

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday, 9th March 2016 at Retford Town Hall

Present:

Councillor H Richards (Chair)

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

Officers in attendance: P Cooper, L Dore, F Dunning (Item a1 only) and K France.

(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.)

68. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor T Taylor.

69. DECLARATIONS OF INTEREST

(a) Members

Councillor H Burton declared a non-pecuniary interest in application 15/01571/OUT. He left the meeting during the application.

(b) Officers

There were no declarations of interest by officers.

70. MINUTES OF THE MEETING HELD ON 10TH FEBRUARY 2016

The Solicitor informed the Committee that a complaint had been received regarding the Minutes of the last meeting expressing concern that they were not factually correct.

The Development Team Manager added that the comment related to the Minute regarding application 15/00971/OUT, however, the Minutes provide a record of what was said at the meeting, therefore following discussion with the Solicitor it had been determined that no amendment needed to be made.

RESOLVED that the Minutes of the meeting held on 10th February 2016 be approved.

71. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 1ST FEBRUARY AND 22ND FEBRUARY 2016

An elected Member commented on Minutes of one of the meetings, however, the Development Team Manager reminded the Committee that the Minutes were for noting.

RESOLVED that the Minutes of the Planning Consultation Group meetings held between 1st February and 22nd February 2016 be received.

72. OUTSTANDING MINUTES LIST

An elected Member queried Minute No 6(b) - Development Management (Control) End of Year Performance 2014/15 on the Outstanding Minutes List given that the current year is 2015/16. The Development Team Manager informed the meeting that the Head of Regeneration had advised it was incorrect and that performance results for Quarters 2 and 3 of 2015/16 will be presented to Planning Committee in April 2016 with the end of year results following in May or June 2016.

RESOLVED that Minute 6(b), the only item on the Outstanding Minutes List, be removed.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

73. 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) Appeal Decisions

Members were presented with three appeal decisions.

RESOLVED that the appeal decisions be received.

(b) Planning Applications and Associated Items

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
16/00030/FUL	Mr K Rose	Land Opposite Holly House, High Street, East Markham

The application sought to erect twelve dwellings with associated communal garage space close to the boundary with High Street. The proposal involves the removal of some of the existing hedge and trees to allow for the new building envelopes and access roadways. The site had been subject of a site visit prior to the meeting. Slides were used to show the site location and site plans.

The site is outside the settlement boundary. It lies within the East Markham Conservation Area and has been identified as significant open space in the Conservation Area Appraisal and Management Plan.

A summary of responses from statutory consultees was contained within the report.

Mr A Hunt spoke in opposition to the application on behalf of the Parish Council. He commented that the proposed site was outside the village development boundary and within the Conservation Area. In addition the development proposal contravened many policies in the Core Strategy and would impact on nearby properties. He added that the village has no shop, only a small public house and minimal transport, also the school is full and with no money to extend could lose the capability of providing a high standard of education if classroom sizes breached. In general, the Parish Council considers any further development of land in the village for housing is not sustainable and no further planning applications should be passed.

Mr R Ashley spoke as agent for the applicant and highlighted the salient features of the application which he considered relevant to the East Markham Village Design Statement: the planting of a new orchard; the smaller design and size of the proposed properties reflecting the character of existing village properties; co-ordinated garages; the retention of green areas and hedgerows with only two points of access through from the road; affordable housing constructed economically to appeal to a wider audience; restoration of access to the adjacent currently overgrown footpath.

As the plan of the site was difficult to see on the slide, a copy of the plan was circulated for closer scrutiny by the Committee.

Members commented on:

- The positivity of the smaller homes proposed on the development.
- Preference for a different layout.
- The proposed loss of trees in an area outside the development boundary and within a Conservation Area.
- The proposed location for the development.

Observations of the Environment Agency; Natural England; Nottinghamshire Wildlife Trust; Nottinghamshire County Council; Nottinghamshire County Council Highways; East Markham Parish Council; the Council's Environmental Health Officer; the Council's Conservation were taken into consideration. Also taken into consideration were twelve objections from local residents.

RECOMMENDATION OF THE HEAD OF REGENERATION – Refuse planning permission for the reasons as listed.

COMMITTEE DECISION – Refuse planning permission for the reasons as listed

(Councillor Burton left the meeting).

