

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 31 October 2017 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)
Jim Creamer (Vice-Chair)

Pauline Allan
Andy Brown
Neil Clarke MBE
Sybil Fielding
Paul Henshaw
John Longdon

Rachel Madden
Sue Saddington
Tracey Taylor
Keith Walker
Andy Wetton - A

OFFICERS IN ATTENDANCE

Pete Barker – Resources Department
Rachel Clack – Resources Department
Steven Eastwood – Resources Department
David Forster – Resources Department
Sally Gill – Place Department
Mike Hankin – Place Department
Ruth Kinsey – Place Department
Joel Marshall – Place Department
Jonathan Smith – Place Department
Claudine White – Adult Social Care, Health and Public Protection Department

ALSO IN ATTENDANCE

Craig Ball – Heaton Planning
Anna Hill – work experience / observer
Heather Jones – Cornerstone Planning
Alan Presslee – Cornerstone Planning

MINUTES OF LAST MEETING HELD ON 19 SEPTEMBER 2017

The minutes of the meeting held on 19 September 2017 having been circulated to all Members were taken as read and were confirmed and signed by the Chair.

APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Andy Wetton.

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

The Committee agreed that the order of items be changed, in order that the report on the Trading Standards and Community Safety Service could be considered first.

ANNUAL REPORT BY THE TRADING STANDARDS AND COMMUNITY SAFETY SERVICE

Ms White introduced the report. The income generated from issuing performing animals licences was £85 and not £83 as stated in the report. Ms White confirmed that though the procedure was under review, at present costs were covered as the staff time involved in issuing a performing animals licence was not significant.

RESOLVED 2017/030

- 1) That Members agree to receive a further update report at the meeting of the Committee in January 2018, and that this be included in the work programme.
- 2) That Members agree to the appropriate use of the media to highlight both the results of the fireworks safety inspections programme for the coming licensing period (October/November 2017), and also to communicate any legal changes.

LAND AT STUD FARM, RUFFORD

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

- The application requests retrospective permission for a series of modifications that have been made on site
- The key issues relate to the balancing of the visual impact and heritage assets compared to the benefits derived from the production of renewable energy

Following the introductory remarks of Mr Hankin, Mr Presslee from Cornerstone Planning was given the opportunity to speak and a **summary** of that speech is set out below:-

- The applicants apologise for having undertaken some works without the benefit of planning permission
- The original application, which predated the current applicant's interest in the site, did not include all of the requisite plant to build and operate a modern anaerobic digester (AD) plant
- The original plant supplier went into administration, necessitating the sourcing of an alternative supplier which resulted in an altered plant configuration
- Pressure from central government on the commencement of the delivery of renewables can mean having to adapt quickly to change and introduce new plant elements
- The rapidly changing technology around renewable energy can also require operators to adapt quickly
- The operator's focus has not been on the plant elements which are the subject of the application and these should not have been addressed retrospectively
- As soon as issues were raised by officers from the council the operator responded positively
- The applicant believes that the changes do not have a significant impact on the wider development
- The proposals are in accordance with the Council's Development Plan policies and the applicant is willing to enter into a further s.106 agreement to secure the longer retention of the existing tree belt
- Substantial benefits derive from the proposals including increased production of renewable energy locally, the cost savings of which assist the viability of nearby Center Parcs, helping to secure employment
- The new plant known as the Mississippi Dryer reduces the amount of liquid digestate produced which in turn reduces the movement of HGVs off site
- The additional feedstock input allows the use of straw which would otherwise be of little use locally and would likely become a waste product

Following the speaker, members debated the item and the following comments and issues arose:

- A site visit which was attended by some members of the Committee had been very useful
- Concern was expressed by some members as to the retrospective nature of the permission sought

In response to a question Ms Jones responded that the surface water lagoon is lined and covered with a membrane. Any water which discharges from the site is stored within the lined lagoon, and is re-used within the AD process, thus ensuring it is not discharged to surrounding land.

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

Resolved 2017/031

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 ensure the long term protection and management of the woodland screening provided within Long Belt Wood.
2. That subject to the completion of the legal agreement before the 31st January 2018 or a later date which may be agreed by the Team Manager Development Management in consultation with the Chair and the Vice Chair, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 31st January 2018, or within any subsequent extension of decision time agreed with the Waste Planning Authority, 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.

The Committee agreed that the order of items be changed, in order that the report regarding Nether Langwith Quarry be considered next.

