposes. The site is relatively well screened from the public. To the west to the site is Babworth Park, which contains listed buildings and non-designated heritage assets.

The application includes the provision of a new access from the A620 on the southern boundary, a predominantly single storey crematorium building with car parking provision and circulation routes.

A summary of responses from statutory consultees was given:

- Highways have no objection subject to conditions.
- The Environment Management and Design Team support the application subject to the imposition of conditions.
- Rights of Way have no objection.
- Environmental Health have no objection.
- Conservation have no objection.
- The Lead Local Flood Authority have no objection in principle.
- Natural England have no objection.
- The Council's Tree Officer has no objection.
- Babworth Parish Council support the application.
- Retford Airport have no objection.

Members were advised that the development is acceptable in principle and is in accordance with national and local planning policy. Detailed design and layout has been submitted and is considered acceptable. The proposal is not considered detrimental to the overall appearance of the locality and considered to be significantly impact the landscape.

It is considered that there is sufficient separation distance from the nearest dwellings. There is no significant impact to residential amenity and highways have no objection subject to conditions.

The Council's Conservation Officer considers that the development is not harmful to the designated heritage assets in the locality. In terms of ecology an assessment has been submitted and mitigation measures to reduce the impact.

Mr S Bucknall spoke as the applicant. He advised that Westerleigh operate 26 crematoriums across the UK, they are the most experienced developer and second largest operator in the UK. Consultation has been undertaken and pre-application advice. In December 2016 they were informed that the application could be supported, the necessary amendments were made and a public exhibition was held. Parish Clerks were invited to a briefing, which was well attended. The application was submitted and March and is appearing on the Agenda at the same time as the other crematorium application as they submitted their application without pre-application advice. He advised that they believe this is the better site, with more space and better access. The application has the support of the local funeral directors. The application does not include a burial site. He asked Members to support the application regardless of the other scheme. A 99 year lease has been signed and they intend to serve Bassetlaw for many years to come.

Elected Members asked questions/raised issues in relation to:

- Why the previous application included a Section 106 Agreement.
- Are any road changes included as part of the scheme.
- The hours of operation.

In relation to questions raised Members were advised that in this instance Notts County Council have not requested a contribution through a Section 106 Agreement, there is proposed condition regarding bus stop provision. In relation to road improvements a right turn lane is proposed into the site. The hours of operation are as requested by the applicant.

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

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

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
16/00401/VP04	Orange Tree Developments	Application to modify affordable housing contribution requirement of the Section 106 Agreement for Planning Application 01/11/00284

Members were advised that the application sought to modify affordable housing contribution requirement of the Section 106 Agreement for Planning Application 01/11/00284. Slides were used to show the site location.

The original application was granted in August 2013 to demolish the existing buildings on site and erect 34 dwellings. Development has now commenced on site. The planning permission granted included eight social rented houses secured through a Section 106 Legal Agreement and a public open space scheme and its management.

The current application seeks to modify the Section 106 Agreement. Following an independent review of the viability assessment the current proposal is to include a contribution of £1000,000 for off-site provision of affordable housing, equivalent to two affordable units and the provision of a public open space scheme including the on-going maintenance of the open space.

Members were advised that in addition a condition is proposed for the applicant to enter into a clawback clause for if the final sales values have more profit than anticipated.

Elected Members asked questions/raised issues in relation to:

- Why can't the £100,000 for affordable housing be provided on the site?
- Members agreed the original application with eight affordable housing units.
- Other industries are not in a position to determine their profit line then how they do business.
- Developers know the costs of a development before they start.
- The affordable housing contribution may be why Members decided to grant the original application.
- Why is not CIL liable?
- Has the site changed ownership?
- A Section 106 Agreement should be established earlier in the process.

Members were advised that the Council would prefer onsite affordable housing however it is difficult to a housing provider who will take on a small number of units to manage therefore an offsite contribution is being sought. In regard to CIL the original application was granted before CIL became liable.

#### **RECOMMENDATION OF THE HEAD OF REGENERATION –**

1. That the S106 is varied to remove the obligation to provide affordable housing on site as previously agreed and that the S106 is amended to secure a £100,000 financial contribution for off-site provision with 50% should be paid prior to the occupation of the first unit with a further payment paid before the occupation of the 30<sup>th</sup> unit.
2. That the S106 Obligation in relation to the 'Public Open Space Scheme' and its longer term management remains in the S106 agreement in compliance with Policy DM11.

