

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday, 16th August 2017 at Retford Town Hall

Present:

Councillor D Pidwell (Chair)

Councillors H Burton, G Clarkson, S Fielding, G Freeman, K H Isard, G A N Oxby, M W Quigley and T Taylor.

Officers in attendance: D Armiger, C Crossland, F Dunning 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 members of the public present this was not taken up.)

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S Scotthorne and A K Smith.

27. DECLARATIONS OF INTEREST

(a) Members

There were no declarations of interest by Members.

The Chair advised that Committee Members had received emails and letters from the applicant of applications 17/00617/FUL and 17/00615/OUT.

(b) Officers

There were no declarations of interest by officers.

28. MINUTES OF THE MEETINGS HELD ON 19TH AND 27TH JULY 2017

An error was pointed out in the Minutes of the meeting held on 19th July 2017. The speaker in support of Application No. 17/00225/FUL was Mr J Waller.

RESOLVED that the Minutes of the meetings held on 19th and 27th July be approved subject to the amendment of the speakers name in Application No. 17/00225/FUL.

29. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 26TH JUNE AND 10TH JULY 2017

RESOLVED that the Minutes of the Planning Consultation Group meetings held between 26th June and 10th July be received.

30. OUTSTANDING MINUTES LIST

Members were advised that the Performance Report is on the Agenda.

RESOLVED that the Outstanding Minutes be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

31. REPORT(S) OF THE HEAD OF REGENERATION

(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.

Councillor S Fielding expressed her disappointment regarding the Inspectors decision on the Shireoaks appeal. She thanked the Parish Council, Ward Members and officers who gave representation at the appeal. She was disappointed with the weight given to Shireoaks Neighbourhood Plan.

The Chair commented that the decision by the Inspector was equally weighted. One of the issues raised by Members was the distinction between Shireoaks and Worksop. The Inspector gave the issue thought and felt the 30m buffer and the hedge was sufficient. The Inspector gave the Neighbourhood Plan some weight but felt that it was outweighed by other considerations. More weight was given to the Council's lack of a five year housing and supply.

RESOLVED that the four appeal decisions be received.

(c) Planning Applications and Associated Items

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
17/00617/FUL	DB Symmetry (Bkyth) Limited and Irizar UK Ltd	Construction of a vehicle showroom/ dealership (sui-generis use); with vehicle storage, valet, and display areas, a two storey showroom building, offices and workshop; together with car parking, and associated other works, Plot 3, land east of A2 Slip Road and west of Blyth Road, Blyth

Members were advised that the application sought full planning permission on Plot 3 for the construction of a two storey coach showroom/ dealership, vehicle display areas, offices, workshop, car parking access and associated works. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location and layout.

Members were advised of an addendum to the published report remove conditions 6 and 14 and to require a S106 contribution to be used towards bus stop connectivity improvements.

The Case Officer presented the proposals and a summary of responses from statutory consultees was given. There have been no objections raised by statutory consultees. The Highways Authority have no objection to the proposal. Blyth Parish Council have requested that conditions be imposed to restrict the hours of operation. Given the location of the site and adjacent land uses officers do not consider that it is necessary to limit the hours of operation.

The proposal would support the approved development to the north of the site and ensure the brownfield site is used for economic use.

Ms R Hilton spoke as agent to the applicant, she advised that the application is the first of three related applications. The proposal would support the commercial development adjacent the site which has been granted consent earlier in the year. DB Symmetry and Irizar fully endorse the amended officers recommendation. The application had been designed for Irizar who are currently based in Worksop and are seeking to expand in a new high profile location. The building will be purpose built to conduct their UK sales and maintenance operation. The development would bring skilled jobs to the area. The application represents significant development by Irizar in the locality. She asked that the Committee support the officer recommendation.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant subject to the removal of Conditions 6 and 14 and a S106 Agreement and the remaining conditions as set out in the published report.

