



Meeting **PLANNING AND RIGHTS OF WAY COMMITTEE**

Date **Tuesday 14 September 2021 (commencing at 10.30am)**

Membership

Persons absent are marked with 'A'

COUNCILLORS

Richard Butler (Chair)
A - Sybil Fielding (Vice-Chair)

A - Andre Camilleri	John Ogle
A - Robert Corden	Philip Owen
Jim Creamer	Tom Smith
Paul Henshaw	Roger Upton
Andy Meakin	Daniel Williamson
Nigel Moxon	

SUBSTITUTE MEMBERS

Pauline Allan for Sybil Fielding
Chris Barnfather for Andre Camilleri
Neil Clarke MBE for Robert Corden

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive's Department
Sherrie Grant – Chief Executive's Department
Sarah Hancock – Place Department
Mike Hankin – Place Department
Neil Lewis – Place Department
David Marsh – Place Department
Joel Marshall – Place Department
Matthew Neal – Place Department
Jonathan Smith – Place Department
Linda Walker – Chief Executive's Department

1. MINUTES OF PREVIOUS MEETING HELD ON 27 JULY 2021

The minutes of the meeting held on 27 July, having been circulated to all Members, were taken as read and were confirmed, and were signed by the Chair.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Camilleri, Councillor Corden and Councillor Fielding.

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Creamer declared a private interest in Item 7, Development of a Waste Management Facility – Land off Private Road No 3, Colwick Industrial Estate, as he is a member of Gedling Borough Council, which did not preclude him from speaking or voting on that item.

4. DECLARATIONS OF LOBBYING OF MEMBERS

Councillor Butler and Councillor Creamer had each had a brief and informal discussion with Councillor Hollis regarding Item 5, Change of Use – 32 Sudbury Drive, Huthwaite, Sutton in Ashfield, which did not preclude either member from speaking or voting on that item.

5. CHANGE OF USE – 32 SUDBURY DRIVE, HUTHWAITE, SUTTON IN ASHFIELD

Mr Marsh introduced the report which considered a planning application for the change of use of a dwelling and alterations to site parking to use as a home for children in Local Authority care at 32 Sudbury Drive, Huthwaite. Mr Marsh informed member that the key issues related to the suitability of the location in land use terms and the highway and amenity impacts.

In response to members' queries the following points were clarified: -

- In terms of staff car parking, on site there will be 2 staff working a 25 hour shift in addition to a manager who works normal office hours and manages 2 establishments. There will also be a one hour handover meeting daily during which 2 more staff will be on site. Assuming there will be no car sharing this means there should be a maximum of 5 cars on site at any one time. There will be visitors but the applicant has stated that these visits are scheduled to avoid the one hour handover period.
- There is a speed hump near the property which could be moved if this is deemed necessary and a new position for the hump has been identified and indicated on Plan 5 which was circulated as part of the papers for the meeting.

Following Mr Marsh's introduction, Mr Jonathan Berry was then given the opportunity to speak and **a summary** of that speech is set out below:

- In addition to the points that will be covered by my neighbours I would like to highlight a potential conflict of interest with regard to the proposed change of use which will pose a risk to the residents' planned settlement in the home and local community.

The young people that will be placed in the home will likely have contact with Notts Police, Nottinghamshire County Council's Youth Justice Service and the Child and Adolescent Mental Health Services (CAMHS). Contact with these services will mean the young people will have safeguarding needs relating to youth violence and criminal behaviour, including a need to face up to their crimes, taking responsibility for their actions and interventions to reduce reoffending risks. It is also likely that they may be known to the NCC's Out of Court Disposal (OCD) Panel .

- I am an NHS mental health nurse and work in the Liaison and Diversion (L&D) service. This service supports all young people entering the criminal justice services either via police custody or via the NCC OCD pathway. Any young person under the age of 18 detained in Police custody is automatically referred to the L&D service as well as Social Care – Emergency Duty Team and the Youth Offending team.
- I undertake face to face assessments of mental health and other vulnerable needs including safeguarding and liaising with other professionals such as social workers, CAMHS, home care managers and probation officers. To do this role I have access to a range of information about young people including the finer details of any offences committed by the person, traumatic life experiences and the reasons why they are in care eg absconding incidents, alcohol/drug related offences, county lines drug exploitation, sexual abuse and exploitation, victim of domestic abuse and online sexual communications, crimes towards minors and possession of a knife – this list is not exhaustive. My assessments and reports go on to inform the Police, the Crown Prosecution Service and the courts for them to make suitable disposal decisions.
- Given that it is highly likely that the young person placed in the home will have contact with the Police, it is equally likely that they will have contact with the L&D service and myself. After being made aware of my role, the level of information I know about them and my report being used to aid decision making by the police and courts this will understandably pose a risk of destabilising the person's mental state when they recognise me as their neighbour. In turn this could lead to their placement quickly breaking down due to an increase in feelings of anger, reactive challenging and offending behaviours. There is also a risk of retribution acted out towards my property, family and self.
- I would argue that the above points will seriously impact on the success of the proposed service and the resident's progress with their planned care and support needs.

