



meeting **PLANNING COMMITTEE**

date **20 January 2004**

from: **Director of Environment**

agenda item number

## **DEVELOPMENT CONTROL PROGRESS REPORT, 1 OCTOBER TO 31 DECEMBER 2003**

### **Purpose of Report**

1. To update Members on the progress of various planning applications and on the situation regarding appeals, enforcement and monitoring.

### **Background**

2. This report covers the period 1 October to 31 December 2003 and updates Members on various key minerals and waste issues, together with the County Council's own development. Full details of the progress of various issues are set out in Appendices 1 – 6 attached.

### **County Matter Planning Applications**

3. In the 3 months up to 31 December 2003, 15 County Matter applications were received. 21 were already on hand as at 1 October 2003. Of this combined total number of 36, some 7 have been determined – 6 were approved, with 1 withdrawn. No applications were refused. Applications determined during the period comprise 16% of the total received and already on hand. This compares with the figure of 33% for the previous quarter. As at 31 December 2003, there were 29 County Matter applications on hand.
4. Details of all County Matter applications determined are given in **Appendix 1**. Members will be aware that decisions can be made using the Director's delegated powers. Out of the 6 County Matter applications determined this quarter, 2 (33%) were dealt with under delegated powers and 4 (66%) determined by this Committee. This compares with 5 in the previous quarter which were dealt with under delegated powers.
5. In the last quarter, key decisions included the granting of permission at Inter County Services, Sheepbridge Lane, Mansfield, for the variation of conditions which would allow for a change in hours of working, the creation of a new vehicular access off Hermitage Lane, and an increase in the sorting areas within the site. An application for the drilling of an exploratory borehole and possible production of oil on land adjacent to Chestnut Farm, Bilsthorpe Road, Eakring by Stage Energy Limited was granted permission in October 2004. An application submitted by Orm Watch Hill for on farm composting of biodegradable waste and worm digestion on land near Inkersall Grange Farm, Bilsthorpe was issued on 22 October 2003.

## Speed of Decision

6. Of the 6 applications determined, **Table 1** gives a breakdown of the time taken for determination, with comparative figures for the previous quarter. This is one of the Best Value Performance Indicators that goes to make up the County Council's overall score under the Government's Comprehensive Performance Assessment provisions. In this quarter the percentage of applications determined within 13 weeks has decreased from 71% to 50%.

**Table 1**

No. of County Matter applications determined	Within 8 wks*		Within 13 wks*		Within 17 wks*		Over 17 wks		Total	
	no	%	no	%	no	%	no	%	no	%
April – June 2003	4	25	7	44	9	56	7	44	16	100
July-September 2003	1	14	5	71	5	71	2	29	7	100
October-December 2003	1	17	3	50	3	50	3	50	6	100

- NB The figures are cumulative

7. Details of current applications outstanding for a period greater than 17 weeks, currently numbering 14, are set out in **Appendix 2**. Information needs to tie in with statistical returns produced for the Office of the Deputy Prime Minister (ODPM).

## Major Applications Outstanding

8. Regarding the major applications outstanding for a period greater than 17 weeks, the following is a résumé of progress. They are split into two sections. Firstly, those that have been reported to Committee, but cannot yet be issued, generally because they are awaiting the completion of a Legal Agreement. The time taken for determination includes this "post-Committee" period and greatly increases the average length of time taken to determine applications. This delay is generally outside the control of the Planning Authority, as it often arises where land ownership and contractual matters involving the applicants/developers and land owners need to be resolved before the planning issues of the Agreement itself can be finalised. The second group are those yet to be reported to Committee.

## Applications already referred to Committee

9. (a) Landfill, Bentinck Void

The Holding Direction imposed by the Government Office for the East Midlands remains in place and is likely to do so until GOEM have considered how the Council intends to deal with the application. Pre-application discussions are on-going with the parties with a view to revised proposals being submitted in the early part of 2004 in respect of the void and the adjacent Bentinck Tip.

(b) Extension to Existing Sand and Gravel Quarry, Finningley Quarry, near Doncaster

This application is for an extension to an existing quarry, on land allocated in the adopted MLP in the far north of the County. The application was presented to Committee on 25 November 2003 where it was resolved to grant permission on the completion of a S106 Legal agreement concerning traffic management. The agreement is in the process of being negotiated, and should be issued early in 2004.

(c) Extension of Sand and Gravel Extraction and Retention of Existing Processing Plant, Lound Quarry (Tiln North), Chainbridge Lane, Retford

This is an application for a major extension of an existing quarry, forming part of the Sutton/Lound complex of workings north of Retford, was presented to Planning Committee on 28/10/2003 where it was resolved to grant permission upon completion of a S106 Legal Agreement which is currently awaiting signatures and is expected to be issued in early 2004.

### **Applications yet to be reported to Committee**

10. (a) Extraction of Sand and Gravel with Restoration through Backfilling with Inert Materials plus Composting of Treated Sewage Sludge at Bulcote Farm, Gunthorpe

The Environment Agency have issued a holding of objection to the development to enable the full impact on River Trent flood flows and levels to be assessed. Regular meetings are being undertaken between the Environment Agency, Tarmac and officers of the County Council to discuss these issues and establish a method of working and any necessary flood mitigation measures to ensure the development does not increase the risk of flooding. A number of other issues need to be resolved. Revisions to the planning application, and additional information will be submitted in due course. Once submitted, full re-consultation with statutory consultees and objectors will be undertaken.

(b) Restoration by Infilling with Inert Wastes, Styrrup Quarry, Styrrup, near Harworth

Although further details have been submitted the application is still subject to objections from residents in Styrrup, and from Highways, and Nottinghamshire Wildlife Trust. However the applicant may want to double the capacity of the landfill and length of operation. Alternatively he may want to appeal on the grounds of non-determination of the current application. Meetings and discussions have recently been held with the applicants' agent and a response from the applicant is expected shortly.

