

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 21 January 2020 (commencing at 10.30am)

Membership

Persons absent are marked with `A`

COUNCILLORS

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

Pauline Allan	John Longdon
Neil Clarke MBE	A - Rachel Madden
A - Sybil Fielding	Tracey Taylor
A - Tony Harper	Keith Walker
Paul Henshaw	Andy Wetton

SUBSTITUTE MEMBERS

Richard Butler for Tony Harper
Yvonne Woodhead for Sybil Fielding

OTHER COUNTY COUNCILLORS IN ATTENDANCE

Nicki Brooks

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive’s Department
Rachel Clack – Chief Executive’s Department
Sally Gill – Place Department
Mike Hankin – Place Department
Ruth Kinsey – Place Department
David Marsh – Place Department
Joel Marshall – Place Department
Jonathan Smith – Place Department

ALSO IN ATTENDANCE

Adam Lakin - VIA
Chris Wood – VIA

1. MINUTES OF LAST MEETING HELD ON 10th December 2019

The minutes of the meeting held on 10 December 2019, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

2. APOLOGIES FOR ABSENCE

The following apologies for absence were reported:-

Sybil Fielding – medical / illness

Tony Harper – other reasons

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

There were no declarations of interest.

4. DECLARATIONS OF LOBBYING OF MEMBERS

There were no declarations of lobbying.

5. CHANGE OF USE OF BUILDINGS FROM WASTE TRANSFER STATION TO PLASTIC RECYCLING, COLWICK BUSINESS PARK

Mr Hankin introduced the report which considered a retrospective planning application for the change of use of buildings and associated land from a mixed industrial/warehousing and waste transfer station and to allow its use in connection with a plastic recycling facility.

Mr Hankin informed Committee that in the appendix to the report circulated, Condition 10a was cross referenced in error to Condition 6. The cross reference should be to Condition 7.

Footage of the operation, filmed by officers on a mobile phone, was shown to members.

Following the introductory remarks of Mr Hankin, Councillor Nunn of Colwick Parish Council was given the opportunity to speak and a **summary** of that speech is set out below:

- I would like to begin by thanking the Chair for giving me the chance to speak today.
- Colwick Parish Council were contacted in January 2019, as part of a wider consultation, to comment on a change of use planning application at Colwick Business Park, we were not made aware at this point that it was a retrospective application.
- Local residents made us aware that this plastic recycling activity had been taking place some time prior to the planning application.
- I would like to point out that Colwick Parish Council are extremely

aware of the area we represent, which is a mix of residential and commercial properties and we do not wish to cause any businesses undue hardship, but we all must live and work together by being respectful of people's needs and environment.

- The Parish Council objected to the Change of Activity on the grounds of further noise from the site, dust (plastic particulates) from the shredding of the plastic becoming air borne, and plastic particulates entering the water course as the site backs on to the River Trent.
- In the intervening year there have been further reports commissioned by the applicant in respect of noise pollution and a report regarding air pollution, we do not feel the noise reports had the receptors in the nearest residential areas to Building A and the airborne dust sampling report was carried out over a period of approximately 6.5 hours, but there was a break of 45 minutes whilst a motor was repaired, this does not give a full cumulative picture of the dust that is produced over the months that this activity is taking place, we have not seen any water quality reports taken, either by the applicant or relevant authorities, and we have not seen any independent reports taken by relevant authorities.
- We are now aware of the recommendations that have been suggested that the plastic recycling is to take place in Building B, Building A is just to be used as a storage facility, also the conditions that have been proposed regarding the container wall, changes to the buildings and litter collection and the time scales, we are pleased that concerns have been addressed and we hope that all the works will be carried out within the timescales prior to this recycling activity re-commencing in May.
- Thank you for taking the time to listen to me.

Following Councillor Nunn's speech the following comments and questions were responded to:

- The Parish Council did not raise concerns with the authority regarding present operations but presumably local residents did as their concerns have been addressed in the proposed conditions.
- Nottinghamshire County Council did not receive any complaints until the application had been submitted and the authority only became aware of the operation during routine monitoring of a separate operation on the same site. The plastic sheeting had been stored on the site for 9 – 12 months previously, but the processing of this plastic had only begun since Christmas, with the orientation of the building meaning that the operation was not immediately obvious.
- Officers do not feel that they have been dismissive of residents' complaints, rather they have come to a different conclusion to the residents regarding the impact of the works. In terms of the metals recycling operation on site, the noisy machinery has been removed, but as a result of complaints

previously received from residents, a series of environmental controls have been implemented and breaches of planning control have been resolved. The same approach will be adopted for the operation that is the subject of this application.