## COMMITTEE DECISION –

1. That the S106 is varied to remove the obligation to provide affordable housing on site as previously agreed and that the S106 is amended to secure a £100,000 financial contribution for off-site provision with 50% should be paid prior to the occupation of the first unit with a further payment paid before the occupation of the 30th unit.
2. That the S106 Obligation in relation to the ‘Public Open Space Scheme’ and its longer term management remains in the S106 agreement in compliance with Policy DM11.
3. That the applicant enter into a clawback clause towards affordable housing.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
16/01651/FUL	Mr John Dudhill	Proposed two storey dwelling with detached garage block and associated landscape design/ construct new access, land to the east of Fingle House, Fingle Street, North Leverton

Members were advised that the application sought full planning permission to erect a two storey dwelling with detached garage block, associated landscape design 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.

The materials proposed are a mix of traditional and modern, with red multi facing brick and dark grey slate roofing with some Siberian larch cladding, zinc cladding, dark grey aluminium windows and glass balcony balustrade.

Access is along an existing grassed footpath track with parking and manoeuvring proposed within the site.

The site is outside of the development boundary however North Leverton is identified as a rural service centre. The proposal is considered to generally conform to the Sturton Ward Neighbourhood Plan. It is considered that the site would help to maintain the wider community and sustain services.

The Case Officer gave a summary of responses from statutory consultees:

- Environmental Health have made comment, they have no objection subject to conditions.
- The Council’s Conservation Officer has no concerns.
- The Neighbourhood Planning Officer has commented that it is considered that the proposal is in general conformity with the vision and objective of the Neighbourhood Plan.
- The Trent Valley Internal Drainage Board have commented that there are no board maintained watercourses within close proximity to the site.
- Highways have commented that visibility from Fingle Street onto Main Street is sub-standard. Subsequently the applicant has provided further information and the Highways Authority have confirmed that they are happy with the proposal.
- North Leverton Parish Council object to the application on the grounds that the design is too modern and not in keeping with the character of the village; it is contrary to the Neighbourhood Plan; access; and the site is outside of the development boundary.

Six letters of objection have been received from local residents on the grounds of highway safety; the impact on the character of the area; surface water flooding; drainage; and the site is outside of the development boundary.

One letter of support has been received from a local resident who previously owned the land and has confirmed that the site was accessed by car and tractor and the site has never flooded. Members were advised that the principle is considered acceptable. The site is largely screened by existing hedgerows and can be considered to be detrimental to the area. The proposed garden area is in line with the Supplementary Planning Document requirement.

Originally Highways objected to the proposal however on balance they will accept one more dwelling. A condition is proposed regarding the footpath and the applicant has submitted confirmation that they have vehicular right of access.

Mrs S Stillard spoke on behalf of North Leverton Parish Council, she advised they object on three main points. The application is contrary to Policy 1 in the Neighbourhood Plan which deals with sustainable development. The development falls outside of the type required by local people. The village already has large houses, some of which are for sale. The total floor area is over 3 times more than the average in the UK. The proposal includes a home cinema and gym which is not appropriate for the surroundings and has no resemblance to other properties. The proposal is contrary to 1B and 1C of the Neighbourhood Plan which looks at design principles. There is no consideration to the local character, the proposal has timber cladding and two glass balconies. In terms of conservation and enhancement of existing features the development fails to fulfil this criteria. The proposal would be built on greenfield land on a quiet cul-de-sac. The removal of hedgerows would be detrimental to the natural environment.

Ms R Nicholson spoke in objection on behalf of local residents. She commented that:

- The report does not correctly illustrate the red line of the application and the report refers to East Markham not North Leverton.
- Page 52 of the report refers to an appeal when in fact it is an application.
- The site access is on the footpath and falls within flood zones 2 and 3.
- The submitted flood risk assessment had not considered that strip of land.
- The site floods regularly and there is photo evidence.
- A sustainable drainage system may not be feasible on site.
- Highways concerns have not been overcome.
- There are safety concerns and the implications for the main road have not been overcome.
- Providing a single dwelling is of limited benefit.
- The proposal would have a significant impact on the character of the area.

