

## **PLANNING COMMITTEE**

### **Minutes of the meeting held on Wednesday, 18<sup>th</sup> July 2018 at Retford Town Hall**

#### **Present:**

Councillor D G Pidwell (Chair)

Councillors D Brett, H Burton, G Clarkson, S Fielding, G Freeman, K H Isard, G A N Oxby, S Scotthorne, A K Smith and T Taylor.

Officers in attendance: D Askwith, J Elliot, K France, M Freeman, C Hopkinson, M Joyce and B Pinkney.

(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; this was not taken up.)

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

Apologies for absence were received from Councillor M W Quigley.

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

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

Councillors H Burton declared a non-pecuniary interest in planning applications 18/00448/OUT and 18/00455/VOC. He left the meeting during the Items to join the audience as he was speaking as ward Member.

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

There were no declarations of interest by officers.

#### **17. MINUTES OF THE MEETING HELD ON 20<sup>TH</sup> JUNE 2018**

**RESOLVED** that the Minutes of the meeting held on 20<sup>th</sup> June 2018 be approved.

#### **18. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 29<sup>TH</sup> MAY AND 18<sup>TH</sup> JUNE 2018**

**RESOLVED** that the Minutes of the Planning Consultation Group meetings held between 29<sup>th</sup> May and 18<sup>th</sup> June 2018 be received.

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

There were no outstanding minutes.

#### **20. CHANGE OF AGENDA ORDER**

The Chair proposed to change the order of Agenda so that Agenda Item No. 7(a, b, c and d) were taken first before Agenda Item No. 6 Key Decisions, Development Management Scheme of Delegation for Determining Planning Applications.

**RESOLVED** that the Agenda order be changed so that Agenda Item Nos. 7(a, b, c and d) were taken first before Agenda Item No. 6 Key Decisions, Development Management Scheme of Delegation for Determining Planning Applications.

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

### **Other Decisions**

#### **21. REPORT(S) OF THE DIRECTOR OF REGENERATION AND NEIGHBOURHOODS**

##### (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 Received

Members were presented with five 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>
18/00355/OUT	Mr P. Wright	Outline application with all matters reserved for residential development of up to 10 dwellings, land south of Millennium House, Fox Covert Lane, Misterton.

Members were advised that the application sought outline permission with all matters reserved for residential development of up to 10 dwellings. Slides were used to show the site location. The site had been subject to a site visit prior to the meeting.

The Case Officer advised Members that the Misterton Neighbourhood Plan is now at submission stage and therefore is a material planning consideration. Revised reasons for refusal were circulated.

The site is located to the south of the village with road frontage to Fox Covert Lane and forms part of a larger agricultural field. The site lies outside the development boundary of Misterton, as defined in the Bassetlaw Local Development Framework and is rectangular in shape. The site is relatively level and there is an existing hedge on the road side boundary for the majority of the frontage.

The Case Officer presented the proposals and a summary of responses from statutory consultees were given. The relevant planning history was set out within the report.

The village is identified as a Rural Service Centre however the site is outside of the development boundary. The site is located in a sustainable location however it is considered to conflict with planning policy. Notwithstanding that the Council is unable to demonstrate a five year supply of land for housing the proposed development is considered to have a significant detrimental impact on the character and appearance of the area.

Councillor Sanger spoke in objection to the application as a Ward Member for Beckingham, she commented that:

- The application is against policy DM4 which states that developments should make links with the existing settlement.

- The development is an isolated block development uncommon to the village.
- The site should respect the wider surroundings and the landscape and character of the area.
- The proposal should enhance and be respectful of the open landscape.
- The Development conflicts with the National Planning Policy Framework.
- The Parish Council and local residents do not support the application.
- The site slopes to the north which will encroach on the countryside.
- The site is close to a fuel Storage Depot.
- Councillor Sanger asked that the application to be refused.

Mr Cooney spoke in support of the application as the Agent, he commented that:

- He is a Senior Planning Consultant and has ten years' experience.
- He disagrees with the recommendation to refuse the application.
- The application was submitted in the context that Bassetlaw is unable to demonstrate a five land supply for housing.
- The application had received no objections in principle.
- There have been no objections from statutory consultees.
- The original application was for 49 dwellings, the scale of the development was then reduced to 10 following advice given from Bassetlaw District Council.
- The recommended reasons for refusal are based on appeal decision for larger scale developments for 65 houses.
- This modest scheme is linear in form and mirrors the existing properties on the opposite side of the road.
- In an appeal decision for a development on another site the impact on character and appearance was not the only reasons for refusal. There were serious technical considerations that were not addressed including proximity to a major hazard and impact on protected species.
- The proposal is in character with the most recent and nearest developments.
- He asked Members to consider the merits of the scheme.