- If planning permission were to be granted, then the conditions attached to the permission will need to be adhered to within 2 months of that permission being granted.

Councillor Nicki Brooks, the local County Council member, was then given the opportunity to speak and a **summary** of that speech is set out below:

- I would like to begin by thanking the Chair for giving me the opportunity to speak today. I am here representing the residents who have contacted me regarding this application.
- It is worth me stating that the residents I am representing accept that they live close to an industrial estate which was there when they purchased their properties. Many have advised me that they fully support recycling and environmental initiatives, as do I. The objections they have raised are not an attempt to close down this business, they just want the relevant authorities to ensure that the business is run in a way that is sympathetic to all members of the community, ie other businesses and residential properties.
- By way of background, unfortunately, there is a lack of confidence from residents that regulations and conditions will be adhered to by the owners and indeed monitored by relevant authorities due to previous non-compliance issues. I sincerely hope that this can be redressed.
- This all goes back a long way, to 2011 and then the chain of events that led to this retrospective application back in 2018. We are only here today because residents and the Parish Council alerted the Environment Agency that large piles of polythene were amassing on site on land outside Building A.
- Paragraph 12 of the report refers to there being no complaints received from the public before the planning application was submitted and publicised by the County Council. However, it was complaints by residents and the Parish Council to Gedling Borough Council which were reported to this Council that prompted this retrospective application along with those to the EA I mentioned earlier.
- Moving forward, I and some of the residents I have spoken with, are really pleased that many of the concerns they have raised have been addressed in the Conditions that you are proposing. I would like to publicly thank the planning team involved for this.
- Looking at the recommended planning conditions, that the perimeter road adjacent to the residential boundary of the site will not be used for vehicles carrying material is welcomed, but this is not included as a planning condition, perhaps it should be. That shredding will no longer take place at

Building A and solely at Building B is great news regarding noise levels previously experienced by residents.

- However, I am concerned that the use of the plastic shredding machine on the open yard outside of Building B may still be allowed (according to paragraph 10c of the recommended planning conditions). Residents remain concerned that the noise assessment undertaken by Bentarka did not include placing receptors on Egling Croft. But this is not just a noise issue, shredding outdoors increases the potential for dispersal of material and dust so I respectfully ask Committee members to recommend that all shredding should take place inside.
- I also welcome that the planning conditions prevent the external storage of unbaled plastic waste.
- I would like confirmation that the advice regarding dust and nitrogen dioxide referred to in paragraph 80 of the report will be provided to the applicant and acted upon. This is really important in order to protect local residents.
- Condition 3 refers to additional fencing to be introduced to improve litter catchment. It is important that this includes a fenced roof as referred to in paragraph 73 in the report to committee and I would like to see this specified in the conditions.
- A major concern is in regard to the fire risk. I accept that fire risk is out of the scope of the planning system. Condition 18 states that “any fire occurring shall be regarded as an emergency and immediate action taken to extinguish it”. This is potentially such a serious matter that we need assurance that it will be regulated within the environmental permitting regulations.
- I also welcome Condition 4 which requires the reconfiguring of the container wall so that there will be no gaps, as there are gaps in the existing container wall. The painting of the containers in the new wall will mitigate the appearance of the site.
- The timescales outlined for the necessary works to take place are also welcomed by residents who will be watching with interest.
- I feel that the recommended planning conditions are almost there but not quite. I would like committee members to consider my comments to dot the i’s and cross the t’s.
- Thank you for taking the time to listen to me.

Following Councillor Brooks’s speech the following comments and questions were responded to:

- There has been non-compliance on this site previously, and there are still one or two outstanding issues, but these do not affect the amenity of the area. The site is a large one and compliance is very expensive so this has been achieved on a phased basis. As part of the Conditions, the informative

note to the applicant contains the recommendation from Public Health England that the site engages with the local community to understand, investigate and seek to address their concerns.

- The issue of accessing the site via the perimeter road has not been addressed as once the containers are in place as required by Condition 4, it will not be possible to access the site from that road. Officers are of the opinion that the present use of this road is by other users of the larger site as there is no access to the application site via this road.
- The application is for the shredding part of the operation to take place outdoors. Officers have considered the impact and concluded that as long as the Conditions are complied with there will be no issues with dust, litter or noise and therefore no need to insist that this part of the operation is undertaken indoors.
- To make clear that a roof is required officers agreed to amend Condition 3 by adding the wording: 'including the provision of a netting roof.'
- Officers confirmed that records showed that the authority only became aware of this operation while undertaking routine monitoring of a separate operation on site, any complaints submitted to Gedling Borough Council or the Environment Agency were not passed on to the authority.
- The Chair reminded members that the issue of fire was a matter for the Environment Agency permit system and that as the planning system is concerned with land use it would not be appropriate for the Committee to interfere by including any conditions regarding fire.

