

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 1st April 2020 at Worksop Town Hall

Present: S Fielding (Chair)
H Brand, M Charlesworth, N Sanders and L Schuller.

Officers in attendance: S Brown, J Krawczyk, M Tagg and S Wormald.

(Meeting commenced at 6.30pm).

(The Chair welcomed all to the meeting and read out the Fire Evacuation Procedure).

The Chair referred to extraordinary circumstances under which this meeting was taking place due to COVID -19. The legislation permitting virtual meetings had not yet be enacted. As a result there were a minimal number of Councillors and Officers in attendance. All interested parties had submitted written comments. The Chair asked all Members present to confirm that they had received these.

71. APOLOGIES FOR ABSENCE

Councillors D Challinor, G Freeman, G A N Oxby, D Pidwell, M Quigley MBE, M Richardson, and B Tomlinson

72. DECLARATIONS OF INTEREST

(a) Members

Cllr Brand declared an interest in: Article 4(1) Direction for Victoria Institute, 2 Wharf Road, Misterton, but with permission of the Chair Cllr Fielding, she indicated she would make a representation during this item, but will not participate in the debate or vote.

Councillor Fielding declared a non-pecuniary interest in planning application 19/00852 FUL

(b) Officers

There were no declarations of interest by officers.

73. MINUTES OF THE MEETING HELD ON 4th MARCH 2020

RESOLVED that the Minutes of the meeting held on 4th March 2020 be approved.

74. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 24th FEBRUARY AND 16th MARCH 2020

RESOLVED that the Minutes of the Planning Consultation Group meetings held between 24th February and 16th March 2020 be received.

75. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

76. 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) Victoria Institute Article 4(1) Direction - Committee Report

The Chair indicated she would alter the agenda order to take this item earlier to enable a reduction the number of Officers in attendance.

Councillor Brand reiterated her declaration of non-pecuniary interest, but as she had given prior notification of her representation she wished to present this to the Committee, which was agreed. Councillor Brand commented that:

- There is no evidence of public objection to the demolition of the building;
- There have been a number of previous attempts to find a solution for the building;
- That the direction would fetter the aspirations of the current owners;
- She asked the Committee to respect the views of the local community;
- The timing of the confirmation of the Article 4 Direction is questioned. The 'making' of an immediate Direction was approved in October 2019, which lasts for a total of 6 months and expires on 8th April 2020.

(Councillor Brand remained the meeting but took no further part in the debate or vote thereon).

Members considered a report seeking the confirmation of an Article 4 Direction under paragraphs 2(6), 2(7), 1(9) and 1(10) of Schedule 3, Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, to restrict permitted development.

The building is regarded as a non-designated heritage asset, identified as such in accordance with the Council's criteria which were approved by Planning Committee in January 2011. In addition to the building's significance, it also forms part of the setting of several nearby heritage assets and is in a prominent setting.

The report detailed objections to making the Article from:

- Misterton Parish Council;
- The District Councillor for the area;
- The County Councillor for the area;
- The Landowner's Agent.

Support for making the Direction was received from;

- Nottinghamshire County Council (Historic Buildings).

As public speaking was discouraged at the meeting, representations were received from County Councillor Tracey Taylor and Mrs Richmal Hardinge.

County Councillor Taylor raising the following matters:

- Inconsistency of previous advice that matters should only be judged on the matter before Members by reference to other sites in the locality;
- No explanation of the harm to local amenity. The unjustified loss option is not consistent with the views of other parties. No evidence of local objection;
- Concerns that it appears the decision is being forced due to time constraints when the matter has been open for consideration since October;
- Lack of evidence of any previous interest in the building by the District Council and now seeking to place constraints;
- Despite indications to the contrary, Nottinghamshire County Council have responded on the issue of access;
- There has been no attempt to address concerns about the level of dilapidation;
- The building was not considered of value to the community in the recently made Neighbourhood Plan.

Mrs R. Hardinge, on behalf of the owner, raising the following matters:

- Although the building was advertised with parking, this was withdrawn shortly after the sale in 2014;
- Supports the retention of the building with conversion to a dwelling as broadly supported by the Conservation Manager;
- Requests that the Committee to confirm the Article 4 Direction.

In response to the representations received the Conservation Manager provided the following response:

- This is non designated heritage asset approved by Committee in 2011 against criteria approved by the Council and that are proven to be robust as they have been upheld in subsequent challenges;
- The reference was made to another site because it was in the locality. The current site is in front of a range of listed buildings;
- Article 4 does not stop a demolition but requires that planning permission be obtained first. This would enable consideration of the structural condition and viability;
- The owner wishes to keep the building and this has been confirmed by the Agent;
- The timing of the confirmation had resulted from ongoing staff capacity issues;
- The building had been identified by the District Council some time ago and surveyed by the Conservation Team. The details had been included on the Council's website;
- The preparation of sketches of potential designs is normal practice to provide advice to developers as to how sites may be developed;
- There is no requirement in a Neighbourhood Plan to identify heritage sites as they are already covered;
- Nottinghamshire County Council fully support an Article 4 Direction.

Members raised the following questions and points:

- Would the building be unviable and remain empty if the Article 4 Direction was confirmed?
- Does a Heritage Asset add any weight and strengthen the case for remedial work?

The Chair confirmed with the Members present that they had fully considered the submissions received.