Mr A Stoddart spoke as the agent and architect for the application. The application seeks consent for a two storey four bedroomed home, the applicant is the land owner. The proposal is a high quality design. Pre-application advice was sought in 2015 and full planning submitted in November 2016 which addressed issues raised. In terms of highways the improvements to the junction would be for the benefit of existing properties and is acceptable by Highways. The National Planning Policy Framework has a presumption in favour of sustainable development. Policy CS1 states the policy in relation to the lack of a five year housing supply in the District. The design has been carefully considered and serves to protect the heritage asset and would have no overall impact on the area. The amenity space meets the SPD requirements. The site is largely screened by existing hedgerows and the impact is not considered detrimental to the area. Officers have confirmed that the application is acceptable subject to conditions. He asked the Committee to support the application.

Elected Members asked questions/raised issues in relation to:

- Is the site outside of the development boundary?
- Is the site a greenfield site?
- The Sturton Ward Neighbourhood Plan.
- Rights of way.
- The public footpath.

- How can conditions regarding surface treatment be imposed?
- How wide is the footpath?
- Would the footpath remain open over the period of the development?
- The height of the proposed dwelling.
- The design is out of keeping with the village.

In response to questions raised Members were advised that the land is not greenbelt. The site has not been developed therefore in essence it is a greenfield. In terms of the footpath land it is understood that there is no registered owner and there are various historical claims over the land. The developer has submitted a letter confirming that they have vehicular access over the land. Members were advised that if granted planning permission cannot override any other legal obligation and that would be a matter for the applicant and landowner. In relation to rights of way this is covered by rights of way legislation.

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

Voting for taking this course of action:

**FOR:** Councillors D Brett, D G Pidwell and S Scotthorne.  
**AGAINST:** Councillors G Clarkson, S Fielding, G Freeman, G A N Oxby, M W Quigley, A Smith and T Taylor.  
**ABSTAINED:** None.

**COMMITTEE DECISION –** Refuse planning permission for the following reasons:

- The site is outside of the development boundary.
- The proposed access is not sustainable.
- The impact on the character of the area.
- The development is contrary to the Sturton Ward Neighbourhood Plan.

**FURTHER RESOLVED** that the final wording of the reasons for refusal be approved at Planning Consultation Group.

(Councillor A Smith left the meeting)

(A five minute comfort break was taken)

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
17/00300/OUT	Proland-Dunn-Kealey	Outline planning permission with some matters reserved (access) for the change of use for land for residential development, Gate Cottage and land to south Lound Low Road, Sutton Cum Lound

Members were advised that the application sought outline planning permission with some matters reserved for change of use for land for residential development. Access is proposed from Lound Low Road. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location.

The initial access is within the development boundary, with the majority of the application site being outside of the development boundary. There is a silver birch tree on site which is the subject of a Tree Preservation Order.

The Case Officer gave an overview of the main planning issues and a summary of responses from statutory consultees:

- The Tree Officer has no objection. The access road should have minimal impact on the existing trees.
- The Council's Conservation Officer has commented that the site is within the setting of various designated and non-designated heritage assets and also in an area of archaeological interest. They have no objection in principle.
- The Council's Environmental Health Officer has commented that information suggests there have been no contaminative uses on the site.
- The Lead Local Flood Authority has no object subject to conditions.
- The Nottinghamshire County Council Developer Contributions Practitioner seeks a contribution for primary school place provision and library provision.
- The Isle of Axholme and North Nottinghamshire Water Level Management Board have commented that there no Board marinated watercourse in close proximity to the site.
- The Sutton Ward District Councillor has requested that the application be considered by Planning Committee as there are community concerns.
- Sutton Parish Council object to the proposal on the grounds of access; highway safety; and the proposal is contrary to Neighbourhood Plan which is nearing completion.
- The Sutton Neighbourhood Plan Steering Group has objected to the proposal on the grounds that the application fails to meet the community objectives in the draft neighbourhood plan.

11 letters of objection have been received from local residents on the grounds of parking provision; highway safety; the impact on trees; the impact on heritage assets; the proposal is contrary to the Neighbourhood Plan, the impact on the amenity of existing residents; and the scale of the development.

Members were advised that the Sutton Neighbourhood Plan has been out for consultation and is awaiting the Examiners review. The Plan carries more weight as it has been through some consultation but is not yet adopted.

There is already a modern development on Portland Place and this proposal is not considered to have a detrimental impact on the wider area. The lack of a five year housing supply for housing outweighs any impacts. The proposal is considered to be sustainable in relation to the infrastructure. It is not considered that the character of the village and wider landscape would be substantially harmed.

