

## **PLANNING COMMITTEE**

### **Minutes of the meeting held on Wednesday, 21<sup>st</sup> June 2017 at Retford Town Hall**

#### **Present:**

Councillor D Pidwell (Chair)

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

Officers in attendance: B Alderton-Sambrook, D Askwith, G Bailey, J Hamilton 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 filming the meeting; the Chair confirmed that the public speakers were happy to be filmed.)

#### **8. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor G A N Oxby.

#### **9. DECLARATIONS OF INTEREST**

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

Councillor G Clarkson declared non-pecuniary interests in Planning Application Nos. 16/01533/FUL and 16/01245/VOC. He is a member of the Retford Armed Forces Day Committee which received a prize for the 2017 RAFD prize draw from the owner of the Whitewater Clay Pigeon Shooting Club. He remained in the meeting.

Councillor T Taylor declared non-pecuniary interests in Planning Application No. 16/00682/OUT as she is the Ward Member and asked for the application to be presented to Committee; also Planning Application Nos. 16/01533/FUL and 16/01245/VOC as she has social contact with the wife of the architect for the scheme. She remained in the meeting.

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

There were no declarations of interest by officers.

#### **10. MINUTES OF THE MEETING HELD ON 24<sup>TH</sup> MAY 2017**

Councillor S Scotthorne, Cabinet Member for Housing, thanked the Committee for their support for the Abbey Grove re-development.

**RESOLVED** that the Minutes of the meeting held on 24<sup>th</sup> May 2017 be approved.

#### **11. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD ON 8<sup>TH</sup> AND 15<sup>TH</sup> MAY**

**RESOLVED** that the Minutes of the Planning Consultation Group meetings held on 8<sup>th</sup> and 15<sup>th</sup> May be received.

#### **12. OUTSTANDING MINUTES LIST**

None.

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

### **Key Decisions**

None.

### **Other Decisions**

#### **13. 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>
16/00682/OUT	Mr and Mrs Charles Summers	Outline planning application with some matters reserved, approval being sought for access, to erect up to fifteen dwellings and create new access road from Town Street - land to the rear of 30 Town Street, Sutton-cum-Lound

Members were advised that the application sought outline planning permission with some matters reserved. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location.

The Case Officer presented the proposals to Members, which were supported by an illustrative layout plan, a design and access statement, Heads of Terms for a legal agreement, a preliminary ecological appraisal and a heritage statement.

A summary of responses from statutory consultees was given:

- Nottinghamshire County Council Highways – no objections provided that the demolition of No. 30 Town Street is included within the proposal to provide appropriate visibility splays.
- Nottinghamshire County Council Education – seeking an education contribution of £34,365 (for three primary school places).
- Nottinghamshire County Council Strategic Planning – no objections subject to conditions.
- Bassetlaw Strategic Housing – seeking 25% affordable housing on the site with a minimum of 70% comprising social rent.
- Bassetlaw Environmental Health – no objections subject to conditions.
- Bassetlaw Conservation – the proposal would result in the total loss of significance of the former threshing barn which, although a non-designated heritage asset, retains much of its original features and character.
- Bassetlaw Parks Development – seeking an off-site contribution of £6,5956.25 towards the provision of improvement on the village hall play area.
- Environment Agency – no comments.
- Lead Local Flood Authority – objections as there must be some sort of surface water drainage strategy submitted to give them the ability to make comments on the proposals.
- Natural England – no comments.
- Bassetlaw Neighbourhood Planning Team – the proposal is generally not in conformity with the Vision and Objectives of the Neighbourhood Plan.
- Sutton Parish Council – objections raised as listed in the report.

- Sutton-cum-Lound Neighbourhood Plan Steering Group – objections raised as listed in the report.

97 letters of objection have been received from local residents on the grounds as listed in the report. A petition containing 150 signatures of local residents has been submitted objecting to the demolition of an early 18<sup>th</sup> Century building, the creation of a new access onto Town Street, and the creation of up to 15 dwellings.

Three letters of support have been received from local residents on the grounds as listed in the report.