### **County Council Development**

11. During this quarter, 44 applications were made under the Town and Country Planning (General Regulations) 1992 procedure. 62 applications were on hand as at 1 October 2003. Of this combined total of 106 applications, 57

applications have been determined, with 53 approved and 4 withdrawn, representing 54% dealt with in this quarter. This compares with 39% of applications on hand/received in the previous quarter. 49 applications are on hand as at 31 December 2003, compared to 63 at the equivalent time last quarter.

12. During this quarter, outline planning permission has been granted for the two replacement comprehensive schools in Retford. The applications were presented to Committee on 25 November 2003. The applications were sent to Government Office East Midlands as Departures from the Development Plan, GOEM indicated that the County Council could deal with the applications and the permissions have been issued. An application submitted for the phased demolition and replacement of King Edwin Primary School, Edwinstowe was presented to 28 October 2003 committee where it was resolved to grant permission.

### Speed of Decisions

14. Of the 53 County Council applications determined, 6 (11%) have been reported to Committee, the remainder having been dealt with under delegated powers. Details of those applications are set out in **Appendix 3**.
15. Most County Council applications are generally less contentious, and can usually be dealt with quicker than County Matters. However it should be noted that although more applications were determined in less than 13 weeks the percentage rate has again dropped from 60% in the previous quarter, compared with 55% this quarter. **Table 2** shows the speed of decision-making.

**Table 2**

No. of County Council applications determined	Within 8 wks*		Within 13 wks*		Within 17 wks*		Over 17 wks		Total	
	No	%	No	%	No	%	No	%	No	%
April – June 2003	6	19	23	72	29	91	3	9	32	100
July–September 2003	7	16	26	60	32	74	11	26	43	100
October-December 2003	12	23	29	55	40	75	13	25	53	100

- NB the figures are cumulative

### Key Applications on Hand

16. (a) The application for a new 1000 space park and ride site at Radcliffe Road, Gamston, continues to remain in abeyance awaiting comments from the Highways Agency pending the A52 Multi-Modal Study, currently being carried out at present.

A total of 18 current applications for County Council development were on hand at the end of December outstanding for a period greater than 17 weeks, details of which are set out in **Appendix 4**.

### **Appeals**

17. Details of outstanding appeals are set out in **Appendix 5** for planning appeals and **Appendix 6** for enforcement notice appeals. Regarding Attenborough, still awaiting confirmation of withdrawal from the ODPM.

### **Enforcement and Monitoring**

18. Details of the enforcement and monitoring work for the last quarter, including an update on recent enforcement issues are set out in **Appendix 6**. The number of inspections of minerals and waste sites carried out during the three month period was 140 of which 3 inspections were carried out at County Council Development sites. A total of 22 complaints were received during the report period 95% of these were acknowledged within 3 days, 90% subject to a site inspection within 3 days (where necessary) and 58% of complainants were notified of progress in 15 working days in line with the Enforcement Protocol. Members may wish to note that, of the 21 complaints received during the report period, 4 related to the County Council's own development. Of these, 3 related to works to construct new classrooms and teaching block at West Bridgford Comprehensive School. The complaints had arisen following the erection of inappropriately coloured cladding material, this being erected without the necessary approvals. Following negotiations the building was reclad with materials of an approved and suitable colour.
19. One Planning Contravention Notice was served during the report period and the details of this notice is contained within **Appendix 6**. One enforcement notice was served during the report period and this is now the subject of an appeal (see above). Details of this enforcement notice and an update on the status of previous enforcement notices are also contained in **Appendix 6**.
20. The appeal lodged against an enforcement notice served in Ranskill in relation to a unauthorised waste transfer station, has now been withdrawn following further discussions with the appellant. As part of these negotiations compliance periods attached to the notice have been revised, the notice has now taken affect and steps are proceeding to remedy the breach.
21. An appeal has been lodged against an enforcement notice served at land off Farnsfield Road, Bilsthorpe alleging the unauthorised change of use of the land to a use for the importation, processing and transfer of waste materials. The appeal has been lodged on three grounds. Firstly that the use for importation, processing and transfer of green waste has been ongoing for more that 10 years and is therefore immune from enforcement action, secondly that the steps in the notice exceed what is necessary to remedy the breach of planning control and thirdly that the time periods for compliance specified in the notice are too short. The appeal is due to be determined by way of a Public Inquiry scheduled for the end of March 2004. In the interim Members will be pleased to note that the removal of construction and demolition waste imported to the site is nearing completion.

### **Other Matters**

22. The Council has been consulted on a development for a Flue Gas Desulphurisation Plant at Cottam Power Station under the Electricity Act 1989. Details of the committee report can be found elsewhere on the agenda.
23. Work continues in line with the Service Improvement Plan, reported to Committee on 22 July 2003. The new computerised planning applications/ monitoring system is now almost fully operational and is awaiting the GIS mapping system to be added to the database.

### **Statutory and Policy Implications**

24. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought out in the text of the report. However attention is drawn to the following:

#### **Equal Opportunity Implications**

25. Development Control activity takes into account equal opportunity issues.

#### **Crime and Disorder Implications**

26. Development Control activity takes into account issues relating to crime and disorder.

### **RECOMMENDATIONS**

27. It is RECOMMENDED that the report be noted.

PETER WEBSTER  
Director of Environment

### **Director of Resources' Financial Comments**

There are no direct financial implications arising from the contents of this report.  
[IC 9.1.04]

### **Head of Legal Services' Comments**

There are no legal implications arising from this report. [SHB 9.1.04]

### **Background papers available for inspection**

None

### **Electoral Division(s) Affected**

All Districts.

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