Councillor R Boeuf spoke in objection on behalf of Sutton Parish Council. He commented that:

- The Committee refused an application recently and one of the reasons was the Neighbourhood Plan.
- The site is not a preferred site in the Neighbourhood Plan.
- The development conflicts with the Neighbourhood Plan.
- The Neighbourhood Plan is currently with the examiner and should be considered as a material planning consideration.
- The application ignores the aspirations of the Parish Council and Neighbourhood Plan Steering Group.
- The Neighbourhood Plan identifies three preferred sites.
- The site location is not supported by the local community or the Neighbourhood Plan.
- Development is needed on sites where the community will embrace it.
- The application is contrary to development plan policies.
- He asked the application be refused.

Mr N Johnson spoke in objection as a representative of the Neighbourhood Plan Group. He commented that the Plan now carries significant weight and is nearly in its final form, no significant alterations will be made. The Neighbourhood Plan was sold to the community as they can't stop development but can have a say where it goes. Planning Committee should support the Neighbourhood Plan as it has community support behind it. A previous application was refused

due to the Neighbourhood Plan. He asked Members to refuse the application and support the Sutton Neighbourhood Plan.

The Director of Regeneration and Neighbourhoods confirmed that Neighbourhood Plans are a material consideration at all stages of their development, but as with any Development Plan document the weight attributed will vary depending on its stage. A Draft plan will only carry limited weight and whilst a Made plan will carry full weight, there may be outstanding issues between the submission stage and examination which mean the plan is not able to proceed which will impact on the weight given to proposals at this stage. Equally until a plan has been approved through referendum there is the possibility that it could be rejected by the community.

Elected Members asked questions/raised issues in relation to:

- The Neighbourhood Plan.
- The community would embrace development on sites they have identified.
- The access is unsuitable.
- Section 106 obligations and affordable housing contributions.
- Over intensification of the site.
- The majority of the site is outside of the development boundary.
- The impact on the tree which is subject to a Tree Preservation Order.

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

Voting for taking this course of action:

**FOR:** Councillors D G Pidwell and S Scotthorne  
**AGAINST:** Councillors D Brett, G Clarkson, S Fielding, G Freeman, G A N Oxby, M W Quigley and T Taylor.  
**ABSTAINED:** None.

**COMMITTEE DECISION –** Refuse planning permission for the following reasons:

- The proposal is contrary to Planning Policy CS1.
- The development is contrary to the Sutton Neighbourhood Plan.
- The site is outside of the development boundary.

**FURTHER RESOLVED** that the final wording of the reasons for refusal be approved at Planning Consultation Group.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
17/00285/FUL	Capla Developments Ltd	Erect seventy dwellings with associated garages and construct new access roads and sewers, land at St Johns College Farm and adjacent to Lexington Gardens off Lexington Gardens, Tuxford

(Councillor M W Quigley realised he had a disclosable pecuniary interest in the application and left the meeting)

Members were advised that the application sought planning permission to erect 70 dwellings and associated garages, incusing access and the creation of a new balancing pond. The site is outside of the development boundary. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location.

The site is within the Tuxford Conservation Area and is an area of archaeological interest. The site is also within the setting of a Grad II listed building.

The Case Officer gave a summary of responses from statutory consultees:

- The Neighbourhood Planning Team have commented that the Tuxford Neighbourhood Plan has been 'made' and therefore should be given significant weight and used in the decision making process.
- Highways originally objected to the application and revised plans were submitted. Highways are now satisfied with the proposal.
- The Nottinghamshire County Council Developer Contributions Practitioner has requested a contribution towards primary school place provision and library stock.
- The Lead Local Flood Authority have no objection subject to conditions.
- The Environment Agency have commented that they consider the site a low risk site.
- Network Rail have placed a holding objection as the railway is a test track and is an operational railway line. If granted conditions to maintain the integrity of the railway should be included.
- The County Councillor has requested that the application be considered by the Committee.
- Tuxford Town Council object due to highway safety and traffic concerns; the scale of the development; the lack of affordable housing and the Tuxford Neighbourhood Plan.