An elected Member queried if the site is included within the Misterton Neighbourhood Plan boundary.

**RECOMMENDATION OF THE HEAD OF REGENERATION** – Refuse for the reasons as circulated.

**COMMITTEE DECISION** – Refuse planning permission for the revised reasons as follows:

1. The Bassetlaw Local development Framework contains policy DM4, which states that all major development proposals will need to demonstrate that they make clear functional and physical links with the existing settlement and surrounding area and have not been designed as standalone additions. It also states that new development should respect its wider surroundings in relation to historic development patterns and landscape character. In addition policy DM9 states that new development proposals in and adjoining the countryside will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated.

The site in question is identified in the Bassetlaw Landscape Character Assessment as Idle Lowlands Policy Zone 01: Misterton. As part of its aims to conserve the open rural character of the landscape, it recommends that new development should be concentrated around the existing settlements of Misterton and West Stockwith.

It is considered that the site in question relates poorly to the existing settlement of Misterton and would appear as an isolated block of development divorced from the body of the village. Such development, if permitted, the development would conflict with the aims of the Local Development Framework and the NPPF.

(Councillor H Burton left the Committee)

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
18/00448/OUT	Mr and Mrs Bennett and Dallman	Outline planning application with some matters reserved (approval being sought for access and layout) for proposed erection of six self-build dwellings, land to the rear of Whitegates, Top Pasture Lane, North Wheatley.

Members were advised that the application sought outline planning permission with some matters reserved for the proposed erection of six self-build dwellings. Slides were used to show the site location. The site had been subject to a site visit prior to the meeting.

The site forms part of a larger site which was granted outline planning permission for the erection of seven dwellings in July 2017, therefore, the principle of residential development has already been accepted.

The site is located outside of the North Wheatley development boundary. St Peter and St Pauls Church located approximately 160m to the west of the site, is a Grade II listed building. Part of the site is located within an area of Archaeological Interest.

The Case Officer presented the proposals and a summary of responses from statutory consultees were given. The relevant planning history was set out within the report.

Sara Stilliard spoke in objection to the application on behalf of North Wheatley Parish Council, she commented that:

- Previous planning permission granted was for seven dwellings, which included 2 affordable homes.
- The turning head was an important consideration as part of the previous application.
- Top Pasture Lane is a narrow lane, big vehicles will not be able to turn in the road.
- The proposal is now for six self-build dwellings which will be four or five bed houses. As stated in the Neighbourhood Plan the area does not need more large houses, it needs affordable starter homes.
- The access is too narrow.
- Traffic will increase resulting in a higher risk to pedestrians and public safety.
- A more suitable turning head is needed.
- There are no passing places on the road making access difficult.

Councillor Burton spoke in objection to the application as Ward Member for Sturton, He commented that:

- Bassetlaw District Council keeps increasing the housing stock; however the impact on infrastructure especially in villages should also be considered.
- If passed without amendment there would be at least 12 domestic cars or vans using the turning circle.
- As the properties are self-build large vehicles will be entering/exiting the site for a long period of time.
- He is not against development but does not want the village to be impacted in the way that it would be from this proposal.

Mr Basely spoke in support as the Agent for the application, he commented that:

- The alternative outline planning permission that has already been granted remains extant and establishes the principle of development.

- The difference between this application and the previous application is the layout of the plots is sought to be approved at this stage, the position of the turning head has been altered and the drive would serve six dwellings instead of five.
- The additional dwelling would be to the rear of Whitegates.
- The Parish Council raised concerns that the houses will be too large, the indicative footprints of the houses show different house types. The precise design will be considered at the reserved matter stage.
- No objections have been received from Highways.
- The turning head is the same size as that already approved.
- The development is below the threshold for providing an affordable housing contribution.
- Approval of the application will mean commencement on site and the delivery of housing at the earliest opportunity.

The Case Officer confirmed that there was no affordable housing provision as part of the original outline planning permission.

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

**COMMITTEE DECISION** - Grant subject to the conditions as circulated.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
18/00455/VOC	Mr Melvyn Bennett	Variation of condition 2 of planning application 17/00638/FUL to allow changes to siting and design of dwelling to plot 2, land off Top Pasture Lane, adjacent to Whitegates, Top Pasture Lane, North Wheatley.

Members were advised that the application sought to vary condition 2 of planning application 17/00638/FUL to allow changes to the siting and design of dwelling to plot 2. Slides were used to show the site location. The site had been the subject of a site visit prior to the meeting.

The principle changes are; reducing the width of the dwelling on plot 2 by approximately 2 metres, increasing the height of ridge line by 0.2 metres, moving the access to plot 2 and reducing the garden width of plot 2. Plot 1 will remain unchanged.

