

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 28 June 2016 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

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

A	Roy Allan		Bruce Laughton
	Andrew Brown	A	Rachel Madden
	Steve Calvert		Andy Sissons
	Jim Creamer		Yvonne Woodhead
	Stan Heptinstall MBE		

OFFICERS IN ATTENDANCE

David Forster – Resources Department
Sally Gill – Place Department
Rachel Clack – Resources Department
Jonathan Smith – Place Department
Ruth Kinsey – Place Department

MINUTES OF LAST MEETING HELD ON 24 JUNE 2016

The minutes of the meeting held on 24 June 2016 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

MEMBERSHIP

It was noted that Councillor Bruce Laughton had been appointed to the Committee in place of Councillor Keith Walker for this meeting only.

APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Allan.

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

The Chair declared for all members present the emails received regarding agenda number 9 (Bunny Materials Recycling Facility Loughborough Road Bunny).

CHANGE IN ORDER OF BUSINESS

With the consent of the Committee the Chairman changed the order of business to take agenda items 8 and 9 as the first and second items.

JOHN BROOKES SAWMILLS LIMITED THE SAWMILL FOSSEWAY

Planning Application A

PLACEMENT OF A 950KW PYTEC BIOMASS BOILER WITHIN THE EXISTING BUILDING 'C' INCORPORATING A 10M HIGH FLUE

Planning Application B

ADDITIONAL HARDSTANDING ON UNDEVELOPED LAND WITHIN THE CONFINES OF THE EXISTING WOOD FACILITY SITE THE CONSTRUCTION OF 5M HIGH WALL FOR NOISE ATTENUATION PURPOSES

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

- There are two applications for the site
- The hardstanding area will be used for stockpiling materials
- Rushcliffe Borough Council had informed the planning officer that they had no objections to the applications subject to the Conditions being adhered to.
- A Lorry routing agreement will form part of any permissions which means that there will strictly be no right turn on or off the A46
- The proposed 5 metre wall will stop excess noise from travelling to nearby identified receptors.

In response to a question of a factual nature Mr Smith responded that Highways England did not consider the entrance to be unfit for purpose.

Following Mr Smith's opening remarks Mr Charles Fish, representing John Brookes Sawmills Limited, spoke in favour of the application and highlighted the following:-

- The building used to be used for as a manufacturing facility for timber products but the applicant is now wanting to use it for the drying of wood pellets and to incorporate a biomass boiler which will use locally sourced recycled wood from Nottinghamshire and Leicestershire.

- There will be approximately 8 or 9 Lorries a week transporting the wood into the site. This is approximate due to the business being seasonal.
- The Unit D building needs to be reoriented which would mean the shunt wall would help address noise issues.

In response to a question Mr Fish informed the Committee that the virgin wood is chipped on site to use in the biomass plant which in turn uses the heat to dry the wood prior to chipping.

Following discussions and upon a motion by the Chairman, seconded by the Vice Chairman it was:-

RESOLVED 2017/041

Application B

1. that planning permission be granted for planning application 8/16/00677/CMA subject to the conditions set out in Appendix 2. Attached to the report

Application A

2. 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 provide a lorry routeing agreement and appropriate signage on the A46 pursuant to planning application 8/16/00398/CMA so to prevent right-hand turn manoeuvres into/out of the site entrance and
3. that subject to the completion of the legal agreement before the 28/09/16 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 development sought under planning application 8/16/00398/CMA subject to the conditions set out in Appendix 1 attached to the report. In the event that the legal agreement is not signed by 28/09/16, 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.

BUNNY MATERIALS RECYCLING FACILITY, LOUGHBOROUGH ROAD, BUNNY

SECTION 73 PLANNING APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 8/12/01028/CMA, CONDITION 7 OF PLANNING PERMISSION 8/96/79/CMA AND CONDITION 9 OF PLANNING PERMISSION 8/94/00164/CMA TO EXTEND PERMITTED OPERATIONAL HOURS FROM 0730 HOURS TO 0600 HOURS MONDAYS TO SATURDAYS TO ALLOW FOR 12 OUTBOUND PRE-LOADED HGV MOVEMENTS FROM THE SITE -

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

- There will be 12 pre-loaded HGV's per day.
- There have been objections received from 9 properties from the area with issues mainly related to noise and traffic
- He also referred to the email that all members had received from the local member, Councillor Adair, who could not attend today, which raised issue of noise and traffic
- That the NCC Noise Engineer and Rushcliffe Borough Councils Environmental Health Officer had no objections as the noise will not significantly be raised on an already busy road.
- The HGV's will be pre-loaded and pre-washed the previous day and parked so that they can leave the site in forward gear
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Following Mr Smith's opening remarks Mr Peter Bond, representing the Bunny Materials Recycling Facility spoke in favour of the application and highlighted the following:-

- The 12 HGV movements will be dependent on contracts therefore it will not be everyday
- The HGV's will be naturally staggered and will avoid Gotham Lane
- The additional hours will maintain the competitiveness of the business and also help reduce the HGV movements at busier times due to earlier start times.
- The company is willing to enter into a section 106 agreement regarding vehicle movements not taking place on Gotham Lane.