The Ward Member had requested that the application be determined by Committee on the grounds that the application is causing anxiety in the community, the proposals would result in the loss of a non-designated heritage asset, and access would be close to a bend on the busy main road.

The application site would be located in a sustainable location in the centre of Sutton-cum-Lound and is considered not to have a significant detrimental impact on the residential character of the area, residential amenity or highway safety, on the assumption that the existing dwelling, a non-designated heritage asset, is demolished. Notwithstanding the fact that the Bassetlaw District is unable to demonstrate a five-year supply of land for housing, and the application may help to address this shortfall, it is considered that the benefits of the proposal (in providing more houses) would not be outweighed by the harm to the heritage assets described and therefore the proposal would be contrary to national and local planning policies.

The Head of Regeneration advised Members that the Sutton-cum-Lound Neighbourhood Plan had been submitted for Examination yesterday and therefore carries full planning consideration weight.

Parish Councillor R Boeuf spoke against the proposal which circumvents the priorities and objectives of the Neighbourhood Plan which should now be given full planning consideration weight following its recent submission for Examination. The Plan sets out a positive vision for the future to meet local needs, retaining the cultural and heritage character of the area. The demolition of the threshing barn would result in the loss of a valued heritage asset. The site is one least preferred for housing development, and the strength of local opposition should be considered.

Mr J Gough spoke against the proposal as it is ill-conceived and contrary to national policies which seek to conserve the country's heritage. The proposal ignores the aspirations of the Parish Council and the Neighbourhood Plan. It would establish the principle of housing in the centre of the village and demolish an 18<sup>th</sup> Century barn, having an adverse impact on the village. The Localism Bill says that the views of local people will be regarded and given weight. More suitable sites have been identified for housing development and the proposal has no respect for the community, heritage or democracy.

Councillor T Taylor spoke against the proposal as it sits in her Ward and, although she has not taken part in the number of meetings which have taken place, she is aware of the concerns, particularly in relation to the Neighbourhood Plan and the preservation of a non-designated heritage asset. She could not understand why the application was being presented to Committee when the recommendation was refusal and there are no grounds to overturn the rational decision.

The Head of Regeneration advised Members that a further reason for refusal would be appropriate in respect of the proposals being contrary to the priorities and objectives of the Neighbourhood Plan. She asked that, if approved, the wording of the additional reason for refusal be deferred to the Planning Consultation Group.

Elected Members asked questions/raised issues in relation to:

- How can weight be given to the Neighbourhood Plan when it is not yet available?
- 20 sites have been identified for housing development but what size and how many properties?
- The threshing barn has been the subject of much work and many alterations so not many original features remain, and the land behind the barn appears to be appropriate for housing development.
- There is much opposition to the proposal, particularly the loss of the heritage asset, which provides unique interest to the village.
- Would the Highways Authority raise objections if No. 30 Town Street was not demolished?

The Head of Regeneration advised Members that the Bassetlaw Conservation Officer had provided detailed comments which were contained within the report. The barn is also the setting of several other non-designated heritage assets in the vicinity, includes Nos. 23, 28 and 36 town Street, and therefore has group value. The barn needs to be demolished to provide adequate visibility splays for the new access into the development.

**RECOMMENDATION OF THE HEAD OF REGENERATION –** Refuse planning permission for the reason as contained within the report. A further reason for refusal to be added as the proposal is contrary to the priorities and objectives of the Sutton-cum-Lound Neighbourhood Plan – the wording for this reason to be deferred to the Planning Consultation Group.

#### **COMMITTEE DECISION –**

1. Refuse planning permission for the reason as circulated.
2. An additional reason for refusal be added as the proposal is contrary to the priorities and objectives of the Sutton-cum-Lound Neighbourhood Plan – the wording for this reason to be deferred to the Planning Consultation Group.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
16/01533/FUL	Whitewater Clay Pigeon Shooting Club Limited	Retention of engineering works, club house, storage containers, trap houses, palisade fencing, pond, car park and associated works, and the amended construction of proposed earth bunds, lagoons and landscaping area, land off Whitewater Lane, off B6045, Bawtry Road, Blyth

Members were advised that the application sought retrospective planning permission for the retention of the engineering works, club house, storage containers, trap houses, palisade fencing, pond, car park and associated works, and the amended construction of proposed earth bunds, lagoons and landscaping area. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location.

