

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday, 8th November 2017 at Worksop Town Hall

Present:

Councillor D Pidwell (Chair)

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

Officers in attendance: B Alderton-Sambrook, C Hopkinson, M Joyce 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; although there were several members of the public present, this was not taken up.)

The Chair advised that application number 14/00503/OUT, land west of Tiln Lane Retford, had been withdrawn from the Agenda.

48. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Burton, G Clarkson and T Taylor.

49. DECLARATIONS OF INTEREST

(a) Members

There were no declarations of interest by officers.

(b) Officers

There were no declarations of interest by officers.

50. MINUTES OF THE MEETING HELD ON 11TH OCTOBER 2017

RESOLVED that the Minutes of the meeting held on 11th October 2017 be approved.

51. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 18TH SEPTEMBER AND 9TH OCTOBER 2017

RESOLVED that the Minutes of the Planning Consultation Group meetings held between 18th September and 9th October be received.

52. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

53. REPORT(S) OF THE DIRECTOR OF REGENERATION AND NEIGHBOURHOODS

(a) Public Interest Test

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

(b) Appeal Decisions Received

Members were presented with four appeal decisions.

RESOLVED that the appeal decisions be received.

(c) Planning Applications and Associated Items

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
16/01365/VP04	Wildgoose Construction	Application to modify affordable housing contribution requirement of the Section 106 Agreement for Planning Application 14/01369/OUT, land to the north of Station Road, Beckingham

Members were advised that the application sought to modify the affordable housing contribution requirement of the Section 106 Agreement to a nil contribution. The original application was granted at appeal for residential dwellings with the full policy requirement. Slides were used to show the site location.

Members were advised that as the application was submitted after 30th April 2016, S106BA no longer applies therefore the applicant has no right to appeal if the Committee resolve to not agree to amend the S106.

The application to amend the S106 is recommended for approval subject to a clause in the S106 being included to enable the Council to share in any additional profit that may be made at the completion of the development.

If the Committee refuse the application to amend the S106 then the applicant could submit a new application with a viability assessment.

The Interim Development Team Manager advised that the National Planning Policy Framework (NPPF) covers viability and deliverability. Paragraphs 173 to 177 of the NPPF discuss the scale of obligations and policy burdens should not be so great that they threaten the viability of a development where there are not competitive returns.

The applicant has submitted two viability assessments which came to the conclusion that that with the affordable housing contribution the development is not viable. The Council also undertook an independent assessment that supports the conclusion.

Parish Councillor B Sofflet spoke against the proposal on behalf of Beckingham Parish Council, on the grounds that:

- There is a critical need within the parish for affordable housing to cater for youngsters starting on the property ladder, residents wishing to downsize, and for those forced to sell their homes through divorce, redundancy or changes to personal circumstances. Currently they have no option but to look outside the parish, and often the District and County, for housing.

- Within Beckingham, only 2% of the total housing stock is currently on the market. The average asking price is £318,750, which is some 30% above the UK average and 34% over the average for Bassetlaw.
- Of the homes currently for sale, 25% are below the UK average price, whilst 7% are above it. Of the stock 17% are three bedroom properties, while 83% are four bedrooms or over.
- The affordability problem is compounded further in the Parish as there are currently no private rental properties available.
- With the future sustainability of the village and community in mind the Parish Council feel that a mix of 1, 2 and 3 bedroom properties alongside larger properties would be of benefit. He asked that the needs of residents over the profit margin of a private, out of borough, company be considered.
- He requested that the Council refuse the application to remove affordable housing, a requirement which was fully known to the developer in advance of submitting their application.
- It would set a dangerous precedent for planning in the District if legitimate conditions imposed can be so easily removed.
- He noted that from Council documents the applicant has offered to share with the Council 50% of the profit from the removal of the S106 affordable housing requirement towards affordable housing provision. Should the Council take this approach the settlement should be made fully public and assurances given that any money will be ring fenced for affordable housing provision solely within the Parish.
- He sought clarity on the CIL requirements as the report is ambiguous.
- There are grave concerns around public perception of arrangements such as this between a private developer and the District Council in the current climate of public confidence in politicians and financial dealings.

Parish Councillor J Sanger spoke against the proposal as ward Member for Beckingham, on the grounds that:

- The site (and the next application site) would not have been granted planning permission in the first place if 30% of affordable housing had not been included in the application.
- The developers have now decided that they will request removal of the affordable housing clause and they are being successful to the detriment of the village and villagers.
- Residents of Beckingham are most unhappy with the situation. The Parish Council has stated this too in their comments on these applications.
- Why must younger people suffer because developers are not making enough profit?
- No one local, especially those starting out in life, can afford to stay in the village. A small mix of housing to keep the village viable and thriving is needed but the developers are allowed to remove the affordable housing from the plans and build 4/5 bedroom houses which Beckingham does not need. This is unfair to so many people in many of the villages in Bassetlaw.
- She asked the Committee to refuse the application.

