

## **PLANNING COMMITTEE**

### **Minutes of the meeting held on Wednesday 26<sup>th</sup> May 2021 at The Ballroom, Retford Town Hall**

**Present:** Councillor D G Pidwell (Chair)  
Councillors G Bowers, J P Bowker, D Challinor, S Fielding, G Freeman,  
D J Merryweather, D Pressley, N J Sanders.

Officers in attendance: B Alderton-Sambrook, C Cook and J Lavender.

(Meeting commenced at 6.30pm).

The Chair welcomed all to the first Planning Committee of the 2021/22 municipal year, introduced Members and Officers and read out the Fire Evacuation and Social Media Filming Procedures. He also enquired as to whether any member of the public wished to film any part of the meeting; this was not taken up.

The Chair also wished to thank Councillors M Charlesworth, M Richardson, L Schuller and R J Tomlinson for their contributions as Members of the Planning Committee from 2019/21 and welcomed Councillors G Bowers, J P Bowker, D J Merryweather and D R Pressley to the Planning Committee. He also noted that due to the results of the District By-Elections 2021, the Conservatives had taken over as the main opposition party on Planning Committee and so Councillor M W Quigley MBE would be the opposition leader and a permanent member of the Planning Consultation Group (PCG). The Chair thanked Cllr H M Brand for her regular attendance of PCG as Leader of the Independent Group from 2019/21.

#### **1. CHANGE OF ORDER**

To accommodate the speakers present at the meeting, the Chair announced a change of order to the Agenda. Item 6(c) - Planning Applications was moved to Item 6(b), therefore Item 6(b) - Proposed Article 4(1) Direction for The Thorns, 61 Grovewood Road, Misterton was moved to 6(c).

#### **2. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors H M Brand and G A N Oxby.

#### **3. DECLARATIONS OF INTEREST**

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

Cllr J P Bowker declared a non-pecuniary interest in PA 20/01327/FUL and would leave the meeting when this application was discussed.

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

There were no declarations of interest by Officers.

#### **4. MINUTES OF THE MEETING HELD ON 28<sup>th</sup> April 2021**

**RESOLVED** that the minutes of the meeting held on 28<sup>th</sup> April 2021 be approved.

5. MINUTES OF THE PLANNING CONSULTATION GROUP MEETING HELD BETWEEN 20<sup>TH</sup> APRIL AND 4<sup>TH</sup> MAY 2021

**RESOLVED** that the minutes of the Planning Consultation Group meetings held on between 20<sup>th</sup> April and 4<sup>th</sup> May 2021 be noted.

6. OUTSTANDING MINUTES LIST

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

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

**Key Decisions**

None.

**Other Decisions**

7. REPORT(S) OF THE DIRECTOR OF REGENERATION AND NEIGHBOURHOODS

(a) Public Interest Test

The Assistant Chief Executive had deemed that all Items on the Agenda were of a non-confidential nature.

(b) Planning Applications

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Proposal</u>
20/01327/FUL	Woodsett Homes Ltd	Proposed Residential Development of 5 No Dwellings (Re-submission of 19/01013/FUL).  Land To The Rear of Calella, 61 Retford Road, Blyth.

At this point in the meeting, Councillor J P Bowker withdrew as a Member of the Planning Committee, to represent Blyth as the Local Member.

The Chair explained the committee decision-making process for planning applications to new Committee Members.

Members were advised that permission was being sought for the erection of five dwellings on the land to the rear of Calella, 61 Retford Road, Blyth. This application was referred to Planning Committee by PCG and was a resubmission of PA 19/01013/FUL which was for the erection of thirteen dwellings on the site.

Changes to the initial Officer's report included the Blyth Neighbourhood Plan was now 'made', having been approved by a referendum on 6<sup>th</sup> May 2021 and Condition 17 regarding enclosures was deleted as it was duplicated. The words "up to 3 dwellings" to be removed from page 42.