COMMITTEE DECISION – Grant subject to the removal of Conditions 6 and 14 and a S106 Agreement and the remaining conditions as set out in the published report.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
17/00614/FUL	DB Symmetry (Blyth) Limited and Euro Garages Ltd	Demolition of existing single storey building and erect two single storey buildings comprising of a restaurant/ café (A3) and hot food takeaway/ restaurant (A3/A5) with drive thru facilities, car parking and other associated works, Plot 2, Blyth Road, Blyth, Worksop

Members were advised that the application sought full planning permission on plot 2 for the demolition of the existing single storey building and erect two single storey buildings comprising of a restaurant/ café and hot food takeaway/ restaurant with drive thru facilities, car parking and other associated works. 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 of an addendum to the published report remove conditions 6 and 17 and to require a S106 contribution to be used towards bus stop connectivity improvements.

The site is outside of the development boundary. The proposal would provide additional services to nearby residents and new workers in the area. The site is currently a brownfield site previously used by the Highways Authority.

The Case Officer presented the proposals and a summary of responses from statutory consultees was given. There have been no objections from statutory consultees. Environmental Health have no objection to the application.

Blyth Parish Council have commented that they do not object in principle but have requested that conditions be imposed. Given the location and nearby land uses it is not considered necessary to impose conditions in relation to hours of operation. Conditions are proposed in relation to lighting and a litter management plan.

An objection has been made by the MOTO Service Centre who have requested that the application be called in to the Secretary of State. The applicant has responded to the objection and was outlined within the report. The Department for Communities and Local Government have contacted the Council and want to know the outcome after the Committee.

Mr T Collins spoke in objection to the application representing MOTO hospitality. The application provides a direct threat to the company and the industry. If permitted the application would set a precedent and undermine investment in service areas. The proposal is contrary to guidance and

comments by Highways England are worrying. The application does not meet the requirement under Circular 02/2013 - there is no HGV parking, 24 hour toilet facilities or electric changing points provided. The application is not an ancillary application. Where are the conditions to provide the commercial aspect before the road side services? The development is a Trojan horse application. Irrespective of the decision the application will be referred to the Department of Communities and Local Government to try and get it called in to the Secretary of State. If approved a judicial review would have to be launched on behalf of the industry.

Ms R Hilton spoke as agent to the applicant. DB Symmetry and Euro Garages support the amended recommendation. The application proposed is complementary uses to support the adjacent commercial development. DB Symmetry plan to start on site in September. This proposal will be ancillary and complementary to that development. The proposed café and restaurant would be operated by Euro Garages. Expected operators are Starbucks and KFC or similar operators. Euro Garages own the site operated by MOTO and are keen not to compete with these services. Objections raised by MOTO are factors that only apply to service areas, the application is not proposing a service area. The company are keen to invest in Bassetlaw and bring a number of jobs to the District. She asked Members to support the recommendation.

Elected Members asked questions/raised issues in relation to:

- The basis of the objection is a commercial competition.
- Are officers confident that a judicial review could be defended?
- Judicial reviews are about process and not the decision. Officers will have carried out the correct processes and the meeting has been carried out in the proper way. The decision should not be hampered by the possibility of a judicial review.
- What is the significance of the Department for Communities and Local Government contacting the Council?
- In reality the site may function as a service area.

In relation to the objection from MOTO the Development Team Manager advised that officers have considered Circular Number 02/2013 and considered that it does not apply to the application. Highways England comments suggest that they have also taken the view that the circular does not apply. Commercial objections are not a material planning consideration.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant subject to the removal of Conditions 6 and 17 and a S016 Agreement and the remaining conditions as set out in the published report.

COMMITTEE DECISION – Grant subject to the removal of Conditions 6 and 17 and a S016 Agreement and the remaining conditions as set out in the published report.

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
17/00615/OUT	DB Symmetry (Blyth) Limited	Outline application (with all matters reserved) for a commercial development providing flexibility for one or more of the following uses: restaurant/ café (A3), hot food takeaway (A5), light industrial/ offices (B1), general industrial (B2), storage and distribution (B8), hotel (C1) or a public house (A4), Plot 1, Symmetry Park, Blyth Road, Blyth

Members were advised that the application sought outline planning permission with all matters reserved for a commercial development providing flexibility for one or more of the stated uses. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location. An indicative plan has been provided for illustrative purposes.

Members were advised of an addendum to the published report remove conditions 5 and 10 and to require a S106 contribution to be used towards bus stop connectivity improvements.

