

## **PLANNING COMMITTEE**

### **Minutes of the meeting held on Wednesday, 14<sup>th</sup> August 2019 at Retford Town Hall**

#### **Present:**

Councillor D G Pidwell (Chair)

H Brand, D Challinor, M Charlesworth, S Fielding, G Freeman, G A N Oxby, N Sanders, L Schuller and B Tomlinson.

Officers in attendance: J Krawczyk, B Pinkney 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; this was not taken up.)

#### **22. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M W Quigley MBE and M Richardson.

#### **23. DECLARATIONS OF INTEREST**

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

Councillor D Challinor raised a non-pecuniary interest in planning application 18/01609/VOC.

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

There were no declarations of interest by officers.

#### **24. MINUTES OF THE MEETING HELD ON 17<sup>TH</sup> JULY 2019**

It was noted that Councillor G A N Oxby did attend the meeting on 17<sup>th</sup> July and the electronic minutes have been updated.

**RESOLVED** that the Minutes of the meeting held on 17<sup>th</sup> July 2019 be approved.

#### **25. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 1<sup>ST</sup> JULY AND 15<sup>TH</sup> JULY 2019**

**RESOLVED** that the Minutes of the Planning Consultation Group meetings held between 1<sup>st</sup> July and 15<sup>th</sup> July 2019 be received.

#### **26. OUTSTANDING MINUTES LIST**

**RESOLVED** that the Outstanding Minutes List be received.

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

#### **Key Decisions**

None.

#### **Other Decisions**

#### **27. 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 one appeal decision.

**RESOLVED** that the appeal decisions be received.

(Councillor D Challinor left the meeting)

(c) Planning Application and Associated Items

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
18/01609/VOC	Mr R Bennett	Variation of condition 2 of planning permission 17/00102/VOC which related to the change of use of land from agricultural land to one gypsy and traveller pitch for one family (3 caravans) to allow the siting of 3 mobile homes and 24 caravans on the land. Land north of Hayton Smeath, Smeath Road, Retford.

Members were advised that the application sought to vary condition 2 of planning permission 17/00102/VOC which related to the change of use of land from agricultural land to one gypsy and traveller pitch for one family to allow the siting of three mobile homes and 24 caravans on the land, and to retain the timber storage and utility building, septic tank and an area of hard surfacing. Slides were used to show the location of the site and photographs of the site were shown. The site had been subject of a site visit prior to the meeting.

The applicant and his family have occupied the site since February 2014. The site is located outside the Claborough and Hayton development boundary as defined in Bassetlaw Local Development Framework, approximately 1km from the edge of the village of Claborough and Hayton, and 1.4km from the edge of Retford.

The site is bounded by hedgerow along with some trees that are subject of a Tree Preservation Order.

The relevant planning history and consultee responses were listed in the report. Highways have raised concern that having an additional 21 caravans permanently occupied would result in increased number of pedestrian movement to and from the site, which could cause highway safety issues. In order to mitigate this, the Highways Authority have requested that a condition be imposed to ensure that the occupancy of the additional caravans is restricted to a temporary period of 21 days.

The applicant's agent has stated that the variation of condition would allow friends and family to visit the site, without breaching the existing conditions. He also stated that there is an unmet need for gypsy/traveller sites in the area.

It was noted that the site is in an isolated location, around 500 metres from the nearest dwelling. Therefore, the proposal will have no impact on residential amenity.

Councillor Roger Smith spoke in objection to the application on behalf of the Parish Council, he commented the following:

- He thanked the Committee for the opportunity to give the views of Hayton Parish Council.

- He expressed his surprise and dismay that the planning department have been willing to deal with this proposal to vary the condition.
- The proposal is significantly different from the existing approved use and will have a major impact on Hayton Parish.
- They struggle to believe that any family in Bassetlaw would require accommodation for 24 relatives, to visit them on a monthly basis.
- They accept that the application has to be dealt with and are entitled to make a judgment to strike a different balance and come to a decision different from the recommendation.
- The proposal is demonstrably not a 'suitable development'.
- The Parish Council makes a strong recommendation that the planning committee refuse the application, based on the sound policies in its approved development plan.
- The Parish Council consider that it should be primarily assessed if it is a sustainable development using paragraph 8 of the National Planning Policy Framework and policy 'DM6: Gypsy Travellers and Travelling Show people'.
- Under the NPPF it is clearly unsustainable to encourage additional development in the open countryside remote from any facilities, amenities or public transport.
- The site does not have easy access to the very limited facilities in Hayton and is a significant distance from Retford.
- The scale and design of development is not appropriate for a high quality agricultural area.
- The boundary treatment is wholly inadequate for this scale of development and does nothing to enhance the local environment as required by policy.
- Highway safety is a problem, introducing non-local traffic is hazardous.
- There is a clear objection from the internal drainage board – it is both contrary to your criteria and an unreasonable assumption that it can be resolved by a planning condition.
- Based on past experience the proposed conditions are naïve, unworkable and fail the government's 6 criteria for acceptability.