The Case Officer presented the proposals to Members and outlined the previous planning history. A Community Protection Notice was served in regard to the hours approved under planning permission 13/00977/COU not being complied with. The owner of the business has appealed against this Notice and the case is due to be heard at the Magistrates Court on 17<sup>th</sup> July 2017.

A summary of responses from statutory consultees was given:

- Nottinghamshire County Council Highways – no objections.
- Highways England – no objections.
- Environment Agency – no objection upon the submission of a Flood Risk Assessment, subject to conditions.

- Severn Trent Water – no objection but has suggested an informative note for the applicant.
- District Council Environmental Health Service – appointed a noise consultant who had made the comments as detailed in the report.
- Blyth Parish Council – raised objections as listed in the report.
- Styrrup-with-Oldcotes Parish Council – raised objections as listed in the report.

18 letters of objection have been received from the occupiers of local residential properties. A petition containing 80 signatures has been submitted against the proposed development. An objection has been submitted for and on behalf of Blyth Awareness Community Group as listed in the report.

Councillor B A Bowles, Ward Member, had requested that the application be determined by Committee following a further site visit, given the number and extent of local objections and the need for transparency.

It is considered that the proposed development would be in accordance with the provisions of the relevant planning policies. The options available are to either refuse planning permission and the site could operate under the terms of the original change of use permission or grant planning permission and seek to resolve the existing concerns and issues resulting from the use of the site. Overall, it is considered that with the appropriate mitigation in place, allowing six months for the construction of the bunds, and appropriate planning conditions, noise levels within the completed development could remain within appropriate limits and result in reduced impact on residential amenity.

The Head of Regeneration advised Members that legal advice had been taken in respect of Condition 6 pending the hearing of the Community Protection Notice at Mansfield Court in July. IT was proposed that Condition 6 should be amended to read:

“9.30am - 5.30pm Monday to Friday; 10.00am – 4.00pm Saturdays, Sundays and Bank Holidays”

Parish Councillor L Edwards spoke on behalf of Blyth Parish Council against the proposal on the grounds of noise reduction and the planning conditions. They felt it should be two separate applications and that Conditions 7 and 8 would permit longer opening hours and should be removed. The background noise caused by traffic on the A1 is different to the intermittent sound produced by clay pigeon shooting. Concerns were expressed about the properties on Harworth Avenue, the heights of the bunding, and insufficient detail on the plan about the stands. It was felt that excessive noise will result and that the application for the retention of the buildings should be delayed until the earthworks have been built and noise mitigation has been proven. All shooting should cease until the earthworks have been built and proven to be successful.

Mrs J Jolley spoke against the development on the grounds that Conditions 7 and 8 are unacceptable and that the existing situation is intolerable. The owners have never complied with previous conditions and enforcement action has not been taken by the Planning Department until the Community Protection Notice. It would be negligent to approve the application before the outcome of the court case. As the owners have a poor track record of compliance, what guarantee is there that noise will be reduced? “Nuisance” is a complex issue but the persistence and perception of noise leads to stress. The development is contrary to planning policies and the argument about providing employment is not viable. Over 200 objections have been submitted.

Mrs A Cusack spoke on behalf of the Blyth Awareness Group which voted overwhelmingly to oppose the enterprise due to the scale of the problem and the number of people affected. She felt that residents were being accused of lying and exaggerating, some were frightened to attend tonight and wanted to remain anonymous. The owners have not complied with the original permission granted in 2014 and, as the business has been operating for a few years without any enforcement action, with retrospective applications being granted, does this not bring the Council into disrepute? The owners should comply with existing conditions before submitting more planning applications. The noise consultant’s report is not available on the Council’s website.

The Localism Act states that it is not right that people's peaceful enjoyment of their homes and gardens can be destroyed.