The site was located to the north and rear of properties fronting onto Retford Road, with an existing cul-de-sac to the west, properties fronting onto Retford Road to the south, the raised A1 dual carriageway to the east, and fields which form a flood plain the north, which was

classed as Flood Zones 2 and 3. The site was identified in the Blyth Neighbourhood Plan as an area for residential development.

The dwellings would be two storey, consisting of two, four-bed houses with single integral garage and three, five-bed houses with detached double garages. There would be a new private drive for access to the properties, which would also serve 61 Retford Road. The proposal would raise land levels by up to 1.8m at the northern end of the development, at the boundary of the recognised flood zones. A retaining wall was proposed across the site between 1800 and 1650mm high, reducing to 450mm along the rear of Plot 3.

No objections/comments were received from the following statutory consultees, subject to planning conditions:

- Nottinghamshire County Council (NCC) Lead Flood Authority;
- NCC Highway Authority;
- Bassetlaw District Council (BDC) Archaeological Consultant;
- The Environment Agency;
- BDC's Environmental Health Team.

Blyth Parish Council raised objections to the proposal on the following grounds:

- The five large dwellings proposed did not reflect the varied and preferred housing mix outlined in the Blyth Neighbourhood Plan;
- Four - five bedroom dwellings were not in demand and the consensus from residents in the Neighbourhood Plan Site Assessment was that land to the north of Retford Road should be allocated for three-bedroom houses;
- Threat of increased flooding, especially with the large two houses at the end of the plot;
- Pressure on local amenities;
- Concerns about egressing the site so close to the school;
- Difficulties for the emergency services and waste collectors accessing the site;
- The development was inconsistent with the Core Strategy and Blyth Neighbourhood Plan.

Twelve objections from the public were received and summarised on the following grounds;

- Loss of amenity due to large scale of the dwellings and the raised foundations causing overlooking, overshadowing and dominance;
- The hawthorn hedge should be retained;
- The development would be a detriment to highway safety;
- Increased flooding resulting from the development;
- The impact on woodland;
- Increased noise and pollution;
- The bin collection points were inadequate;
- The development ran contrary to the Blyth Neighbourhood Plan.

The Local Member, Cllr Jack Bowker, objected on grounds of traffic, road safety and flooding. NCC County Cllr Sheila Place objected on the grounds of highway safety.

In terms of the Principle of the Development, the Blyth Neighbourhood Plan was 'made' and was given full weight in determining this application. The site was allocated for residential development in the Neighbourhood Plan by Policy 5 which stated;

*Development proposals will be supported provided they take into consideration the findings of the Neighbourhood Profile Report, are in line with all other relevant Policies and provide positive designs which address the following matters:*

- a) Provides safe and adequate access to and from the site and a suitable level of parking provision for the size of the dwellings; and*
- b) Development proposals for this site should be accompanied by a Flood Risk Assessment. Where necessary a buffer zone between the north of the site and the area of flood risk should be provided in any design of the site.*

In terms of visual amenity, the Blyth Neighbourhood Profile which formed part of the Neighbourhood Plan stated that it supported three-bedroom dwellings. Whilst three-bedroom dwellings were supported, four and five-bedroom dwellings were not ruled out. The designs of the dwellings considered the character of the immediate area, which were constructed of brick and limestone. Therefore, it was considered that the proposal fell within the criteria and policies as set out in the Blyth Neighbourhood Plan. The Inspector who examined the neighbourhood plan took out of the policy reference to a number of dwellings and placed it in the supporting text so as not to be too prescriptive.

It was felt that the designs of the dwellings were in keeping with the character of the surrounding area.

In terms of residential amenity, an acceptable Noise Assessment Survey was submitted as part of this application.

In terms of the dominance, overlooking and overshadowing of neighbouring properties, existing land levels would be raised across the development. The southern boundary immediately to the rear of the property on Retford Road is currently 12.75m. It was proposed to dig down slightly for plots one and five and their finished floor levels will be 12.3m and 12.25m respectively.

