



Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 20 December 2016 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

John Wilkinson (Chair)
Sue Saddington (Vice-Chairman)

Roy Allan
Andrew Brown
Steve Calvert
Jim Creamer
Stan Heptinstall MBE

A Rachel Madden
Andy Sissons
Keith Walker
Yvonne Woodhead

ALSO IN ATTENDANCE

Councillor Reg Adair

OFFICERS IN ATTENDANCE

David Forster – Resources Department
Rachel Clack – Resources Department
Henna Altaf – Resources Department
Sally Gill – Place Department
Mike Hankin - Place Department
David Marsh – Place Department

APOLOGIES FOR ABSENCE

There were an apology for absence from Councillor Rachel Madden (OCCB).

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

BUNNY MATERIALS RECYCLING FACILITY, LOUGHBOROUGH ROAD, BUNNY

Mr Hankin introduced the report and gave a slide presentation and highlighted the following:-

- That the NCC Noise Engineer and Rushcliffe Borough Council's Environmental Health Officer had no objections as the noise will not significantly be raised on an already busy road (A60).
- The HGVs will be pre-loaded and pre-washed the previous day and parked so that they can leave the site in forward gear between the hours of 6.00am and 7.30am
- A survey had been undertaken on the A60 and during a period between 6 - 7.30 am and 800 vehicle passed at this time 28 of them being HGVs

Following Mr Hankin's opening remarks, Mr Graham Norbury, Chairman of Bunny Parish Council, spoke against the application and highlighted the following:-

- The Parish Council has objected to the application in particular due to the impact on residents of Hillside Care Home and Woodside Farm and along Gotham Lane and Loughborough Road.
- There have been breaches in the current conditions and regulations governing the operation of this facility.
- Residents are dismayed to understand the Bunny site is to continue to process IBA
- The concerns are with regard to the increase in noise and HGV traffic in the Bunny area between 6-7.30 am.

There were no questions

Councillor Reg Adair, local member, spoke against the application and highlighted the following:-

- Noise pollution for residents along the A60 will be increased.
- This is a retrospective application and therefore could send out the wrong message about NCC and its use of enforcement powers.
- Current breaches of planning conditions means that there is no confidence within the community that if this application is approved the applicant will adhere to the conditions.
- Residents are concerned that NCC has not taken enforcement action for subsisting breaches.
- Residents would also ask that if the application is approved can the start time of HGVs leaving the site be amended to 7 am and not 6 am.

In response to a question Councillor Adair responded that as the local Councillor there have been numerous complaints made to him about the lack of regard for the community when HGVs leave the site.

Following the two speakers Mr Hankin responded to questions:-

- The 106 agreement would mean that the HGVs would not be able to travel along Gotham Lane and would only be able to use the A60 which is part of the County's a Strategic Highway Network.
- The use of the A60 will still affect some of Bunny Village as the village is spread along the road and not concentrated in one area.

- It is not for NCC Officers to defend the company if they breach the conditions, but to monitor and enforce the conditions set.

Members made comments and asked questions as follows:-

- This is a retrospective application to seek to formalise what this applicant already does without permission.
- It is alleged to be to maintain or improve the competitiveness of a waste company, could this not open the flood gates to the many waste companies in Nottinghamshire to ask for the same?
- If approved could an assurance be given that the roads will not be left in a dirty state following the Lorries departure from the site?
- Could the recommendation not stipulate that the Lorries should not leave before 7 am rather than 6 am?
- Although the existing planning permissions have been breached already, it is felt that if committee refused permission, the applicant would appeal to the Secretary of State, who would in all likelihood grant planning permission but without any guarantee that it would be subject to the same controls proposed in the draft conditions and s106 obligation.

The Chair asked Mrs Clack, legal representative, to advise on the weight which should be given to the previous and subsisting breaches of planning legislation by the applicant.

Mrs Clack informed members that they must consider the application before them. Planning permissions are not personal and any grant of planning permission could be implemented in theory by another operator. Therefore, little weight can be attached to previous breaches. In any regulatory regime there are those who seek to exploit loopholes and this appeared to be the case here. NCC could not take enforcement action whilst there was a live planning application before them for determination, the approval of which would remedy the breach. The applicant had had the opportunity to amend the application to request a later start time of 7am but had chosen not to do so. If committee was minded to go against officer recommendation and refuse planning permission, it is likely that the applicant would appeal to the Secretary of State and that the Secretary of State would grant planning permission but with no guarantee that he would attach the same level of stringent controls as those proposed. An appeal would also delay any enforcement action and so in determining this application, Members should balance the risks associated with an appeal with their ability to take matters into their own hands and impose stringent conditions to a grant of planning permission, which could then be enforced robustly in case of breach.

Mr Hankin responded to questions and comments as follows:-

- The application is to remedy the breaches already made and ensure the applicant operates within the appropriate parameters.
- There are not a great number of waste operators in Notts and those that do operate in the County have operating conditions of a similar nature to this application

On a motion by the Chair and duly seconded it was:-

RESOLVED 2016/067

1. That the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to restrict the routing of those HGVs leaving the site between 6am and 7.30am so that they only travel along the A60 Loughborough Road and not along Gotham Lane.
2. That subject to the completion of the legal agreement before the 20th March 2017 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 attached to the report. In the event that the legal agreement is not signed by the 20th March 2017, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

ERECTION OF A TWO STOREY REPLACEMENT 210 PLACE PRIMARY AND 26 FULL TIME EQUIVALENT PLACE NURSERY SCHOOL, LAND NORTH OF WALKER STREET, WALKER STREET, EASTWOOD

Mr Marsh introduced the report and gave a slide presentation and highlighted the following:-

- Although this is a departure from the Broxtowe Development Plan 2014, Broxtowe Borough Council has not objected to the proposal.
- The funding will be met from the Education Funding Agency for the new build.

On a motion by the Chair seconded by the Vice Chairman it was:-

RESOLVED 2016/068

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 2 attached to the report.

EAST LEAKE QUARRY, REMPSTONE ROAD, EAST LEAKE

Mr Hankin introduced the report and gave a slide presentation. He also informed members that the Constitutional comments omitted from the report should say “Planning and Licensing Committee is the appropriate body to consider this report”

On a motion by the Chair seconded by the Vice Chairman it was:-

RESOLVED 2016/069

1. That the Corporate Director for Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a further five years extended aftercare management of the conservation area of the development site, and the HGV route.
2. that subject to the completion of the legal agreement before the 20th February 2017 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director for Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 attached to the report. In the event that the legal agreement is not signed by the 20th February 2017, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director for Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

LAND RECLAMATION OF FORMER MINERAL WORKINGS THROUGH THE IMPORTATION OF INERT WASTE WITH RESTORATION TO NOTABLE NATIVE AND ALIEN PLANT SPECIES HABITAT, CHARACTERISTIC OF THE CROPWELL BISHOP GYPSUM SPOIL WILDLIFE SITE CANALSIDE INDUSTRIAL PARK, KINOULTON ROAD, CROPWELL BISHOP

Mr Hankin introduced the report and it was:-

RESOLVED 2016/70

That the outcome of the Planning Appeal be noted.

WORK PROGRAMME

On a motion by the Chair, seconded by the Vice-Chairman, it was:-

RESOLVED 2016/071

That the Work Programme be noted

The meeting closed at 12.20pm

CHAIR