Councillor B A Bowles, Ward Member, spoke against the development on the grounds of the number of complaints that he has received since the change of use of the site in February 2014. If allowed to continue, the planning permission conditions will continue to be ignored. Retrospective planning permission should be refused as the development is contrary to planning policies. There is no evidence that the business supports economic development of the area and has there ever been health and safety assessment and the relevant permits issued in respect of the additional activities on the site? Residents accept that rural pursuits will take place in the countryside but the constant noise is an infringement on the health and homes of residents, particularly at weekends.

Mr G Smith spoke in support of the application, representing the applicants since 2013. He referred to the "fear" amongst residents, disputing the accusation. He felt the matter would be concluded with the grant of planning permission, enabling the owners to proceed with the completion of the noise mitigation works. The owners have spent in excess of £200k to develop the business and a further £125-150k is needed for the noise mitigation works. If the shooting hours are limited then the required income will not be generated. If non-shooting activities are ceased then there will be insufficient income for the business to continue and jobs will be lost. The proposed shortened hours are unworkable as many visitors come from all over the country and do not always check on opening hours before their arrival.

Elected Members asked questions/raised issues in relation to:

- Professional advice from the noise consultants must be taken into account.
- The location of Harworth Avenue and the recorded levels at these properties, particularly in the back gardens.
- Concern that the current conditions have not been adhered to.
- What impact would the proposed 8m high bunds have on noise levels?
- The applicants should be allowed to complete the noise mitigation works.

The Environmental Health Manager cited the most recent data in the noise report was above 55 decibels which constitutes an "annoyance", not a statutory nuisance. The site is being monitored by officers visiting the site unannounced. 27 visits have been made since 28<sup>th</sup> November 2014. The noise consultants have assessed that the proposed bunds will reduce the noise, but weather conditions and wind direction will have a significant bearing. To date, no statutory noise abatement notice has been served.

The Head of Regeneration advised Members that the proposed conditions are wholly enforceable but that the earlier ones were not, hence the pursuance of the Community Protection Notice, which will result in enforcement action if not adhered to. Planning permission was granted for change of use of the site but there is no permission in place for the buildings, etc., on the site. The hours of operation at Condition 6 are no different to those previously approved. Other activities currently taking place on the site are not a material planning consideration but a licensing matter.

**RECOMMENDATION OF THE HEAD OF REGENERATION** – Grant planning permission subject to the conditions as listed in the report, and the amended Condition 6:

"9.30am - 5.30pm Monday to Friday; 10.00am – 4.00pm Saturdays, Sundays and Bank Holidays".

**COMMITTEE DECISION** – Grant planning permission subject to the conditions as listed in the report, and the amended Condition 6:

"9.30am - 5.30pm Monday to Friday; 10.00am – 4.00pm Saturdays, Sundays and Bank Holidays".

(A short comfort break was taken 7.55-8.05pm.)

The Head of Regeneration made a statement regarding the last application where permission had been granted in respect of Condition 6 in relation to the hours of operation. Condition 7 was clarified as “..for a maximum event duration of 4 hours on Monday to **Friday** within the opening hours and for a maximum event duration of 3 hours on **Saturdays, Sundays and Bank Holidays...**” Condition 8 was not in the original application and remains as it is.

Elected Members questioned these conditions and the fact that the application had already been approved. A further vote was taken on the amended wording in respect of Condition 7 which was reiterated.

**FURTHER RESOLVED** that the amended wording of Condition 7 be approved:

*“..for a maximum event duration of 4 hours on Monday to **Friday** within the opening hours and for a maximum event duration of 3 hours on **Saturdays, Sundays and Bank Holidays...**”*

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
16/01245/VOC	Whitewater Clay Pigeon Shooting Club Limited	Vary condition 3 of planning application 13/00977/COU to remove the maximum cumulative duration of 4 hours Monday to Fridays and maximum cumulative duration of 3 hours Saturdays, Sundays and bank holidays, land off Whitewater Lane, off B6045, Bawtry Road, Blyth

Members were advised that the application sought to effectively vary Condition 3 to exclude mention of a maximum of cumulative duration of 4 hours use on weekdays and 3 hours at the weekend. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location.