Members then debated the item and the following questions were responded to: -

- Condition 15 is concerned with dust controls and requires the use of a dust suppression system, the appropriate use of water bowsers, the regular sweeping of haul roads and the temporary cessation of waste processing during periods of extreme dry and windy weather. It is the operator who makes the decision to cease operations in such conditions, though if officers are on site they could request this. Condition 15 is a standard one for such sites and does not include monitoring. The operation is a wet process which will limit dust generation and though there is the possibility of some dust coming off the soiled plastic sheeting, this will be contained on site. There is a difference between dust and litter. Litter is controlled by Condition 3. Officers requested and received an assessment from the applicant regarding the issue of plastic particulates. Advice was then sought from Public Health England and NCC Public Health who both concluded that the level of particulate matter generated would be within UK Air Quality Standards.
- This is a retrospective planning application. Officers have been aware since the summer of 2018 that plastic was being stored on the site, but it was only around Christmas 2019 that recycling commenced. Before that time the applicant was configuring the machinery.

- Officers confirmed that the footage of the operation shown to members was recorded using a mobile phone, not specialist equipment. Ear defenders are required when inside the building, but when officers have stood on the boundary of the site, close to residential properties, the noise generated by the operation was nearly inaudible, with the loudest noise coming from traffic on the A52. The option of siting the entire operation indoors is not part of the application now before Committee.
- The plans show the extent of the application site and there is scope for some expansion, however, officers will take action if the operation strays beyond the consented area.
- Officers are not aware of any lighting on site and as the operation is restricted to daylight hours (7.30am to 6pm), light pollution should not be a problem.
- Officers have visited the site and discussed the proposed conditions with the operator who regards the conditions as workable. Enforcement action will be taken by the authority if the conditions are not adhered to.

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

RESOLVED 2020/001

That planning permission be granted subject to the conditions set out in Appendix 1, with the conditions below to be amended as follows:

- Condition 3 to contain the wording 'including the provision of a netting roof.'
- Condition 10a to reference Condition 7, not Condition 6.

6. CONSTRUCTION OF TWO HIGHWAY JUNCTIONS TO ALLOW ACCESS TO DEVELOPMENT SITE AT TOP WIGHAY FARM, HUCKNALL

Mr Marsh introduced the report which considered a planning application for the construction of a fourth arm to an existing roundabout and to form a signalised junction on the A611 at Annesley Road, Linby. The key issue relates to the acceptability of the highway design to serve the planned development.

Following the introductory remarks of Mr Marsh, Mr Wood of Via East Midlands Ltd was given the opportunity to speak and a **summary** of that speech is set out below:

- The proposed highway infrastructure works have been designed by Via East Midlands Ltd. working on behalf of ARC Partnership Ltd.
- The objective of the proposed works is to provide two new points of access to the proposed Top Wighay Farm Development consisting of:

- Construction of a new, fourth arm from the northern side of the A611 / Annesley Road Roundabout into the proposed development.
 - Construction of a new traffic signal-controlled junction on the north side of the A611 into the proposed development.
 - A new 3.0m wide shared use footway / cycleway introduced in conjunction with the above proposed works.
- The design for these works has been carried out in accordance with the current version of the Design Manual for Roads and Bridges (DMRB).
 - The following is a response to comments made by Linby Parish Council relating to the design of the proposed highway infrastructure works:
 - Pedestrian and Cyclist Provision – The proposals include the construction of a 3m wide shared use footway cycleway between the proposed new roundabout arm and the proposed new signal-controlled junction. This will be set back from the A611 carriageway to allow the future provision of Safeguarded Route carriageway widening. Pedestrian and cycle crossing facilities have been incorporated into the signal-controlled junction design with a dedicated phase allowing pedestrians and cyclists to safely cross the junction.
 - Vehicle Tracking - The proposed junction and roundabout arm have been subject to tracking using the Design Vehicle specified in the Design Manual for Road and Bridges (a 15.5m long, single axle articulated vehicle). This has confirmed that the layout of the proposed junction and fourth roundabout arm can successfully accommodate all legal manoeuvres involving this vehicle.
 - Bus Stops – A new bus stop will be provided on the A611 southbound to the west of the proposed new signal-controlled junction. This will remain in place until it is practical to provide a bus stop within the proposed development site. There is an existing bus stop (and associated crossing facility) serving the northbound carriageway of the A611 some 320m from the proposed junction. This bus stop has been in place for many years and, according to long term records, there is no collision history associated with this bus stop.

There were no questions.

