

Meeting	PLANNING AND LICENSING COMMITTEE
Date	Tuesday 19 September 2017 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

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

	Pauline Allan	Rachel Madden
	Andy Brown	Sue Saddington
	Neil Clarke MBE	Tracey Taylor
	Sybil Fielding	Keith Walker
	Paul Henshaw	Andy Wetton
A	John Longdon	

OFFICERS IN ATTENDANCE

David Forster – Resources Department
Pete Barker – Resources Department
Rachel Clack – Resources Department
Sally Gill – Place Department
Jonathan Smith – Place Department
Rob Fisher – Adult Social Care and Health and Public Protection Department
Angus Trundle – Place Department

MINUTES OF LAST MEETING HELD ON 11 JULY 2017

The minutes of the meeting held on 11 July 2017 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor John Longdon

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

APPROVED PREMISES FOR CIVIL CEREMONIES

Mr Fisher introduced the report.

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

Resolved 2017/024

That an update report be presented to Committee in the next 12 months and that it be included in the work programme.

APPLICATION TO ADD A FOOTPATH TO THE NOTTINGHAMSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT PINGLEY LANE, STAYTHORPE

Mr Trundle introduced the report and gave a slide presentation. During his presentation he highlighted that Mr Ellison the owner of Manor Farm was unable to attend the meeting and read out the following statement

Mr Ellison's solicitor has asked that his sincere apologies for being unable to attend be passed to the Committee as he had had a recent bereavement, and requests that no adverse inferences be drawn by his inability to attend. His solicitor also wrote that it was not considered that she would not be able to add to anything that is not already summarised in the report. Mr Ellison's solicitor also stated that Sue Mitchell, who lived at the farm for most of the 20 year period, stands by what she has put in her statement but would feel uncomfortable giving evidence as she does not want to be in conflict with her old neighbours.

Following the introductory remarks of Mr Trundle there were three speakers who were given an opportunity to speak and **summaries** of those speeches are set out below:-

Mr V Hird, the applicant and a local resident, spoke in favour of the application and highlighted the following:-

- The path has been well used over the years by villagers and dog walkers.
- The path creates a circular walking route around the village.
- The circular walk is seemingly unimportant but has been an important part of village life allowing people to communicate whilst walking the route.
- The previous owner didn't comment on people using the path and he didn't ever see anyone being challenged.
- There had been no challenge whilst walking the route until 2015.

There were no questions.

Mr I King, local resident, spoke in favour of the application and highlighted the following:-

- There is a history of villagers walking this path and it was well known by villagers that this path could be used as a circular route around the village.
- The previous owner of Manor Farm confirmed to him the regular use of path and that he had used the path twice a day.
- The recent closure of the path has had an impact on the fabric of the small community of Staythorpe.
- The understanding of the issue of privacy but part of that was caused by the removal of the row of conifers next to the path.

In response to a question the position of the Manor House was pointed out on the map along with the newly erected gate.

Mr G Lester on behalf of Mr K Melton, local resident, spoke in favour of the application and highlighted the following:-

- The lane has certainly been used since 1974 when Mr Melton first moved to the village.
- The campaign to make the lane public is one to reaffirm the long standing practised rights of walking the public path.
- There is no recollection of any challenges to people using the Lane as a public right of way.
- The previous owner knew of his use of the path and did not challenge it.

There were no questions.

Mr Trundle informed members that the gate was erected recently however it is the 20+ years prior to this that are taken into account when determining whether access rights have been established.

Following all the speakers members debated the item and the following comments and questions were responded to:-

- This is a safe walking route that means walkers do not need to walk on the busy Staythorpe Road.
- If the application is approved and there are no objections then the NCC would become liable for the up keep of the path.
- It is not an issue if only villagers came forward as the users of the path as it is actual use and not the status of user that's important.
- If the application was to be granted the obstruction of the gate would have to be removed.

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

Resolved 2017/025

That the making of a Modification Order to modify the Definitive Map and Statement by adding the footpath for which the application was submitted be approved, on the basis that, for the reasons set out in the report and it is considered by the Authority that the evidence shows that a right of way is reasonably alleged to exist

ERECTION OF DETACHED CLASSROOM AND FIVE SPACE STAFF CAR PARK BRINSLEY COUNTY PRIMARY SCHOOL, MOOR ROAD, BRINSLEY

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

- That the Heritage team made a request that the materials to be used should be in keeping with the environment.
- Broxtowe Borough Council raised an objection about the positioning of the classroom with regard to the visual impact.

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

RESOLVED 2017/026

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 2 attached to the report.

TO VARY CONDITION 8 OF PLANNING PERMISSION 01/49/06/00009 TO INCLUDE THE OPTION TO USE THE FACILITY FOR `COAL POND FINES` IN ADDITION TO BIOMASS FUEL MATERIALS COTTAM POWER STATION AND ADJOINING LAND, OUTGANG LANE, COTTAM, DN22 0EU

Mr Smith introduced the report and gave a slide presentation.

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

RESOLVED 2017/027

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

DEVELOPMENT MANAGEMENT PROGRESS REPORT

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

RESOLVED 2017/028

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

WORK PROGRAMME

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

RESOLVED 2017/029

That a report entitled 'Approved Premises for Civil Ceremonies' be brought to Committee in 12 months' time.

The meeting closed at 12.20pm

CHAIR