Councillor Ben Sofflet spoke in objection to the application as the Ward Member, he commented that:

- Firstly, he would like to commend the applicant for his desire and success to date in living sustainably. His efforts to serve as blueprints for how we should all be striving to live, minimising our carbon footprint and working with the land.
- However, what is sustainable from an ecological standpoint is not necessarily sustainable in terms of planning.
- The traffic concerns cited by the Highways Authority as to the sustainability of the site, and which caused the number of pitches on the original submission to be restricted to three, have only increased with the current development off Tiln Lane.
- This is the only route for north bound high sided vehicles on the A620 due to the railway bridge at Welham.
- The application states that there is an unmet need for gypsy/traveller sites in the area. The Councils reports forecasts for the next 5 years that there is a likely requirement for less than four pitches across the district, when taking into account private and council run sites.
- As an authority it seems that private developments are being granted to shoulder the burden of statutory obligations to provide more pitches and transit sites.
- Provisions should be driven and met by the authority, regulated and maintained accordingly, with investment and improvements, healthcare provisions and education services going into existing sites, in preference to new ones being approved.
- In order to recommend a grant decision for the variation, condition 1 and 4 will require the applicant to hold sensitive information as defined under GDPR, and for the applicant to act as data controller. The District would then also by default become data controllers.
- Under article 9 of the GDPR, processing of such data is prohibited as per paragraph 1, with the exceptions noted under paragraph 2.
- He does not feel that this has been given consideration and leaves both the authority and the application open to breaching GDPR.

- Condition 11 calls for a retrospective provision of a plan for foul water disposal, this should be laid out and agreed from the outset to remove any potential conflict and ambiguity in the future, and to act in accordance with the requirements of the drainage board.
- He asks planning committee to refuse the application.

Mr Bennett spoke in support of the application as the applicant, he commented that:

- He thanked the planning department for doing a thorough job in preparing the report.
- He, his wife and children all stand for equality and diversity.
- His son is currently in the United States and has been granted an award for diversity and equality.
- The gypsy/traveller community is very large, with thousands of family members.
- The gypsy/traveller community keep in touch frequently and often discover new members of family through conversation.
- They have received lots of objection since owning the site and have had people turn up on site unannounced.
- Various people have been invited to the site including Hayton Parish Council to discuss objections raised but no one has turned up.
- The site is in an isolated location so will not have any impact on the surrounding area.

Members raised the following comments/concerns; the applicant as already breached the current conditions as 13 caravans was on the site during the site visit, highway safety is an issue around the bend and the busy road, have GDPR obligations been considered? And how will conditions be enforced and managed?

Members also commented that they would have preferred for the foul water disposal system to be agreed before the planning permission is agreed. The site may not be able to handle the waste from an additional 21 caravans.

It was suggested to defer the application until a gypsy/traveller site assessment has been carried out to see if there is a need for more sites within the districts. In response to questions raised regarding the assessment the Planning Development Manager advised that they do not know the precise time scale for the completion of this assessment and that applicant would be able to appeal non-determination of the application if Members deferred the decision for an unspecified period of time. The Planning Development Manager advised Members that the Highway Authority had not raised concerns in respect of the access arrangement and that concerns regarding pedestrian movements could be addressed by restricting the site occupancy period. The Planning Development Manager also stated that concerns regarding the disposal of foul sewage would be overcome by the recommended condition requiring details of the method of disposal.

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

Voting for taking this course of action:

**FOR:** Councillors S Fielding, D G Pidwell and N Sanders.

**AGAINST:** Councillors H Brand, M Charlesworth, G Freeman, G A N Oxby, L Schuller and B Tomlinson.

**ABSTAIN:** None.

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

- The proposal will create highway safety issues.
- The foul water disposal has not yet been put into place, the site may not be able to deal with the proposed increase of occupancy on the site.
- The entrance to the site is in a dangerous position.

- The gypsy/traveller site assessment should be carried out first to establish if there is a need for more sites within the district, therefore the applicant's statement there is a demonstrable need is not justified.

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

**Key Decisions**

None.

**Other Decisions**

None.

**28. 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 7.32pm).