The following point was then clarified: -

- Tasks are allocated on a weekly basis and if Mr Berry was on a panel and knew the person involved it may be possible to reallocate that responsibility. However, if Mr Berry was on duty and dealing with people in custody then sometimes there is only one nurse on duty and Mr Berry would have to attend to the person even if they recognised each other.

Mr Shaun Bobrucki was then given the opportunity to speak and **a summary** of that speech is set out below:

- My wife and I live on Sudbury Drive and our garden backs onto the property in question.
- The report to Committee details the opposition to the application by all residents on the estate who have multiple concerns. This is because currently our estate is a peaceful and beautiful place to live.
- It is common knowledge that in these types of homes that the young people have behavioural problems. These behavioural issues can often be destructive in nature as they occur at an age where emotions are high but they don't have the life skills to safely deal with these emotions.
- Damage to property, cars and sheds are a common occurrence, not only to where they live themselves but to surrounding properties.
- Damage can be caused by the young adults visiting friends and family, since our estate and the surrounding area offers nothing in terms of amenities to entertain young adults.
- Drug use or dealing is often a common problem in young adults with behavioural issues. Where do they hide the hazardous materials such as needles for example? They are usually discarded in the gardens of surrounding properties or parks. There is a play park for young children opposite the proposed site. This reduces safety to our residents and children as they could be exposed to the hazardous material left behind.
- Regarding police presence on the estate – a freedom of information request to the Notts Police shows that as of June 2021 the nine homes in Notts run by Homes2Inspire have seen 1,081 call outs in the past three years. On average that is three call outs per month per home over a three year period.
- If the young adults try to escape a difficult situation in the home, or evade the police, where do they go except to surrounding properties? I am not and I guess that most of our residents are not trained for this type of situation. If Homes2Inspire staff need to restrain the young adult this will not only be traumatic for the young adult but will be for us as neighbours and for our families. The Homes2Inspire Safe & Secure document does state that restraining of this nature is trained for, but is usually a last resort, so could be expected to be used.
- There will also be multiple support staff, friends and family visiting. In terms of neighbourhood safety we will have no idea who lives on the estate. Currently we know our six immediate neighbours and their regular visitors. This invites safety, comfort and privacy for our family. Multiple changing individuals at a house changes this current comfort. This home therefore will bring disruption and a loss of safety and privacy to the estate.

- The young adults need a placement better suited to their needs rather than a quiet, private estate so it's for these reasons and the many others submitted that we urge you not to recommend this facility for our estate.

Lynda Norris was then given the opportunity to speak and **a summary** of that speech is set out below:

- I am very concerned for the residents and children of our neighbourhood about this request for a children's home for children in the care of the local authority. I am also concerned for the welfare of the young people who will be placed in 32 Sudbury Drive under care. I understand these children need to be placed somewhere but feel that this is not the right area as this is a very quiet residential development and these young people will be bored and could be better accommodated elsewhere in the borough closer to transport links, social amenities, schools and sports facilities.
- The children placed in care, in my opinion, will feel very isolated from the community. The local amenities are very few, the library is only open for three half days per week. The local transport consists of one bus. Bus stops are not located close to the property. The change of use also means that the young people will be living opposite a playground intended for under 12s to play in, this will affect the safety of children living nearby if they mix with the young people. I will not feel safe taking my young grandchildren to play on the park and other residents feel the same.
- The reduction of four cars to three on the drive from the original plans, in my opinion, will only make the parking situation on the road worse. I have been told that up to 10 cars could be parked outside at any one time. In the report by the highways department it is stated that extra cars can be parked on the pavement. I thought this was an illegal practice. The width of the bend is not sufficient to allow cars to park in the road and traffic to pass safely, especially when children are crossing the road to the playground. The speed of vehicles on this bend is often in excess of the limit and causes problems with safety even now and there have been some near misses. When the officials were observing the traffic and parking situation it was during the day when it is quiet. It is a different situation in the evening when it is much busier.
- We are retired now and several residents are the same age as me, we love living in this quiet area of Ashfield and hope to spend the rest of our lives here. We are not happy at the thought that children with problems will be living close by. I'm sure you would all feel the same if the proposal was in your neighbourhood.
- In conclusion I would like to plead with the committee to refuse the change of use application to a children's home. These children deserve to be placed in an area where they will be occupied and feel part of the community not on a quiet residential street where they will be bored and likely to fill their time with anti-social activities. I do not recommend the committee approve the change of use and ask for the decision to be deferred so all the information presented can be taken into consideration.