The Case Officer presented the proposals and a summary of responses from statutory consultees was given:

- Nottinghamshire County Council Highways – no objections.
- Highways England – no objection.
- Bassetlaw Environmental Health Services – detailed comments were listed in the report.
- Blyth Parish Council – raised objections as listed in the report.
- Styrrup-with-Oldcotes Parish Council – raised objections as listed in the report.

14 letters of objection have been received from the occupiers of local residential properties. A petition containing 42 signatures has been submitted against the proposed development. An objection has been submitted for and on behalf of Blyth Awareness Community Group as listed in the report.

One letter of support had been received from a local resident saying that there is no material reason to object to the development.

Councillor B A Bowles, Ward Member, had requested that the application be determined by Committee following a further site visit, given the number and extent of local objections and the need for transparency.

Environmental Health has concluded that it is considered and recommended, based on their comments, that the Planning Authority should refuse planning permission to relax the existing planning condition in the interests of protecting residential amenity.

Parish Councillor L Edwards spoke on behalf of Blyth Parish Council which strongly objects to any increase in the hours of operation. Condition 8 of the previous application has already increased these to five hours, four hours cumulative, which results in potentially 1,351 hours each year. The original conditions would have resulted in only 112 hours. Shooting exceeded five hours last Sunday when only three hours is currently permitted. The industry guidance has already been exceeded.

Mrs J Jolley spoke against the development as the original conditions had been recommended by the Environmental Health Institute and now longer hours have been granted by way of “sneaking in” Condition 8. More noise will result in less residential amenity. Over 200 objections have been raised about the club’s activities which has flouted the planning conditions, with no enforcement action being taken. The Council should be enforcing, not allowing, not increasing, taking the human rights of residents into consideration. Please revisit Condition 8 of the previous permission.

Mrs A Cusack of the Blyth Awareness Group spoke against the development and asked if any shooting had been heard on the site visit, as strangely it is quiet when officers/Members visit! The residents’ homes should be monitored. Shooting started at 10am on Easter Sunday, the most important day in the Christian calendar. The minimum distance from residential homes should be 1.5km, not 500m, as is Harworth Avenue.

Mr C Yorke spoke in support of the development, being the closest resident to the club. He is aware of guidance but feels that noise from passing lorries is greater than that from the club’s activities. Conservations are not disrupted; his dog is not frightened. He felt that the unfavourable comments are grossly unfair and that cessation of the business would result in a loss of employment.

Councillor B A Bowles, Ward Member, spoke against the development on the grounds of the effect on residents in Blyth, Oldcotes and Styrrup since 2014. Clay pigeon shooting is widely acceptable as a rural pursuit but he has received more than 100 complaints and residents are fearful of intimidation from the owners. On Sunday, 18<sup>th</sup> June, shooting took place from 10.20am to 14.13pm, well over the three hours permitted, an example of non-compliance by the owners. To grant an extension will be to the detriment of the residents’ amenity.

Mr G Smith spoke on behalf of the applicants, expressing their gratitude for the Committee’s support for the previous application. The owners sold their house to fund the business, but maybe they should have investigated more thoroughly beforehand. The measures proposed are a considerable outlay to reduce the noise levels, and that if these measures work then Environmental Health would welcome an application to extend the hours of operation. The owners need to be able to fund the required measures.

Elected Members sought clarification on “cumulative” and the language of the conditions, both original and proposed, and what enforcement action has been taken to date.

The Head of Regeneration advised Members that enforcement is discretionary and not mandatory. Officers seek to mitigate the application through negotiation, hence why prosecution is not pursued in the first instance. Sustainable development is to be encouraged. Change of use was granted in 2014 but unauthorised structures are on the site, hence the retrospective planning application which has come about after liaison with the applicant. The Community Protection Notice was applied for following legal advice. The principle of use has already been established on the site.

**RECOMMENDATION OF THE HEAD OF REGENERATION –** Refuse planning permission for the reason as listed in the report.

**COMMITTEE DECISION –** Refuse planning permission for the reason as listed in the report..



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

**Key Decisions**

None.

**Other Decisions**

None.

**14. 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 8.50pm.)