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
15/01571/OUT	Mr & Mrs Dallman	Outline application with some matters reserved except for access for the erection of seven dwellings to land adjacent to and to the rear of Whitegates, Top Pasture Lane, North Wheatley.

The application sought outline planning permission with all matters reserved save the means of access to the site. The application had been amended from its originally submitted form in order to remove the layout for the scheme from consideration at this point.

The Development Team Manager advised the site is located outside of the North Wheatley development boundary as defined in the Bassetlaw Local Development Framework. St Peter and St Paul's Church is located approximately 170 metres to the west of the site and is a Grade II listed building. The north-western half of the site is located within an area of 'Archaeological Interest'. The site had been subject of a site visit prior to the meeting. Slides were used to show the site location plans. He added that an appeal had been allowed, (as included in the Appeal Decisions presented earlier on the Agenda), for an outline application for two dwellings with all matters reserved on land adjacent to Whitegates, and that the appeal formed part of the site in question. In addition, planning permission had been refused in July 2015 to erect eight dwellings at the Old Plum Orchard, Top Pasture Lane and permission granted in December 2015 to erect one dwelling on land at Narnia, Top Pasture Lane.

A summary of responses from statutory consultees was given:

- Nottinghamshire County Council Highways has no objection subject to conditions.

- The Lead Local Flood Authority has no objections subject to conditions.
- The Environment Agency has no comments.
- The Council's Environmental Health Officer has no objection subject to conditions.
- The Council's Parks Development Officer requested a contribution towards provision of play equipment on an existing local recreation ground.
- Natural England has no comments.
- Nottinghamshire Wildlife Trust has no objection subject to conditions.
- North and South Wheatley Parish Council object to the application on the grounds that: the proposal is outside the development boundary; the road is narrow and access is restricted; the development would be detrimental to highway safety; the development would lead to drainage and sewerage problems.

42 letters of objection from local residents had also been received. A summary of the grounds for objection was summarised in the Committee report. Since the report had been prepared a further ten letters of objection had been received.

48 letters had been received from local residents in support of the application although since the report had been prepared one resident had withdrawn their support.

A letter had been received from the agent of one of the owners of the land stating that while there are no objections to the development application, it had been submitted without his prior knowledge.

The Ward Councillor had commented that should permission be granted, consideration should be given to an additional condition requiring the thickening up of the northern and eastern boundary of the site with forestry trees and shrubs.

The Applicants Agents had submitted a Design and Access Statement and an Ecological Appraisal in support of the application.

Members were advised of the planning issues to consider including the required five year housing supply which the Council is unable to demonstrate and that the development would help to address this. If permission was granted, the application would be subject to a Section 106 agreement to secure £3,246.25 for play equipment, sustainable urban drainage solutions and 25% affordable housing.

Councillor M Newby spoke on behalf of North and South Wheatley Parish Council (NSWPC) which objects to the development while appreciating that the properties would assist in the shortfall of the Council's five year housing supply. However, NSWPC considers: the village is already contributing to the Council's shortfall in supply; farmland outside the development boundary should not be built on and the formation of a cul-de-sac should not be permitted as it is contrary to the Village Design Statement; in reference to Policy DM4, no consideration has been given to public safety as Top Pasture Lane is a narrow road which is accessed via a 90 degree blind bend where there is insufficient space for cars to pass and no footpath; even if the development is to include affordable housing, the access from the lane to village amenities due to the lack of a pathway and the blind bend is an unacceptable safety risk; in reference to Policy DM12, the village sewerage system is working at capacity and there are already frequent blockages to the system; the village school is full to capacity and has a waiting list.

Mr J Lomas spoke in objection to the application on behalf of a third party and commented: how could the Committee make a fair decision based on the planning history which is not absolutely clear in the report and he highlighted an appeal in 1999 where the Inspector had commented that "the development would be visually intrusive". Given the location of the proposed development in open countryside, the Committee should have had sight of a Landscape Visual Impact Assessment; Policy DM4 states the character of the area should be respected and that a new development should not have a detrimental effect on the residential amenity of residents or to highway safety - the proposed development does not meet this criteria; the proposed two houses

at the front meet the criteria but the seven houses to the rear are contrary to Policy DM4 and equally, there is no reference to NPPF 109 in the report regarding protecting and enhancing the valuable landscape which is visible from Gainsborough Road; the Sturton Ward Neighbourhood Plan is not referred to anywhere in the report.