Mr R Spear spoke on behalf the applicant. He advised that:

- Planning permission was granted in March 2015 and since then the applicant has been working to make the development deliverable.
- Assessments have concluded that the development is not viable with the affordable housing contribution.
- They were not advised that that they were required to submit an application to vary the S106.
- The Council has undertaken an external viability assessment that also concluded that the development is not viable with the affordable housing contribution.
- A range of house types are proposed.
- The outline planning consent lapses in March 2018, the developer would like to work with the Committee towards a solution.

- The applicant knows that no affordable housing is not ideal but it will add to the much needed housing in the District.
- A CIL payment would be payable and a highways payment to improve bus services.
- An overage clause is proposed to ensure that if more profit is generated the Council receives a payment towards affordable housing.
- He noted that he supports that officer recommendation.

An elected Member commented that if the original planning application had not included affordable housing it may not have been supported.

RECOMMENDATION OF THE HEAD OF REGENERATION – That the S106 be amended removing the requirement for 35% affordable housing but including an overage clause to ensure that the Council receives contributions for off-site affordable housing if there is excess profit.

Voting for taking this course of action:

FOR: None.
AGAINST: Councillors D Brett, S Fieldling, G Freeman, K H Isard, G A N Oxby, D G Pidwell, M W Quigley, S Scotthorne and A Smith.
ABSTAINED: None.

COMMITTEE DECISION – Refuse planning permission for the following reasons:

- The original application included an affordable housing contribution.
- The Inspectors decision to grant planning to grant the application took into consideration the availability of affordable housing and that the development would address that need.
- The sustainability of the village and local need.

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>
16/01372/VP04	Wildgoose Construction	Application to modify affordable housing contribution requirement of the Section 106 Agreement for Planning Application, land off Station Road, Beckingham

Members were advised that the application sought to modify the affordable housing contribution requirement of the Section 106 Agreement. The original application was granted at Planning Committee for up to 27 dwellings. Slides were used to show the site location.

As with the preceding application Members were advised that as the application was submitted after 30th April 2016, S106BA no longer applies therefore the applicant has no right to appeal if the Committee resolve to not agree to amend the S106.

The application to amend the S106 is recommend subject to a new clause in the S106 being included to enable the Council to share in any additional profit that may made at the completion of the development.

If the Committee refuse the application to amend the S106 then the applicant could submit a new application with a viability assessment.

Three viability assessments (one being independent and commissioned by the Council) have been undertaken which conclude that that the development is not viable with an affordable housing contribution.

Parish Councillor B Sofflet and ward Councillor J Sanger commented that their objections to the preceding application also stand for this application.

Mr R Spears also noted that his comments on behalf of the developer in regards to the preceding application also relate to this application.

The Chair reminded Members of the officer recommendation and that an independent viability assessment has been undertaken. He noted that the development would provide a CIL contribution.

RECOMMENDATION OF THE HEAD OF REGENERATION – That the S106 be amended removing the requirement for 35% affordable housing but including an overage clause to ensure that the Council received contributions for off-site housing if there is excess profit.

Voting for taking this course of action:

FOR: None.

AGAINST: Councillors D Brett, S Fieldling, G Freeman, K H Isard, G A N Oxby, D G Pidwell, M W Quigley, S Scotthorne and A Smith.

ABSTAINED: None.

COMMITTEE DECISION – Refuse planning permission for the following reasons:

- The Committee approved the original application on the basis that an affordable housing contribution would be provided.
- The sustainability of the village and local need.

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

(d) Development Management Performance Report

Members were provided with the quarterly performance report for the Development Management function for quarter 2 2017/18, which covers the period 1st July to 30th September 2017. Previous figures were included for comparison.

Members were given a summary of the report. The measures of performance outcomes and current position for determining ‘major’, ‘minor’ and ‘other’ applications were given.

In relation to applications that were not determined within the time period, the Interim Development Team Manager advised that case load management could be better and this is something that will be addressed.

The outcome of appeals against refused applications allowed was also given; details of the applications were included within the report.

The Chair commended officers for their hard work.

RESOLVED that the report be received and the current performance data be noted.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

None.

54. 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 7.10pm.)