The Case Officer presented the proposals and a summary of responses from statutory consultees was given. No objection has been received from statutory consultees. Blyth Parish Council have raised concerns in relation to the impact on local residents. A number of conditions are proposed for example lighting. Noise, odour and hours of operation are not considered appropriate conditions given the site location and nearby land uses.

Ms R Hilton spoke as the agent to the applicant. DB Symmetry fully supports the officer recommendation. The applicant seeks flexible outline planning permission across a number of commercial uses. The end use is unknown but based on the applicants knowledge and current demand it is expected to be offices and light industrial uses. Condition 4 enables flexibility but caps the maximum floor space for each use. DB Symmetry are keen to invest in Bassetlaw. The development would improve the attraction of the location as an employment location. She asked that the application be approved.

An elected Member asked if having granted the first application could uses A3, A4 and A5 be removed. In response Members were advised that the application as submitted must be determined. The size of the floorspace could be reduced so that the uses are ancillary to the end use.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant subject to the removal of Conditions 5 and 10 and a S106 agreement and the remaining conditions set out in the published report.

COMMITTEE DECISION – Grant subject to the removal of Conditions 5 and 10 and a S106 agreement and the remaining conditions set out in the published report.

(A five minute comfort break was taken)

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
17/00052/OUT	Wildgoose Homes	Outline planning application with all matters reserved for residential development of up to 58 dwellings, land south of and adjoining Station Road, Beckingham

Members were advised that the application sought outline planning permission for residential development with all matters reserved for the erection of up to 58 dwellings. The site had been the subject of a site visit prior to the meeting. Slides were used to show the site location.

The proposal includes a significant amount of open space that provides access to nearby residents.

The Case Officer presented the proposals and a summary of responses from statutory consultees was given. Beckingham Parish Council objects on the grounds of the cumulative impact; the impact on the character of the area; and the impact on the existing infrastructure and services. The ward Councillor has objected to the application.

Seven letters of objection have been received from residents. The reasons for objection are outlined within the report.

Members were advised that the application would help to address the shortfall of a five year land supply for housing in the District.

Mrs K Vicente spoke in objection as a resident of Beckingham. She advised that:

- If granted the application would increase the growth of the village by 30%.
- The level of growth is not sustainable.
- At a previous appeal decision the Inspector only concluded that there was reasonable sustainability for 84 dwellings, this could add a further 58 dwellings.
- The level of growth does not respect the character of the area and village.
- The proposal would dominate the village. The site is in a prominent location on the entrance to Beckingham.
- A flood risk has been identified and mitigation measures do not protect neighbouring homes.
- The site layout was only available after the consultation.
- The application would result in overshadowing.
- There would be an impact on residential amenity.
- The proposal conflicts with planning policy.
- It is time to say enough is enough and stand up for residents.

Councillor J Sanger spoke as ward Member for Beckingham. Residents hate to hear "This application is outside the village development boundary but because there is a shortfall in the District's five year housing supply" because they know it means the application will most likely be granted. When is enough enough? If the application is granted it will be contrary to Policy DM4 of the Bassetlaw LDF which states that permission for development will only be granted if it respects the character of the area. Combined with the loss of other nearby fields, already granted development, it takes away the description in 2011 of Beckingham as an attractive village with undulating fields. The fields have gone and Beckingham is losing its rural character and the countryside is being destroyed. As a designated service centre development should not exceed 20% and is already approaching 50%. Development on this scale, and over a short space of time, is not sustainable without significant strain on an already overstretched village infrastructure. The sewerage system needs replacing, there have been numerous visits by Severn Trent over the years and following heavy rainfall houses still have sewerage in their gardens. A pipeline carrying aviation fuel to RAF bases to the south of Lincoln crosses the site. It was laid during the 2nd World War and quite recently has a section renewed because it was deteriorating. Which other sections may be in the same condition in the future following construction traffic on site? It is a concern for residents. Station Road, with the railway crossing, is an extremely busy road used by many HGV's and speeding cars. Policy DM4 of the Bassetlaw LDF also states development can be granted if there is no detriment to highway safety. There could be 58 more houses, having maybe 100 cars, straight opposite a site of 67 houses, with maybe 134 cars, all exiting onto this road, plus unaccompanied children and cyclists. She asked Members to refuse the application.