The site is located outside of the North Wheatley development boundary. St Peter and St Pauls Church located approximately 200m to the west of the site, is a grade II listed building. A small section of the site is located within an area of Archaeological Interest.

The Case Officer presented the proposals and a summary of responses from statutory consultees were given. The relevant policies and site planning history was set out within the report.

Sara Stilliard spoke in objection to the application on behalf of North Wheatley Parish Council, she commented that:

- The application is considered to be disingenuous by the Parish Council.
- The original application was refused but granted on appeal.
- Only one house was planned on the front of the site, this has now changed so two houses will be cramped onto a smaller site.
- The two houses would be almost side on which is not in keeping with the area.

Councillor Burton spoke in objection to the application as the Ward Councillor for Sturton, he commented that:

- Bassetlaw District Council keeps increasing the housing stock; however the impact on infrastructure especially in villages should also be considered.
- This application is to vary condition 2, this is the fourth time the application has come to change conditions for the applicants benefit.
- If the application is refused it is hoped that the applicant returns with an application for one house and a better revised turning circle.
- Nottinghamshire County Council have raised no objection, the Committee has not always agreed with them.
- There will be problems with large vehicles entering the site as Top Pasture Lane is narrow.
- The development will result in more cars using the lane.

Mr Blasely spoke in support of the application on behalf of the Agent, he commented that:

- The application seeks an alternative design to that that has already been granted. The principle has already been established at appeal.
- The design was due to a buyer who did not proceed with the sale.
- The turning head could not be implemented as planned due to the size of the site.
- A second buyer has been secured on the amended drawings.
- At appeal the Inspector considered that it was not necessary or proportionate for the turning head given the size of the development.
- The outline application was for two dwellings fronting Top Pasture Lane.

Members raised concerns regarding the number of variations to the application and the access to the site. In response the Case Officer advised that the access to plot 2 has moved approximately 2 metres to the west.

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

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

(Councillor H Burton re-joined the meeting)

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
18/00467/OUT	Mr Farmer	Proposed residential development of houses, apartments, bungalows with associated adoptable access road, private courtyards and parking spaces, land to the north of Claylands Avenue, Worksop.

Members were advised that the application sought permission for proposed residential development of houses, apartments, bungalows with associated adoptable access road, private courtyards and parking spaces. Slides were used to show the site location. The site had been the subject of a site visit prior to the meeting.

The Case Officer presented the proposals and a summary of responses from statutory consultees were given. The relevant policies and site planning history was set out within the report.

It was advised that the application is a major planning application so therefore will attract development contributions including education contributions, public open space contributions and bus stop improvements.

The site has been vacant for a long time and it seems unlikely to be viable in the long term for resumption of employment activity. The site is within walking distance to Worksop Railway Station and close to Gateford Road which is well served by buses to and from Worksop.

Members were advised that it is considered that the loss of former economic land is significantly outweighed by the social, economic and environmental benefits.

The Development Team Manager advised of revisions to condition number 7.

Members welcomed the proposal and the provision of affordable housing. It was commented that the gradient of the site needs to be addressed. In response the Case Officer advised that the road gradients are addressed in the conditions within the report.

**RECOMMENDATION OF THE HEAD OF REGENERATION** – Grant subject to conditions and the execution of a S106 agreement.

**COMMITTEE DECISION** - Grant subject to conditions and the execution of a S106 agreement.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
18/00342/OUT	Messers John and Alan Orange and Webster	Outline application with some matters reserved (approval being sought for layout and scale) for residential development of 10 dwellings, Woodlea, 55 Bawtry Road, Blyth.

Members were advised that the application sought outline permission with some matters reserved for residential development of 10 dwellings, and the demolition of the existing dwelling, including scale and layout. Slides were used to show the site location. The site had been the subject of a site visit prior to the meeting.

The Case Officer presented the proposals and a summary of responses from statutory consultees were given. The relevant policies and site planning history was set out within the report.

The scale of development, including height, width and length of the proposed buildings includes two bungalows to the front of the site, with 4/5 bedroom houses further into the site as the land falls away up to a maximum height to ridge 9 metres.

The proposal is considered to be sustainable and acceptable in principle. The development would contribute towards the shortfall in the Districts housing land supply.

Members raised questions regarding S106 obligations. The case officer advised that S106 contributions have not yet been negotiated.

**RECOMMENDATION OF THE HEAD OF REGENERATION** – Grant subject to the conditions as circulated and the execution of a S106 agreement/ unilateral undertaking within 6 months of the date of this resolution, after which the application will be represented to Planning Committee for determination.

**COMMITTEE DECISION** – Grant subject to the conditions as circulated and the execution of a S106 agreement/ unilateral undertaking within 6 months of the date of this resolution, after which the application will be represented to Planning Committee for determination.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
17/01529/FUL	Mr Laurence Mclaughlin	Erect ten detached dwellings with double garages and construct new access, land to the south of Police House, Spital Road, Blyth.