RESOLVED that:

- (1) the Article 4(1) Direction for the Victoria Institute, 2 Wharf Road, Misterton be confirmed;
- (2) That delegated authority be conferred to the Head of Regeneration to implement the confirmation of the 'Victoria Institute' Article 4(1) Direction.

(c) Planning Applications and Associated Items

<u>Application No</u>	<u>Applicant</u>	<u>Proposal</u>
19/00852/FUL	Gleeson Regeneration Ltd	Residential development of 128 two, three and four bedroomed dwellings, ancillary works and construct new access. Land west of Queen Elizabeth Crescent, Rhodesia.

The application seeks fulling planning permission for the erection of 128 dwellings, consisting of 45 two-bed, 77 three-bed and 6 four-bed dwellings. 19 two and 3 three bed dwellings would be affordable housing offered to first time buyers at a minimum of 20% below it's open market value.

The application had been deferred due to concerns about the delivery of the second proposed site access from Mary Street and safety concerns arising from construction traffic due to the proximity of the site to the primary school.

The applicant has provided further detail regarding the delivery of the access on to Mary Street; an adoptable highway will be constructed on adjacent land owned by Bassetlaw District Council and a financial contribution of £100,000 will be made to allow a highway of an adoptable standard to be constructed up to the Mary Street carriageway.

Members were shown designs for the dwellings outlined in the application, as well as site photographs and site maps and details of both proposed access points.

The proposed development would include a range of house types.

The comments from statutory consultees including those of the Highway Authority and Nottinghamshire County Council Education were included within the report. 14 letters of objection had been received and a further 2 letters had been received since the publication of the report along with a petition with 16 signatures. These raised no new issues or material planning considerations.

The Development Team Manager clarified that:

- A detailed Construction Management Plan would be required to mitigate the impact on the school and nearby residents during the construction phase;
- The visual impact of the scheme would be acceptable;
- The Wildlife Trust have been consulted and believe the development could be beneficial to the adjacent site;
- The developer would be required to provide a contribution for additional school places in accordance with the requirements of Nottinghamshire County Council;
- The impacts of the scheme are considered to be acceptable and would not outweigh its benefits.

As public speaking was discouraged at the meeting representations were received from the Ward Councillor and the Land Director for Gleeson Regeneration.

The Ward Councillor raised objections on the following grounds:

- The development would increase the village by one third;
- The lack of local facilities to support the increase in residents;
- The proposed access through a narrow street and impact on the School and Children's Centre during development;
- The impact of the resulting increase in traffic;
- Impact on the character and appearance;
- The 5 year housing supply is already achieved and no further houses are required.

The Land Director for Gleeson Regeneration (the applicant) raised the following points:

- The provision of 'entry level' accommodation;
- Advising that a second point of access has now been secured;
- Mitigation of the works through a construction management plan;
- Initiatives for local employment and the benefit of investment in local economy.

Members raised questions and concerns regarding:

- The number of affordable properties to be provided as part of the development;
- The impact on residents during the construction phase and the suitability of access routes given narrow roads;
- How the commitment to local employment could be effectively monitored and measured;
- The impact of the development on the community in terms of its size impact on local facilities;
- The cumulative impact of this proposed development and existing developments in the locality on the existing highway infrastructure;
- The possibility of restricting development activity on weekends and Bank Holidays;
- Impact on the capacity of local schools;
- Concerns that the phasing of S106 payments would not adequately address the immediate demand for places.

In response to questions and concerns raised, the Development Team Manager clarified that the Transport Assessment submitted as part of this application assesses the impact of the development and other committed nearby sites on an area of the highway network with the scope of this being agreed by the Highways Authority. The Transport Study commissioned by Bassetlaw District Council looks at a much wider area and assesses the impact of overall growth. Improvements can only be secured by a Section 106 agreement where they are mitigating a direct impact from the development proposed. Community Infrastructure Levy (CIL) payments from developments are used to make identified infrastructure improvements across the district with all chargeable developments making contributions towards this.

There is an acknowledgement that the development will result in some disruption from construction for a period of time but it is considered that times of deliveries and vehicular movements to and from the site can be carefully controlled by the requirement for the application to submit a detailed Construction Management Plan and this is required by a proposed condition.

County Council Highways have no objections subject to the conditions outlined.

The County Council as the Local Education Authority have no objections subject to a contribution being made to improve infrastructure at the nearby primary school. The developer has agreed to this.

A condition limiting construction traffic on weekends and Bank Holidays would be considered to be reasonable

The Developer is known to have a strong commitment to the recruitment of local employees.

The Chair confirmed that Members present had fully considered the submissions received.

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

Voting for taking this course of action:

FOR: Councillors H Brand and L Schuller

AGAINST: Councillors M Charlesworth, S Fielding and N Sanders.

ABSTAIN: None

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

- Impact of the development on the surrounding road network as evidenced by the comments of Nottinghamshire County Council Strategic Highways in respect of the Bassetlaw Transport Study;
- Inadequacy of local school places to accommodate the children from the increase in population.

(d) Development Manager Performance Report Quarter 3 2019-20

Members were presented with a performance report for the Development Management function for third quarter of 2019-20.

RESOLVED to note the contents of the report.

Key Decisions

None.

Other Decisions

None.

77. 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 7.40pm).