The Chair stated that this was a straightforward application, purely concerned with access. The Chair informed members that it would be Gedling Borough Council that would deal with any objections to the wider development.

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

RESOLVED 2020/002

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 of the report.

7. HABITAT ENHANCEMENT AND PROVISION OF OPEN SPACE THROUGH SUSTAINABLE USE OF MATERIAL FROM THE CONSTRUCTION OF THE GEDLING ACCESS ROAD

Mr Marshall introduced the report which concerned a planning application for the use and deposition of surplus excavation materials arising from the adjacent Gedling Access Road project for the creation of enhanced habitats and open space thereafter, on land to the east of Arnold Lane, Gedling. The key issues relate to the sustainability of the waste deposition at this site, having regard to the waste hierarchy, the proximity principle and alternatives, and impacts on the local landscape and views.

Following the introductory remarks of Mr Marshall, Mr Lakin of VIA East Midlands Ltd was given the opportunity to speak and a **summary** of that speech is set out below:

- This application has been prepared by Via East Midlands on behalf of Nottinghamshire County Council and is for the development of habitat enhancement and the provision of open space through the sustainable use of material arising from the construction of the Gedling Access Road (“GAR”).
- The primary objective of the GAR is to enable the sustainable redevelopment of the former Gedling Colliery and adjoining land for mixed-use purposes by providing safe and adequate access to the proposed residential, employment and community related uses.
- The secondary objective of the GAR is that it will provide a 'bypass' link to the east of Gedling, linking the area with the wider road network and consequently Nottingham City Centre.
- The development is essential in supporting the sustainable and timely delivery of the GAR and is required to:
 - Provide open space for the Scout Group;
 - Create and enhance floral and faunal habitat; and
 - Provide a sustainable waste solution for material arising from the construction of the GAR.
- Provision of open space for the Scout Group is a planning obligation pursuant to the Section 106 agreement to which the County Council is the successor body.
- The area of habitat creation has been designed to maximize the biodiversity enhancement within the area and in particular its ecological value for bats. The area will be planted with a native woodland mix of greater species variety than currently exists to enhance the area. Indeed, this development alone provides in excess of 3,300 additional trees. Long-term, the development provides a significant net gain for biodiversity and improved visual screening of both the GAR and the adjacent development at the former Gedling Colliery.

- Both the open space and habitat enhancement are provided on a raised landform, replacing steep slopes and valleys with a plateau for the Scout Group and a uniform shallow gradient between the GAR and Arnold Lane. The earthworks required to provide this landform facilitate the sustainable use of excess material arising from the construction of the GAR, eliminating transport requirements and the associated impact on the highway network. It is estimated that the development saves 9,300 return HGV movements, contributing to the County Council's commitment to reduce carbon dioxide emissions.
- In summary, the development enhances habitat and provides open space for the Scouts Group through the sustainable use of material arising from the construction of the GAR.
- The temporary effects of the development are at, or can be mitigated to, a level which is not considered to be significant whilst the permanent effects of the development are considered to be beneficial and supported by relevant planning policy.

Following Mr Lakin's speech the following comments and questions were responded to: -

- The Members welcomed the proposal which helped the Scouts while also providing a solution to the use of the material generated by the construction of GAR.
- The vast majority of trees to be planted will be saplings, though there will be some larger trees used to create 'hop overs' for bats. In the long-term saplings do grow and mature better than the alternatives.

The Chair summed up by stating that the GAR had been a long time coming, that the Dorket Head extension was not yet finished so was not an option to take the material that required disposal, the large number of trees to be planted was positive and the 9,300 lorry movements that this development would avoid would be welcomed by those using Arnold Lane.

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

RESOLVED 2020/003

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 of the report.

8. ADOPTION OF THE COUNTY COUNCIL'S LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS

Mr Smith introduced the report which advised Members of the consultation exercise undertaken on the proposed changes to the County Council's Local Requirements for the Validation of Planning Applications, the responses received, and which sought Committee approval for the changes and formal adoption of the revised document.

The Chair informed members that there was a requirement for the authority to update the document.

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

RESOLVED 2020/004

- (a) That the revised document, known as Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications, be approved.
- (b) That officers be authorised, in consultation with the chair and vice chair of Planning and Licensing Committee, to make minor changes to reflect any updates to the NPPF and other referenced documents, as appropriate, during the intervening period before the next Validation Guidance review, where these do not materially affect the validation document.

9. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mrs Gill introduced the report, informing members that it was the usual report brought to Committee. Mrs Gill drew members' attention to the potential busy agenda for the March meeting, though this was, as always, subject to change.

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

RESOLVED 2020/005

That no further actions are required as a direct result of the contents of the report.

The meeting closed at 12.24pm.

CHAIR