The remaining three properties will need the ground level increasing from between 0.5m and 1.4m. Residents on Retford Road expressed concern over the dominance of the properties. Plot Five was the nearest located towards the rear of these properties, but the reduced height of the garage with bedroom over was considered not to have an overbearing impact on the residential amenity of the properties on Retford Road and it was a side elevation that faced onto the existing properties achieving adequate distances. In terms of the impact on the properties on Mill Meadow View, whilst the land levels would be raised, the distances achieved were approximately 50m and with the existing boundary treatment it was considered that there would not be a detrimental impact on residential amenity. The property to the east again achieved a separation distance of approximately 33m which was considered acceptable.

As the development would be located north of the existing properties, it was felt that there was no overshadowing of these properties. Overall, it was felt that there would be an acceptable impact to residential amenity.

The NCC Highway Authority raised no objections to this application, subject to conditions to provide a communal bin collection point abutting the Retford Road site boundary. However residents had expressed concerns over the visibility of cars egressing the site. Case Officers had visited the site and agreed with the Highway Authority assessment of the access. Concerns were raised over vehicles speeding on Retford Road, but the highway outside the school had a 30 mph speed limit. Other concerns included an increase in traffic, particularly at school pick-up and drop-off times. However, it was felt that the addition of five houses would

not have a great impact on the amount of traffic in the area. Each dwelling could accommodate three cars comfortably.

Despite residents' concerns over flooding, the Environment Agency had raised no objections to the proposal. A detailed Flood Risk Assessment was submitted as part of the application and was amended to address the Environment Agency's concerns. Sustainable Urban Drainage solutions (SuDs) would be included as part of the development.

Councillor J P Bowker, the Local Member for Blyth, objected to the application on the following grounds:

- A previous application for thirteen dwellings was rejected in 2019;
- No regard had been given by the Developer for the amenity of neighbouring properties;
- Concerns about highway safety and increased traffic with an access point so close to the entrance of the school;
- Vehicles had been known for speeding on this stretch of Retford Road;
- An increased risk of flooding as a result of the development.

Andrew Hegarty, a member of the public, spoke against the application on the following grounds:

- A total of fourteen residents had expressed concerns about the flooding of the fields to the rear of properties on Retford Road and Mill Meadow View;
- The river measuring station shown by the Developer was shown on the wrong side of the A1 dual-carriageway. This meant that the Flood Risk Assessment was inaccurate;
- Local knowledge of where the land floods and previous history of flooding had been completely disregarded in this application.

Leeven Fleet, the Agent of the Applicant spoke in support of the application on the following grounds:

- The site was formally recognised in the Blyth Neighbourhood Plan as an area for development;
- Developments within the area were not limited to three-bedroom dwellings, and four and five-bedroom dwellings were allowed within the parameters of the Neighbourhood Plan;
- The NCC Highway Authority has assessed traffic in the area and the access point and felt that the development was safe and acceptable;
- The Applicant had gone to great lengths to ensure that the design and placement of the dwellings did not overlook the neighbouring properties.

Members' raised questions and comments about the application which were addressed by the Major Projects Planner as followed:

- The qualification for three dwellings was included in the site policy in the draft Blyth Neighbourhood Plan, which was then assessed by an Inspector. The Inspector took this out as they felt that it was too prescriptive. The inclusion of a preference for three-dwellings was based on an estimate from calculating the housing yield for Blyth;
- The Blyth Neighbourhood Plan did not rule out four and five-bedroom dwellings in this area of Blyth;
- The Environment Agency assessed that there would not be a significant increase in the risk of flooding in the area resulting from this development. Any risk of flooding would be offset by the conditions recommended by the Environment Agency, which

included the installation of SuDs to help with surface and ground water drainage and restrictive conditions to prevent any built development in Flood Zones 2 and 3;