Mr J Jenkin spoke as the agent for the applicant. He advised that:

- The site lies on the southern edge of the village.
- The site is not liable to flooding and it is understood that the sewerage system is sufficient for the level of housing.
- The development would have a positive impact on the appearance and character of the village.
- Beckingham has a good school and a contribution towards places is proposed.
- The local bus service is good.
- The village is 8 ½ miles from Retford and in the catchment area for Retford Oaks School.
- The location is sustainable for housing.
- Only seven letters of objection have been received from around 1000 residents.
- The development would provide a mix of homes and a large area of open space.
- The site is in a sustainable location with good access to local towns.
- The site would deliver a good level of affordable housing with wider range of housing options to better meet housing needs.

- There is a lack of a five year supply of land for housing in the District and the site is sustainable.
- The site is deliverable in the lifetime of the permission.

Elected Members asked questions/raised issues in relation to:

- There would be no improvement to village services.
- Is the pipeline across the site a risk?
- Beckingham is becoming a village that is no longer recognisable.
- The applicants website states that “they are highly experienced in taking forward sites from initial concept through to a completed development. Whether this be a knock down of an existing house to open up land to the rear or new sites outside of the settlement boundary. With an excellent record and good local knowledge we offer you a great opportunity to achieve planning permission, and maximise the value of your land.”
- The school is good but is at capacity. With or without a contribution there is no space onsite to provide more places.
- Beckingham has suffered more than any other village in the area.
- The site is outside of the development boundary.
- There are not sufficient facilities in the village.
- There would be an increase in traffic.
- The public should write to the Council and ask why they do not have a five year land supply for housing.
- In relation to the Site Allocations document and LDF there has not been much movement to improve the situation.
- Policy CS8 states that rural settlements offer a range of facilities and services, Beckingham does not offer this and the scale is not appropriate.
- There is not a local need for the proposal.
- 40% increase of a small village is a massive proportion.
- It is important that when providing housing that the infrastructure is also provided.
- The whole District shortfall of housing does not have to be addressed by Beckingham.

RECOMMENDATION OF THE HEAD OF REGENERATION – Grant subject to a S106 Agreement and the imposition of the conditions as circulated.

Voting for taking this course of action:

FOR: Councillors G Freeman and D G Pidwell.
AGAINST: Councillors H Burton, G Clarkson, S Fielding, K H Isard, G A N Oxby, M W Quigley and T Taylor.
ABSTAINED: None.

COMMITTEE DECISION – Refuse planning permission for the following reasons:

- The site is not sustainable, Beckingham cannot sustain additional housing.
- The cumulative impact of the development.
- The impact on the character of the village.

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

(d) Speaking at Planning Committee

Members were presented with a report to consider options for amending the procedure for speaking at Planning Committee.

The Council has had a published protocol for speaking at Planning Committee for some time. A number of questions have been raised about the protocol, in particular the arrangements for elected Members speaking about applications in their wards.

It was proposed that the current protocol be amended to remove the requirement for Members to have made representation about the application not less than ten working days before the Committee meeting. It was also proposed that the protocol include a similar right to speak for the County Councillor in the County Ward for the site location.

RESOLVED that:

1. The protocol for Speaking at Planning Committee be amended to remove the requirement for Ward Members to have submitted representations about an application to be able to speak and that a similar right should apply for Members of Nottinghamshire County Council within whose County division the application site is located.
2. A further amendment be made to clarify that; "Any person wishing to speak, must contact Planning Support in writing by post, fax, email or telephone by no later than the close of business one day before the meeting. (This will normally be Tuesday 5pm for a Wednesday 6:30pm meeting)."

(e) Development Management Performance Report 2017/18 Quarter 1

Members were provided with a quarterly performance report recorded for the Development Management Function for Quarter 1 of 2017/18, for the period of 1stApril to 30th June 2017.

Quarter 1 application determination performance had met the local and additional targets and showed a team that is working well. It was noted that the percentage were not as good as last year and will be monitored.

A summary of appeal determinations made in quarter 1 was contained within the report. The percentage of appeals for the period was 2%, well below the 10% threshold of overturned appeals. Members were reminded of Paragraph 14 of the National Planning Policy Framework that needs to be considered in all refusals.

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.

32. 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 8.20pm.)