NETHER LANGWITH QUARRY, WOOD LANE, NETHER LANGWITH

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

- The application seeks to vary conditions of the extant planning permission to enable the resumption and continuation of limestone extraction at Nether Langwith Quarry which is currently mothballed
- The applicant is seeking a further 18 years to complete the limestone extraction and a further two years to complete the final restoration works
- The quarry is the only limestone quarry in Nottinghamshire
- It is proposed to amend Condition 1 so that development shall commence within three years of the date of permission rather than two years as originally stated
- Although it is proposed to remove Condition 15 which restricts the operator's permitted development rights, it is considered that the

retention of Condition 8 requiring the submission of details relating to all new fixed plant and machinery would continue to provide sufficient controls over built development at the quarry.

- Minor amendments are proposed to Condition 31 to ensure barn owls are suitably protected and surveyed.

Following the introductory remarks of Mr Smith, Mr Ball from Heaton Planning was given the opportunity to speak and a **summary** of that speech is set out below:

- The quarry was previously worked under planning permission granted in 2000, however, the quarry is now mothballed with 3.3 million tonnes of permitted reserves still to be mined
- Although the quarry previously operated without any adverse environmental impacts the mothballing means that reserves can no longer be worked without an extension of time
- It is not proposed to extend or deepen the previously permitted working area
- Given the investment already made the development represents a sustainable solution to meeting the County's need for limestone while preventing alternative greenfield sites from potentially coming forward
- The annual output and HGV movements will remain within the existing limits of the current planning permission
- Tarmac request that the access road is maintained following the cessation of extraction. The Council have included a condition requiring a review of the standard of access when entering the final phase of the restoration. Tarmac are content with this approach.
- There have been no objections from either statutory consultees or local residents

In response to a question Mr Ball confirmed that Tarmac were content with the proposed condition for considering the future of the access road.

Mr Smith responded to comments and questions as follows:

- The scale and nature of works that constitute commencement of a development have been tested in case law and are covered by the planning conditions.
- Agricultural fields to the west of the quarry form part of the original permission and the intention is to work these fields as part of the renewed extraction. The farmer has continued to use the fields in the meantime. There will be agricultural opportunities as part of the long term restoration of the site.

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

Resolved 2017/032

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 secure the continuation of HGV routeing; a network of permissive footpaths; the long-term management of Cuckney Hey Wood and for areas of restored Magnesian Limestone Grassland.
2. That subject to the completion of the legal agreement before the 31 January 2018 or another date which may be agreed by the Team Manager Development Management in consultation with the Chair and the Vice Chair, the Corporate Director – Place be authorised to grant planning permission for the variations of conditions 1 and 85 subject to the re-imposition of condition 77 (as amended) and the schedule of updated conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 31 January 2018, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the identified measures within a reasonable period of time.

15B WIGWAM LANE, HUCKNALL

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

- The application seeks to extend the morning opening hours by one hour, from 07:00 to 06:00, to allow HGVs to exit the existing waste transfer station off Wigwam Lane in Hucknall

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

Resolved 2017/033

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

RUFFORD COLLIERY COMPLEX, RUFFORD SAND QUARRY, EAKRING ROAD, RAINWORTH

Mr Hankin introduced the report which considered four planning applications associated with the continuation of the coal recovery scheme, sand storage and the stocking, blending and dispatching of coal fines.

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

Resolved 2017/034

1. That planning permission be granted for Planning Application 3/17/01520/CMA subject to the conditions set out in Appendix 1.
2. That planning permission be granted for Planning Application 3/17/01521/CMA subject to the conditions set out in Appendix 2.
3. That planning permission be granted for Planning Application 3/17/01522/CMA subject to the conditions set out in Appendix 3.
4. That planning permission be granted for Planning Application 3/17/01523/CMA subject to the conditions set out in Appendix 4.

PLANNING AND LICENSING COMMITTEE - CODE OF BEST PRACTICE

Mrs Gill introduced the report which sought approval for the revised Code of Best Practice which now also incorporates matters that were formerly the remit of the Rights of Way Committee.

The Chair thanked Steven Eastwood for his work in producing the new Code of Best Practice.

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

Resolved 2017/035

That the new Code of Best Practice for Planning and Licensing Committee be approved.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

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

RESOLVED 2017/036

That members be kept up-to-date with any developments.

WORK PROGRAMME

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

RESOLVED 2017/037

That no amendments to the Work Programme are required.

The meeting closed at 11.40am

CHAIR