Jon Hawketts from NCC and Paul Cook from Homes2Inspire were then given the opportunity to speak and **a summary** of that speech is set out below:

- There are approximately 980 children in care in Nottinghamshire. The majority of children in care live in 'normal standard homes' like those on Sudbury Drive. Most live with foster carers, others with Ofsted-registered adult carers in a children's home like the one being proposed here.
- 20 years ago there would have been a world of difference between the two, but nowadays a children's home is designed to look and operate like a family home. Ofsted, which inspects and regulates children's homes, expects as much and has the power to close down failing homes and has a track record of doing so.
- Although differentiated from a planning perspective as explained in Mr Marsh's presentation, foster carers and children's home carers need to be suitably qualified and both, along with their respective homes, are subject to Ofsted's regulatory and inspection processes.
- There are hundreds of family homes across the county in which 1 or 2 children in care live perfectly normal lives with adult carers in the way in which is being proposed here.
- There are lots of misconceptions that people make about young people in care, around which people's views are then formed. I want to talk therefore about a typical child in care to address some of the issues and concerns that have been raised.
- Children in care are not 'young offenders'. Many of them will have been born into a chaotic or dysfunctional household, one that is a long way away from the loving family homes that the majority of us have enjoyed. National data shows that 80% will come from households with incidents of domestic violence, alcohol issues or substance misuse, often all three. The young person will have been a victim of this, not a perpetrator.
- Just 2% of children are taken into care because of their own 'socially unacceptable behaviour'. Despite this a report published by Ofsted found that nearly half of children in care are afraid of prejudice or bullying or of being treated differently if people find out their backgrounds.
- 214 Nottinghamshire children in care originate from Ashfield, more than any other district. Only one lives in a children's home in Ashfield as the Authority does not have enough homes in the area.
- The one proposed is not a new or untried model of a children's home. Homes2Inspire has opened similar homes in the County and these are working really well and are assessed as good in all areas by Ofsted.
- A thorough risk assessment is undertaken when developing any children's home – Ofsted's registration process demands as much. But it absolutely does not consider whether an area is 'too good' or 'too nice' for a home for children in care. Quite the opposite. Ofsted's location risk assessment requires confirmation

that a local area is itself a suitable place for children in care to live (little or no crime; good local schools etc) Sudbury Drive fits the bill really well in this regard.

- Wouldn't we Chair, in discharging our role as corporate parents, want nothing less than the best for these young people? The CEO and trustees of Homes2Inspire, some of whom have been in care themselves, want to improve the life chances of these young people.

The following point was then clarified: -

- Engagement with the community will begin if planning permission is granted, this process will not commence until after permission is granted in order not to fetter any consultation. If permission is granted then a similar process to that used previously will begin which will include the holding of engagement events where there will be the opportunity to meet staff and young people.

With the permission of the Chair, Councillor Tom Hollis, as the local member, was then given the opportunity to speak and **a summary** of that speech is set out below:

- This is the first time in my 10 years as a County Councillor that I have spoken at the Planning Committee which I think demonstrates the importance I attach to this application.
- I am concerned that members are not getting all relevant information.
- I recognise as councillors that we are guided by the professional advice given to us by officers but in this case two sets of officers have arrived at two different conclusions. Ashfield District Council would refuse permission. The only reason this decision is not being made at a district level is that NCC owns the property.
- I hope members will respect my position as a local member and either refuse permission or defer a decision so a site visit can be undertaken and members can be furnished with more information.
- Ashfield DC would have refused permission as such homes are only allowed where the amenity of neighbours is protected. We have heard today that this development will impact on residents in terms of parking and disturbance.
- I do support these types of property, I know the type of children such homes are for. 90% of the children in care in Nottinghamshire come from Ashfield and I want the suitable properties to be in Ashfield but in the right location.
- We have heard residents' concerns. On Homes2Inspire's website it is recognised that there is an increased chance of police call outs to these types of property. The nature of the children who live in these properties means that it has not been possible to foster them or provide them with other care alternatives.
- I recognise that these young people are not bad but there is an increased likelihood that these young people are troubled. It is disingenuous to say that this is not the case. Foster carers do not need permission as there is not an increased chance of problems occurring.

