

minutes



Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 6 December 2011 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)
Sybil Fielding (Vice-Chair)

A	Jim Creamer		Bruce Laughton
	John M Hemsall		Rachel Madden
A	Stan Heptinstall MBE	A	Carol Pepper
A	Rod Kempster	A	Tom Pettengell
	Rev Tom Irvine		

OFFICERS IN ATTENDANCE

Steven Baker – Solicitor, Legal Services
Keith Ford – Senior Governance Officer
Sally Gill – Group Manager – Planning
David Marsh – Major Projects Leader
Jerry Smith – Team Manager – Development Management

MINUTES OF LAST MEETING

The minutes of the meeting held on 8 November 2011, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

The Chair updated the Committee on the following issues raised within the minutes of the last meeting:-

- a report would be brought to the next Committee meeting about the County Council's long-term plans to replace the current temporary classrooms within schools;
- with regard to the Member query about the licensing of firework displays, there was currently a lack of clarity around this issue, with no absolute criteria as to when a license was required. District councils had responsibility for granting temporary licenses and issuing temporary event notices as the primary licensing authorities but if such

an event was to be held at a sports ground then the County Council could have an input under its safety at sports ground remit. Trading Standards would have a role around the storage and transport of fireworks and although the County Council could not stop a display taking place they could prevent spectators attending, if it was felt that the management plans were not sufficient to guarantee crowd safety. The Police would also be notified about any such events and may choose to contact the County Council to raise any concerns regarding organisation. It was hoped that the current investigation into the recent M5 motorway accident, which was initially linked to a nearby firework display, would help to address the current lack of clarity;

- the Committee viewed a brief DVD presentation about the restoration work undertaken by Tarmac at Lound / Bellmoor, which had been shown at the Minerals Products Association Biodiversity Restoration Awards.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jim Creamer and Tom Pettengell (medical / illness), Councillor Stan Heptinstall MBE (other reasons) and Councillor Carol Pepper (urgent domestic business).

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Sally Gill declared a personal interest in agenda item 7 – Construction of roof and additional storage bay at ICS Waste Recycling, Bleak Hill Sidings, Sheepbridge Lane, Mansfield as her home was adjacent to that site, which did not preclude her from participating in that item.

DECLARATIONS OF LOBBYING OF MEMBERS

None.

ERECTION OF SALT BARN AND ADJOINING GARAGE AT COUNTY COUNCIL HIGHWAYS DEPOT, RADCLIFFE ROAD, GAMSTON

Jerry Smith introduced the report and gave a presentation which highlighted the location and layout of the site, which was an established, developed site within the Green Belt; existing and proposed landscaping to reduce the visual impact of the site; the separate proposal to divert the line of Public Footpath No. 7 Gamston; operations undertaken from the site; the need for additional covered storage (with reference to the Department for Transport's Winter Resilience Review of October 2010 and the negative effect on the quality of salt caused by uncovered storage); the other storage sites across the County and the need for a site to cover this area within the County; alternative locations considered for this facility; the proposed developments and the dimensions and elevations of the salt barn (with reference to a barn of similar proportions at nearby Holme Farm); and the concerns raised by Holme Pierrepont and Gamston Parish Council about the size and impact of the

building on the landscape within this part of the Green Belt and potential alternative locations for the site (which were addressed within the report).

Mr Smith reported a further consultation response which had been received from Natural England following their review of the final bat survey submitted in support of the application. Natural England advised that the Authority may grant permission but should consider requesting enhancements. Having regard to Natural England's comments, officers did not consider the provision of enhancements for bats an appropriate condition for permission given the 24 hour operational nature of the site. The following additional note was proposed to be added to cover safety of construction workers:-

'Attention is drawn to the consultation response from Nottinghamshire County Council Landscape and Reclamation Team dated 25 October 2011, a copy of which is enclosed, drawing attention to use of PPE for ground workers involved in the construction of the Development.'

During discussions, Members recognised the operational need for a salt barn but agreed with the views of Holme Pierrepont and Gamston Parish Council that the existing Leylandii trees on the northern and western boundaries of the site were not a suitable, sustainable means of screening, in light of the lack of longevity of such trees. In response, Mr Smith clarified that the planting scheme for the proposed development involved native species only and no Leylandii. Members agreed that an additional condition should be added to require a more appropriate planting scheme in place of the existing Leylandii should the need for replacement arise.

RESOLVED 2011/043

- 1) That no objection be raised and the application be referred to the Secretary of State as a departure from the Development Plan and in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.
- 2) That, should the Secretary of State not wish to intervene, the Assistant Chief Executive be authorised to grant planning permission for the above development for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions, as amended by Committee, set out in Appendix 1 to the report.