Mr N Baseley spoke as the agent on behalf of the applicant. He commented that the proposed development had been the subject of a pre-application enquiry at which the principle of the development had been acceptable given the current shortfall in the Council's housing supply. In accepting that the lane was too long for a vehicle to reverse, the plan included a turning head to the required standard and would be of significant benefit. The Conservation Officer did not consider the development would affect the local designated heritage assets. Two previous applications had been recommended for approval despite objections with both refused then later granted on appeal. He added that: the two front houses had been confirmed as acceptable and are material to the determination of this application; forty-nine households support the development; the development helps to meet the local housing shortage; the Design and Access Statement shows a mix in size of proposed houses and comprises a sustainable form of development.

Members made comments/asked questions in relation to:

- The history of the site and issues in relation to the NPPF.
- Village expansion when there are questions regarding sustainability.
- The large number of supporters for the scheme which is not often seen.
- North Wheatley extending to connect to Bole Parish.
- 25% of affordable housing on the development is a significant boost to the village and locals may have the opportunity to purchase a property.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant subject to the conditions as listed and the signing of a S106 legal agreement.

COMMITTEE DECISION – Grant subject to the conditions as listed and the signing of a S106 legal agreement.

(Cllr Burton re-joined the meeting).

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
15/01286/COU	Flannigan Estates Ltd	Change of use to a residential caravan/mobile home park for 14 units to land off Welbeck Place and Landa Grove, Tuxford.

The application sought planning permission for the change of use of the site which is currently vacant. The initial application submission indicated a layout for seventeen park homes and had been due to be considered at Planning Committee on 16th December 2015, however, due to the receipt of an appeal decision on the same day dismissing an application for nineteen units on the site, the application was withdrawn from the agenda to allow this to be taken into account. The applicant subsequently submitted an amended drawing for the siting of fourteen park homes.

The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location plan and proposed site plan.

The Development Team Manager advised that the site is within the development boundary for Tuxford. The refusal in 2015 for nineteen units concerned the impact on the character and appearance of the area. In addition to planning approval, a caravan site licence from the Council would be required. A planting scheme and payment towards a new S106 legal agreement would also be required if approved.

A previous approval in 2014 for a maximum of eleven units still has live consent retaining the existing un-adopted access road along Welbeck Place. The revised proposal includes surfacing and drainage of the access road.

A summary of responses from statutory consultees was given:

- Nottinghamshire County Council Highways welcomes the improved layout and has no objection subject to conditions.
- Nottinghamshire County Council Education previously confirmed the projected yield of additional primary and secondary school places based on the proposed development of nineteen places could be accommodated therefore as the current proposal is for fourteen units, the requirement for places will be fewer.
- The Council's Environmental Health Manager has no objection subject to conditions.
- Nottinghamshire Right of Way Officer has confirmed there are no rights of way over the site and has no objection to the proposal received by Nottinghamshire County Council from Tuxford Town Council to register a byway open to all traffic between Welbeck Place and Landa Grove.
- The Lead Local Flood Authority does not have any objection in principal but has requested additional details in relation to a risk on part of the area from pluvial run-off.
- Tuxford Town Council objects to the proposal and refers to their comments made on the previous application for nineteen units. A list of their objections was contained with the Committee report.

13 letters of objection from local residents had been received. A summary of the grounds for objection was summarised in the Committee report. Following the amendment to the application to the change of use for fourteen caravans/park home units, a further four objections had been received.

Mr T Silcock spoke in opposition to the application on behalf of the Town Council. He commented that: the proposal is at odds with existing developments alongside; the proposal is not sustainable as it does not provide for high quality homes of good design; the limited plot size will be cramped and not reflect the spacious size of other properties in the area; there is no clear and functional link with the existing settlement and surrounding area; the application does not address any of the issues raised in objection to the previous application and the Committee are urged to refuse permission for the proposed development.

Mr R Thaine spoke as the agent on behalf of the applicant. He commented that: the site had a difficult planning history from when outline planning permission for residential mobile homes was granted following appeal in May 2013 and a plan for eleven units permitted in October 2014: this application proposes fourteen units rather than the nineteen previously proposed in 2015 and fulfils requirements within planning policy; this application will hopefully end the saga with high quality homes proposed; the applicant will appeal if permission is refused.

Elected Members asked questions/ commented regarding:

- Details of the materials for the proposed boundary fencing and gates.
- Details of the planning application approved in 2014 for eleven units.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant subject to the conditions as circulated and the signing of a S106 legal agreement.