- An air pollution assessment would only be asked for in a large scale development;
- S106 Contributions for school places would only be asked for in residential developments of ten dwellings or more;
- Similar private driveways were located in the area and they could accommodate heavy vehicles such as bin lorries and fire engines. This would have been assessed by the NCC Highway Authority;
- The NCC Highway Authority recommended a conditions to provide a communal bin collection point at the entrance to the private drive rather than further up the private drive as originally designed;
- The Environment Agency determined the impact of flooding on this planning application. The applicant had provided a Flood Risk Assessment to the Environment Agency and they had no objections to the application. If the Committee were to vote against the Officer Recommendation, then the Committee would have to provide technical evidence, such as an assessment from a hydraulics engineer, which went against the Environment Agency's recommendations;
- As the Blyth Neighbourhood Plan had been 'made', then it would carry more weight than the Core Strategy as the Neighbourhood Plan was more up-to-date;
- The impact of climate change was considered in every flooding assessment from the Environment Agency;
- A Sequential Test was required for any residential developments which take place in Flood Zones 2 and 3, however if the site was allocated in a Neighbourhood Plan, that test did not need to be undertaken. In any event, the Environment Agency did not ask for a sequential test and the built development on this site was in flood zone 1, not in Flood Zones 2 and 3;
- No coal mining assessment took place. It should to be stated in the Neighbourhood Plan if such assessments were needed in an area. However, when applications are submitted a constraints plan is followed for consultations which was undertaken in this case;
- The reasons for refusal for the 2019 application were as followed:
  - Thirteen houses were too many for the site;
  - The development was contrary to the emerging Blyth Neighbourhood Plan;
  - There would be a detrimental impact to residential amenity;
  - The plots were too small for minimum standards for garden and housing distance;
  - The development was in Flood Zones 2 and 3.

It was considered that the applicant has overcome all of these reasons for refusal.

- The reasons for refusal for the 1978 applications were unknown;
- The retaining wall was included to support the raised land and to contain any flood water, not spread it around onto the rear of neighbouring properties. It was considered that a retaining wall would still be required, but the specific details of it were proposed to be dealt with by way of a planning condition.

**RECOMMENDATION OF THE DIRECTOR OF HOUSING, NEIGHBOURHOODS AND REGENERATION** – Grant subject to conditions.

**COMMITTEE DECISION** – Grant planning permission.

(c) Proposed Article 4(1) Direction for The Thorns, 61 Grovewood Road, Misterton

Members were advised that permission was being sought by the Conservation Officer to make an immediate Article 4 Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, to restrict permitted development rights in respect for The Thorns, 61 Grovewood Road, Misterton. This would apply to the main property and the garage.

The Thorns was a non-designated heritage asset built in 1903. It was constructed in red brick and a tiled roof. It was a two-storey property. It was unoccupied for a number of years until it was sold recently. The trees which had grown up in the plot had been felled. The Conservation Officer believed that the building was at serious risk of being demolished under Permitted Development Rights (PDR), which would be a considerable loss to the heritage of Misterton and to the character of the area. Demolition of the property would also go against the Core Strategy and the Misterton Neighbourhood Plan. The imposition of the Article 4 would be recorded on the Local Land Charge and the Secretary of State would need to be informed of this decision. The implications of the article 4 were stated. It was believed that a preservation and eventual restoration of the property would preserve and enhance the environment and character of the area. The expenditure for preserving the property would be held on the Local Land Charge, so it meant that the owner and future owners of the property would be liable for any costs in restoring the property now and in the future.

Members expressed their support for the Article 4 Direction.

**RESOLVED** that:

1. The Article 4(1) Direction for The Thorns, 61 Grovewood Road, Misterton be approved;
  2. That delegated authority be conferred to the Head of Regeneration to implement the making of 'The Thorns, 61 Grovewood Road, Misterton' Article 4(1) Direction.
8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

None.

(Meeting ended at 8:23pm).