Members were advised that the application sought to erect ten dwellings with double garages and to construct a new access. Slides were used to show the site location. The site had been the subject of a site visit prior to the meeting.

The Case Officer presented the proposals and a summary of responses from statutory consultees were given. The relevant policies and site planning history was set out within the report.

The site is located outside of, but adjacent to, the Blyth development boundary. The site is relatively level, lies to the south of Blyth village and there is an existing hedge on the road side boundary for the majority of the road frontage. The proposed dwellings would be served by two points of access from Spital Road, with each private drive serving five dwellings. Three different house types are proposed.

The principle of residential development was accepted following the granting of outline planning permission in September 2016. The village is defined as a rural service centre and is considered to be sustainable and relates well to the settlement edge. The development has been designed to respect and relate to adjacent properties and is not considered to be detrimental in terms of the impact on character and appearance of the area. The development would help to address the five year housing land supply shortfall and does not conflict with planning policy.

It was advised that ten dwellings do not normally trigger Section 106 Contributions; however, the total floor space of the proposed development would trigger Section 106 Contributions. The developer however has submitted a viability assessment which has demonstrated that the development would not financially viable should S106 contributions be required. The findings of the assessment have been independently verified. As such there will be no requirement for a Section 106 legal agreement.

Community Infrastructure Levy (CIL) would apply to this development.

Members raised questions regarding Section 106 and CIL payments. The Solicitor confirmed that Section 106 and CIL charges can both apply. A CIL exemption cannot be applied for unless a Section 106 Agreement is in place.

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

**COMMITTEE DECISION** – Grant subject to the conditions as circulated.

(d) Local Validation List Update

Members were presented with a report which sought approval for the Local Validation list and its contents following consultation.

Members were advised that the National Planning Policy and Guidance require a Local Validation List which is up to date to clearly set out the validation requirements for applications for development. These lists should not be adopted more than two years before a given planning application is determined.

The Local Validation List should be fully adopted and circulated locally. The three stage adoption process should be adhered to. The Draft Local Validation list was the first stage which gained permission from Members for it to be progressed to the second stage.

The timescale for consultation was eight weeks commencing on 8<sup>th</sup> May and completed on 2<sup>nd</sup> July 2018.

The report circulated is the final stage which collates any feedback from the consultation stage and where appropriate amends the Local Validation List to be before members for approval.



An elected Member requested that a copy of the Local Validation list be circulated to Committee Members.

**RESOLVED** that the up-to-date Local Validation List and its contents be approved.

### **Key Decisions**

#### **22. REPORTS OF THE HEAD OF REGENERATION**

##### **(a) Development Management Scheme of Delegation for Determining Planning Applications**

Members were presented with a report which sought to review the Scheme of Delegation for determining planning applications with recommended changes. Details of the existing and proposed Scheme of Delegation were appended to the report.

The Chair of Planning Committee and the Cabinet Portfolio Holder for Planning resolved at the Planning Improvement meeting on 19<sup>th</sup> June 2018 that a review be undertaken by the Planning Committee to review the Scheme of Delegation in light of the changes brought by Central Government.

In August 2011 the Planning Committee agreed a revised Scheme of Delegation for determining application to provide more clarity on when applications would be dealt with using delegated powers, referred to the Planning Consultation Group (PCG) or presented to Planning Committee. If any applications do not meet any of the criteria in the Scheme of Delegation, the officers have used their judgment to determine whether the applications should be referred to PCG or Planning Committee.

The Development Team Manager read out a representation received from Councillor D R Pressley raising concerns about Nottinghamshire County Council Matters Applications being decided by officers and not referred to Planning Consultation Group as the minutes of the meetings are very useful.

It was noted that a revised Scheme was approved by the Committee in 2016 however it was referred back by the Audit and Risk Scrutiny Committee for further consideration as the Committee raised points that the Planning Committee have no decision making powers in terms of County Council decisions and there are existing democratic processes in place.

Members raised questions regarding the involvement Members will have in decision making if the amended Scheme of Delegation is agreed. Concerns were raised regarding certain applications that may not be presented to Committee and discussed in the public domain.

The Development Team Manager advised that there is a relatively short turnaround time for County Council applications and it may not be possible for the Committee to make representations in time. As part of the proposed Scheme Members will still be able to call items in and ask that they be considered by Committee.

Members requested that the report be deferred to a future Committee to allow for further consideration of the Scheme.

**RESOLVED** that the report be deferred to a future Planning Committee meeting to allow for further consideration of the Scheme of Delegation.

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

#### **Key Decisions**

None.

## **Other Decisions**

None.

### **23. 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 8.15pm.)