Following Mr Bond's remarks he responded to questions as follows:-

- The issue of convoys will be addressed where possible but if there is little traffic it will be difficult to stop a situation arising.
- Modern Lorries no longer need to be revved as much as they used to be.
- Understand the concerns about the need to have Lorries running their engines during frosty periods, however don't all vehicles do this.

- Unfortunately cannot give any information on the economic effect this will have on the company, however the application for the earlier start times will enable the company to be more competitive in the market.
- The previous breaches in the planning conditions are being addressed with the drivers and the section 106 agreement will cement the conditions set.

Following the speakers and comments by the officers, members debated the item and the following issues were raised:

- Conditions attached to existing planning permissions had been breached on a number of occasions.
- Local residents are unhappy with the noise that will begin earlier in the morning than the current conditions allow
- Has a traffic survey been carried out recently to show the numbers of HGVs that travel along the A60 early in the morning?
- Could the recommendation be amended to change the start time to 7 am and not 6 am?

The Chairman asked the legal representative Mrs Clack to explain what a section 106 agreement would mean.

The Chairman asked the legal representative Mrs Clack to explain what a section 106 agreement would mean.

Mrs Clack informed members a section 106 agreement is an agreement to secure planning obligations, such as a lorry routeing agreement. It is registrable as a local land charge and so binds the land and any future owners or operators of the site must adhere to the obligations, which must meet the appropriate tests in the NPPF. The agreement is enforceable as a local land charge as well as the usual contractual or planning remedies for a breach. There can also be additional covenants written into the agreement to deal with certain situations such as HGVs running engines on cold mornings to defrost windscreen or to prevent travelling in convoy, both of which had been raised by Members as concerns.

She also informed members that Committee can only consider the application before it. As the application is for a change in operating hours to 0600 hours, Members cannot change this to allow a later start time of 0700 hours or to make it a temporary permission.

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

RESOLVED 2017/042

That the decision be deferred and that members contact the Planning Officer via email to ask questions they wished answers to help them reach a considered decision

SUMMARY OF THE HOUSING AND PLANNING ACT 2016 AND ITS IMPLICATIONS FOR THE COUNTY COUNCIL'S PLANNING WORK

Mr Smith introduced the report to members.

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

RESOLVED 2017/043

That the contents of this report which sets out the implications of the Housing and Planning Act 2016 for the County Council's planning work be noted.

PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF SPORTS CENTRE, LEISURE AND COMMUNITY CENTRE - LOCATION: THE GROVE LEISURE CENTRE, LONDON ROAD, NEWARK

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

- There is asbestos which needs to be removed safely
- There will be a HGV routing agreement put in place when the work starts.
- The swimming pool void will be filled and covered.
- He also informed members that there will be mist cannons in use on the site to stop dust from Affecting nearby sensitive receptors, including the adjacent school. This matter had been discussed with Councillor Walker prior to committee.

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

RESOLVED 2017/044

That the prior notification for demolition is granted in accordance with the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 11 Class B - *demolition of buildings* subject to the conditions set out in Appendix 1 attached to the report.

INSTALLATION OF VERTICAL BAR RAILINGS AT BACK OF FOOTWAY LOCATION: WORKSOP BUS STATION, NEWCASTLE STREET, WORKSOP

Mr Smith introduced the report and gave a slide presentation and highlighted that the reason for the application is due to the continuous trampling of flowerbeds on the perimeter of the site

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

RESOLVED 2017/045

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 1 attached to the report.

BILSTHORPE BUSINESS PARK, OFF EAKRING ROAD, BILSTHORPE UPDATE

Mr Smith introduced the report.

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

RESOLVED 2017/046

That the update of the Bilsthorpe Energy Centre be noted

DEVELOPMENT MANAGEMENT PROGRESS REPORT

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

RESOLVED 2015/047

That the Development Management Report be noted.

WORK PROGRAMME

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

RESOLVED 2015/048

That the Work Programme be noted

The meeting closed at 13.10 pm.

CHAIRMAN