Voting for taking this course of action:

FOR	None.
AGAINST	Councillors H Burton, S Fielding, G Freeman, K H Isard, G A N Oxby, M W Quigley, H Richards, M Richardson, S Scotthorne and A Smith.
ABSTAINED	Councillor D G Pidwell.

COMMITTEE DECISION – Refuse planning permission on the grounds of:

1. Policy CS6 of the Bassetlaw Local Development Framework indicates that new development in Tuxford will be of a high quality design, making strong connections with the existing and surrounding communities, as well as providing the facilities to support the community. The National Planning Policy Framework section 6 also supports the delivery of a wide choice of quality homes.

The Proposal would result in over intensification of residential development on the site and would result in a cramped form of development that would be out of keeping with the existing built form in the vicinity.

2. Policy DM4 states that new development will only be accepted where it is of high quality design that respects its wider surroundings in relation to historic development patterns or building/ plot sizes and form and density. Similar advice requiring good design is contained in National Planning Policy Framework section 7.

The design of the proposal would harm the visual appearance of the area and would be out of keeping with the traditional brick and tile dwellings in the immediate vicinity, to the detriment of the character and visual amenity of the area.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
15/00690/OUT	The Sanderson Family	Outline application with all matters reserved (except access) for residential development of 86 dwellings and construction of new access at Ashvale Road, Tuxford.

The application sought outline planning permission including means of access off Ashvale Road for approximately eighty-six dwellings. A site location plan was included in the report and a slide showed a masterplan of the site which proposes an area for play. The site is located outside but adjacent to the development boundary for Tuxford, between an existing residential area and an employment area. The Committee was advised that a previous application for residential development and a new access road had been refused in 1982. The site had been the subject of a site visit prior to the meeting.

Responses from statutory consultees in the report advised:

- Nottinghamshire County Council Highways has no objection subject to various requirements to be included as conditions or as part of a Section 106 Agreement including bus stops with space for bus shelters.
- Nottinghamshire County Council Education has confirmed that based on current pupil projections, places generated by the development can be accommodated in existing schools, however, the development will impact on the local library service therefore a contribution of £3944 for additional stock would be required.
- The Council's Environmental Health Department has no objection subject to conditions.
- The Council's Parks and Open Spaces department has commented on a preference for an on-site play space with long term maintenance secured as part of the S106 Agreement.
- Nottinghamshire Wildlife Trust advises the retention of boundary hedgerows.
- Natural England has no comments.
- The Lead Local Flood Authority considers that the drainage strategy, flood risk assessment and other layout information is required at planning application stage.
- Tuxford Town Council has no objections.

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

The Development Team Manager added that Policy CS8 requires all housing developments resulting in the net gain of one or more units will be required to contribute 35% affordable housing in Tuxford but the applicant had submitted a viability assessment that indicates the proposal will only be able to deliver 14% affordable housing contribution. This will need to be secured through a S106 legal agreement. The proposal would be CIL liable with the actual amount payable calculated when the reserved matters application is received. Given the lack of a five year land supply and associated housing, the recommendation is to give planning approval as the location is sustainable in relation to services and infrastructure and would not harm the character of the village. A summary of S106 obligations was contained within the report.

Miss Stones spoke as the agent on behalf of the applicant. She commented that: the Ashvale Road site had been recommended as a preferred site for residential development in the Preferred Options Site Allocations consultation document prior to its withdrawal; there is support for the development from the local community; the location is within walking distance of key services; there are no objections on technical matters that cannot be resolved through condition; there have been only four objections; consultation had been undertaken with the Council, local residents and in consultation with the Neighbourhood Plan group following which the master plan had been amended to include open space; the site is viable with contributions for CIL and S106 targeted to where it will be most useful; the development proposed is a sustainable development in line with both Local and National Planning Policy with a robust and detailed assessment undertaken by the planning officer.

Elected Members asked questions/ commented regarding:

- Presentations on the proposed development to the public by the applicant.
- Support from the Town Council and the Neighbourhood Plan group.
- Retention of hedgerows.
- The proposed 14% affordable housing on the development site.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant subject to the conditions as circulated and the signing of a S106 legal agreement.

COMMITTEE DECISION – Grant subject to the conditions as circulated and the signing of a S106 legal agreement.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

None.

74. 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 8.02pm.)