CHANGE OF USE OF LAND AND BUILDINGS AND RELOCATION OF EXISTING BUILDING AT SMART RECYCLING (UK) LIMITED, LANGAR CUM BARNSTONE

Jerry Smith introduced the report and highlighted the location of the site in relation to the nearest residential properties, the proposed facilities on the site and Heavy Goods Vehicle (HGV) numbers. Rushcliffe Borough Council had not objected to the application, subject to Nottinghamshire County Council (NCC) negotiating a Section 106 agreement to provide a contribution towards maintenance and upkeep of Coach Gap Lane. However, no other occupiers of that industrial estate were currently making contributions, and NCC Highways Officers considered that any such agreement would need to be pursued by the

Borough Council as the owner of the site. Langar and Barnstone Parish Council had objected on the grounds of the lack of an adequate transport assessment and existing overuse by HGVs of the only accessible route to Coach Gap Lane. As detailed in the report, NCC Highways Team considered that the proposed numbers of HGVs would not adversely impact upon the highways.

Mr Smith reported that subsequent to making the application, the applicant had relocated its various operations to a larger adjoining site which had an extant planning permission for waste development. Therefore, it was unlikely that the proposals contained within this application would be pursued if permission was granted. The applicant was aware of the need for planning permission at the new location and a further application was likely to be submitted to the County Council in January 2012. The applicant had also agreed to undertake shredding activity on the new site inside an existing building with the doors shut. It was therefore not considered expedient to pursue enforcement action as things stood.

During discussions, Members queried whether this application could be deferred and dealt with alongside the new application, which would help to prevent a backlog of planning permissions building up. In response, it was underlined that the change in the proposals had occurred late in the process and that there was the usual time limit for the commencement of development built into the conditions of the planning permission. With regard to the proposed Section 106 agreement, Members felt that this was an issue for Rushcliffe Borough Council to pursue with its tenants.

RESOLVED 2011/044

That planning permission be granted subject to the conditions set out in Appendix 1 to the report.

CONSTRUCTION OF ROOF AND ADDITIONAL STORAGE BAY AT ICS WASTE RECYCLING, BLEAK HILL SIDINGS, SHEEPBRIDGE LANE, MANSFIELD

Jerry Smith introduced the report and gave a presentation which included the location and layout of the site with regard to the nearest residential properties, views of the site (including the existing waste storage bays) and the proposed height of the buildings. Five letters of objection had been received which raised concerns about the proposed developments with regard to an increase in noise, vibration, vermin, odours, traffic and visual impact for nearby residents. In response to these concerns, Mr Smith reported that a noise assessment had been undertaken and the development of the building would have a positive impact on noise, dust, odour and litter due to a greater containment of operations. Although the proposed structure was large, it was sited within an established industrial estate and no objections on the grounds of visual impact had been made by the County Council or Mansfield District Council. The proposed planning conditions included additional planting of climbing species on the site to lessen the visual impact.

During discussions, the following issues were raised:-

- Members welcomed the proposals in respect of their general recycling benefits but felt that the visual impact on local residents could be alleviated further by extending the proposed planning condition about landscaping to require supplementary planting along the site's northern boundary to screening the existing skip storage area;
- Members recognised that the existing storage and movement of skips would cause noise for local residents due to their close proximity but believed that this would be balanced by the positive impact of moving more operations indoors. As such, it was felt that the proposed developments would lead to an overall improvement in the quality of life of local residents;
- in response to concerns about over-intensification of the industrial site, Mr Smith highlighted the proposed planning conditions 15 & 17 (which would limit the number of vehicle movements and the maximum daily amount of waste processed) and underlined that the proposals did not allow for greater activity.

RESOLVED 2011/045

That planning permission be granted subject to the conditions set out in Appendix 1 to the report, as amended by the Committee.

PROTOCOL FOR WORKING ARRANGEMENTS WITH DISTRICT COUNCILS FOR APPLICATIONS INVOLVING 'COUNTY MATTER' DEVELOPMENTS

Jerry Smith introduced the report which proposed a draft protocol for working with the planning functions of the District and Borough Councils within Nottinghamshire. Members welcomed the proposals, having seen problems develop when joint working arrangements were not evident.

RESOLVED 2011/046

- 1) That Members support using the draft protocol (as appended to the report) as the basis for discussion between relevant officers at the County Council and Nottinghamshire's District and Borough Councils with a view to agreeing a working protocol to provide clear procedures to ensure that proposals involving both County matter and District development were dealt with by the appropriate authority and that suitable consultation arrangements were in place.
- 2) That, subject to agreement being reached with the District and Borough Councils, a finalised protocol be reported back to the Committee for formal adoption.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Sally Gill introduced the report which detailed the latest position on planning applications received between 24 October 2011 and 18 November 2011, confirmed decisions made on applications since the last report to Members on 8 November 2011, highlighted any outstanding actions arising from previous meetings of the Committee and provided an update on Localism and Planning.

Ms Gill reported that following discussions at the last Committee meeting, Appendix A had been circulated to each political group within the County Council. It was highlighted that a new safety certificate had been issued to Eastwood Town Football Club (which was now under new management), reducing the capacity of the two relevant stands by 50%. It was also reported that the consultation on the reorganisation of the Registration and Celebration Service was due to close on 9 December 2011.

RESOLVED 2011/047

That the report and the accompanying appendices be noted.

The meeting closed at 11.53 am.

CHAIR

M_6Dec11