130 letters of objection from local residents have been received on the grounds of the increase in traffic; pedestrian safety; inadequate road network; access; the impact on the wider roads; school capacity; doctors capacity; overshadowing; insufficient affordable housing; the detrimental impact with the Conservation Area; loss of views; loss of open space; the development is out of keeping with the area; noise and dust; and the proposal is contrary to the Neighbourhood Plan.

The Case Officer advised that the site is on the edge of Tuxford which is identified as a sustainable settlement. The proposal would not cause significant harm to heritage assets. In terms of the design and layout there are a wide range of house types proposed, including some three storey properties which are not out of character in Tuxford. The majority of properties are two storeys and the overall design is considered acceptable.

Members were advised that in addition a condition is proposed for the applicant to enter into a clawback clause for if the final sales values have more profit than anticipated.

Councillor T Silcock spoke in objection on behalf of Tuxford Town Council. She advised that they objected on the grounds that:

- The road infrastructure is inadequate and at saturation point.
- Lack of affordable housing - £84,000 will be allocated for offsite provision compared to a requirement for 35% affordable housing on site.
- £650,000 should be liable under CIL.
- There is contribution proposed towards secondary school places or CIL towards local projects.
- The Tuxford Neighbourhood Plan was approved in November 2016. Significant weight should be given to the Plan as part of the decision making process.
- The development offers little to the local community.
- He urged the Committee to reject the application.

Mr M Glossop spoke in objection to the application. 130 residents have objected to the proposal. The plans include two mature trees that could be home to roosting bats, a survey should be required prior to determining the application. The proposal is contrary to the Neighbourhood Plan which was voted for by residents. The site is an area of natural beauty and wildlife in the area. The nearby railway line is in use and is an active testing line. The proposal is for large houses, not affordable houses. Three storey dwellings are not in keeping with the area and will result in overlooking and loss of light and privacy. Existing properties will be overlooked – the right to

privacy is a human right. Lexington Gardens is a quiet cul-de-sac where children play safely. There would be an increase in traffic and the road and access is insufficient. The increase in traffic would make the road unsafe for school children crossing the road.

Councillor J Ogle spoke as the County Councillor for Tuxford. He advised that:

- The schools and road infrastructure cannot cope with more development.
- The junction outside the Sun Inn is over congested.
- Revised targets are leading to poor quality housing.
- The application raises issues regarding sustainability.
- Poor access is proposed.
- Access for emergency vehicles is too narrow and has not considered.
- The proposal will result in on street parking.
- The road infrastructure is not suitable.
- Development has previously been rejected.
- There has been significant local objection to the application.
- Local residents and the Town Council do not want houses on the site.
- He asked Members to reject the application.

Elected Members asked questions/raised issues in relation to:

- CIL contribution.
- There is no contribution towards secondary school places.
- A good mix of house types are proposed.
- The site is outside of the development boundary.
- It is not local resident's fault that Bassetlaw does not have a five year housing supply.
- Thousands of people cannot get on the housing ladder, affordable housing is needed.
- Some developers do not want to pay contributions.
- The integrity of the railway line.
- New residents can contribute to the economy and community feel.

In response to questions raised Members were advised that the applicant has submitted a viability assessment which is set out in the report. The application is CIL liable however the applicant can apply for relief which is a separate process under different legislation.

It was noted that Condition 5 did not include a time period. The Director of Regeneration and Neighbourhoods suggested that the condition be amended to "A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation for a suitable period of time, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority."

**RECOMMENDATION OF THE HEAD OF REGENERATION –** Grant subject to a Legal Agreement, the conditions as circulated and an additional condition the applicant enter into a clawback clause towards affordable housing.

Voting for taking this course of action:

**FOR:** None.  
**AGAINST:** Councillors D Brett, G Clarkson, S Fielding, G Freeman, G A N Oxby, S Scotthorne and T Taylor.  
**ABSTAINED:** Councillor D Pidwell.

**COMMITTEE DECISION –** Refuse planning permission for the following reasons:

- The site is outside of the development boundary.
- The development is contrary to the Tuxford Neighbourhood Plan.
- Over intensification of the site.

**FURTHER RESOLVED** that the final wording of the reasons for refusal be approved at Planning Consultation Group.

**SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**

**Key Decisions**

None.

**Other Decisions**

None.

**21. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT**

The Chair thanked Members and Officers for their involvement at the meeting. He commented that work on the Local Plan is progressing with the hard work of officers.

An elected Member thanked the Chair for his work.

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

(Meeting closed at 9.50pm.)