- I have major concerns about parking. Four spaces were originally planned but after objections this was decreased to three – which I think will exacerbate the problem.
- There could be three permanent staff on site, including the manager. During changeover there could be 5 staff present. If the children are home schooled a tutor for each child could be present. Friends and family could also visit in cars. The report suggests this property is the same as others in the area and this is not the case.
- I am concerned at the potential reputational damage to NCC if this development is given permission. NCC is not following its own guidelines contained in its Highway Design Guide. Some white line marking has been in the wrong place for 20 years. Another applicant would be treated very differently in these circumstances.
- I find it bizarre that permission is only being sought for a two year period. The authority will spend a substantial amount of taxpayers' money doing up the property and resurfacing the drive for it to be used potentially for only two years.
- Why weren't residents consulted beforehand and an open dialogue entered into as would happen with any other developer?
- I reiterate that I welcome these types of properties in my division and I will do everything in my power to help. I offer Ashfield DC's help in finding suitable properties in Ashfield as I recognise that we do need more of these types of properties in the Ashfield area, these children should be kept in the district, but the properties need to be in the right locations. I believe there are more suitable properties available with access to bus stops and amenities etc that this property lacks.
- I urge members to refuse permission or defer until more information is available.

Members then debated the item and highlighted the following:

- Addressing members' concerns about on-street parking and highway safety issues, it was acknowledged that not all the demand for parking would be met by the on-site provision, with the staff handover period likely to be a peak time, but there is much on-street parking available. Consideration has also been given to moving the traffic calming hump. Officers were of the opinion that the parking situation would not erode the amenity of residents such that planning permission should be refused.
- Permission is only being sought for two years as it is recognised that this application is causing concern in the local area. A two year permission will allow the home to be seen in operation, its effects assessed and more information will be available when the application comes back for further approval.
- In terms of other sites being more suitable – the application site is approximately 700m from the retail centre of Huthwaite, 820m from Huthwaite Library and the nearest bus stop is 240m away. The young people living on Sudbury Drive would

have the same access to community facilities as the current residents on the estate.

- The report makes clear that the property is not for housing young offenders.
- Some members requested a site visit before a decision was made on the application. The Chair questioned the need for such a visit stating that members had been in receipt of the report and plans for some time and members could have visited the site in their own time had they wished to do so.

Following the debate, a motion was moved by Councillor Creamer and seconded by Councillor Williamson:

That a site visit to 32 Sunbury Drive, Huthwaite be made by members of the Planning & Rights of Way Committee before a decision on the application is determined.

The motion was put to the vote and was not carried.

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

RESOLVED 2021/013

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.

6.VARIATION TO HOURS OF WORKING AND LIGHTING – TWO OAKS QUARRY, COXMOOR ROAD, SUTTON IN ASHFIELD

Mr Smith introduced the report which considered an application seeking variations to two planning conditions to enable 24 hour mineral processing between Mondays to Saturdays, together with any necessary servicing and maintenance of plant and machinery during those times, along with extended operation of the site floodlighting. Mr Smith informed members that the proposal had been amended during its consideration to remove a proposal to undertake mineral *extraction* over 24 hours. Mr Smith clarified that any night time servicing and maintenance of plant and machinery would be for urgent or emergency situations only, with the more routine maintenance being undertaken during the existing daytime hours.

The following point of clarification was then addressed:

- There is a peak in demand in May/June each year for the quarry's products, especially when the football season ends, but there has been a general uplift in the volume of products sold.

Following Mr Smith's introduction, Mr Mark Oldridge, the agent for the applicant, was then given the opportunity to speak and **a summary** of that speech is set out below:

- Two Oaks Quarry is unique in that it is the sole quarry producing specialist silica sands within the County of Nottinghamshire and as such the site makes a significant contribution to the local economy by way of rate contributions, day to day purchases of supplies, the use of specialist local contractors and the use of local hauliers to deliver quarry products.
- The quarry produces a range of specialist industrial, sports construction sands and specialist 'fibre sand' products for equestrian and sports use, along with top dressing of bowling greens, football pitches and golf courses within the UK.
- The high quality silica sand has developed a national reputation as being Number 1 for sports sand supplying all the materials to local and national premier league and championship clubs. Manchester City, Liverpool, Newcastle and Leicester to name but a few. Our asphalt sand is recognised as the best in the industry and as such can travel nationally whereas other sands cannot. It should be noted that Mansfield Sand have also made it through to the Nottingham business awards final for the company of the year supported by their responsible, sustainable and entrepreneurial approach to business ethics.
- The Covid 19 crisis initially saw sales flatline from April 2020, which was mirrored across the entire quarrying industry and which threatened to damage the core of Mansfield Sand. However, the last 12 months has seen a significant uplift in sales due to the strong relationship we have built with external stake holders. As the PM has vowed to 'build Britain' we have therefore picked up new customers in Wales and Scotland and who now rely heavily on us and who form a backbone to the business which has helped to keep the company afloat throughout the pandemic.
- It is therefore imperative to process stockpiled sand within extended working hours. The need for this is business critical and without this extension in hours it will not be possible to provide stability to the company and the local economy. The applicants are therefore looking to 'future proof' the site and wish to increase sand output, but without exceeding the approved hours of sand extraction in the quarry area or increasing HGV movements. By doing so the processing plant with its extended hours will be able to continue production at good levels to take the quarry through the various phases of its approved development.
- The specialist noise air emission and ecological studies accompanying the application have shown that in the opinion of the company's consultants, the increased hours of working will have negligible or no impact. However, the applicants recognise that operations should still stay within the scope of the approved planning conditions and are not proposing to extract sand during night-time working hours or generate any night-time HGV movements. It is considered that the development is acceptable and there will be no environmental harm associated with the increase in operating hours proposed.
- The applicant has a first class relationship with the local community through the quarry liaison group and meetings are relatively infrequent at the request of attendees as the quarry operates without disturbance or concerns to local stakeholders.

The following points of clarification were then addressed:

- The site's lights will be turned off when requested by the local observatory, who are part of the liaison group.
- There are 116 lights on site and 47 have been changed to LED bulbs at a cost of £5k each. Ultimately all of the bulbs will be changed to LEDs.

Members then debated the item and highlighted the following:

- There were a number of objections to this site when permission was first sought in 2013. There are no objections today meaning the original concerns have not materialised.
- The site operates unnoticed by locals, HGV movements are rarely seen and there are no noise or lighting issues.
- This is a successful local business that should be supported.

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

RESOLVED 2021/014

That section 73 planning permission be granted subject to the conditions set out in Appendix 1 of the report.

7. DEVELOPMENT OF A WASTE MANAGEMENT FACILITY – LAND OFF PRIVATE ROAD NO.3, COLWICK INDUSTRIAL ESTATE

Mr Hankin introduced the report which considered a planning application for the development of a new waste transfer station. Mr Hankin informed members that the key issues related to the need to develop a replacement waste transfer station to manage municipal and commercial/industrial waste streams and the potential benefits of enabling this waste to be managed locally in compliance with the waste hierarchy, the suitability of the site for the development, and consideration of potential environmental effects.

Mr Hankin informed Committee that the Constitutional Comments, which in the report stated would be delivered orally at the meeting, confirmed that the decision fell within the Terms of Reference of the Planning and Rights of Way Committee.

Members then debated the item and highlighted the following:

- It is recognised that a new site is needed following the fire at Freeth Street.

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

RESOLVED 2021/015

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

8. REGISTERING A NEW TOWN OR VILLAGE GREEN BETWEEN BACK LANE AND THE PINFOLD, MISSON

Mr Lewis introduced the report which considered an application submitted by Misson Parish Council to voluntarily register an area of land between Back Lane and The Pinfold, Misson, as a Town or Village Green.

Following Mr Lewis's introduction, Members then debated the item and highlighted the following:

- Committee welcomed such an application submitted for the right reason – an area to be restored as an historical feature and not for purely commercial considerations.

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

RESOLVED 2021/016

That the voluntary registration by Misson Parish Council of a town or village green between Back Lane and The Pinfold, Misson be endorsed.

9. DEVELOPMENT PROGRESS MANAGEMENT REPORT

Mr Smith introduced the report, stating that it was the usual report brought regularly to Committee detailing the applications received, determined and scheduled.

Mr Smith drew Members' attention to forthcoming applications concerning Bantycok Quarry and Barton in Fabis and the Chair asked officers to arrange site visits before the applications came before Committee for decision.

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

RESOLVED 2021/017

That the contents of the report be noted.

The meeting closed at 12.22pm

CHAIR