

minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 20 November 2012 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)
Sybil Fielding (Vice-Chair)

Jim Creamer
John M Hemsall
Stan Heptinstall MBE
Rev Tom Irvine

Bruce Laughton
Rachel Madden
Sue Saddington
Mel Shepherd MBE
Keith Walker

OFFICERS IN ATTENDANCE

Steven Baker- Solicitor
David Forster – Democratic Services Officer
Sally Gill – Group Manager – Planning
Jerry Smith – Team Manager, Development Management
Jonathan Smith – Principal Planning Officer, Development Management

MINUTES OF LAST MEETING

The minutes of the meeting held on 16 October 2012, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

There were no apologies for absence

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Jim Creamer declared a Private interest on agenda item 7 Former Bentick Tip Site on the grounds he knew Mr Stone was one of the speakers on the item.

Councillor Bruce Laughton declared a Disclosable Pecuniary Interest in the following agenda items:-

5. Land at Two Oaks Farm Derby Road Mansfield, because he has connections with the Mansfield Sand Company.
6. Rufford Orangery, Rufford Country Park, Ollerton, because he has a Venue used for Weddings nearby.
7. Former Bentick Tip Site, Park Lane, Kirkby in Ashfield, because he has a financial interest in a Golf Club in the area.

Councillor Laughton therefore left the meeting.

Councillor Ruth Madden declared a Private interest on agenda item 7 Former Bentick Tip Site on the grounds she knew Mr Stone through her being a member on Ashfield District Council.

Councillor Sue Saddington declared a Private interest on agenda item 6 Rufford Orangery, Rufford Country Park, Ollerton on the grounds she sits on the Newark District Council Planning Committee.

DECLARATIONS OF LOBBYING OF MEMBERS

None

LAND AT TWO OAKS FARM DERBY ROAD, MANSFIELD

With the consent of the Committee the Chairman withdrew this item from the agenda following the receipt of additional information and to allow the Council's Officers to make the appropriate inquiries.

RUFFORD ORANGERY, RUFFORD COUNTRY PARK, OLLERTON

Jerry Smith introduced the report and gave a presentation outlining the main elements of the application, including the number and nature of objections received.

Following the opening remarks of Mr Smith a number of speakers were given the opportunity to speak and summaries of those speeches are set out below.

Professor H Williams, a local resident, spoke in opposition to the application and raised a number of issues, including nuisance and noise, which would emanate from these events. He felt that this would be detrimental to the enjoyment of his garden and property with the constant hearing of "here comes the bride". He also raised the issues of additional parking problems in and around the Park, the diminution of the Orangery by the erection of a gazebo, and the enjoyment of the facilities for the public if areas were segregated for holding private events every day.

No questions were asked.

Mr A.Cox, Nottinghamshire County Council and applicant spoke in favour of the application and highlighted the issues of the need for additional facilities for holding

weddings. He informed Members that the current facility at the Rufford site had reached capacity and it is felt there is a business need to allow for the holding of weddings in the Orangery. The money received would be used to offset the £55,000 budget cut proposed, will give additional funding for restoration and also employment opportunities in the area.

No questions were asked.

Mr Smith responded to Professor Williams issue regarding noise from the venue and highlighted paragraph 25 of the report. It is accepted that there will be times when the noise levels will rise above the standard noise levels, but this would only be brief periods when the audience are clapping or when the music starts.

Councillor Pearce, Rufford Parish Council, spoke in opposition to the application and raised the following issues noise and nuisance issue for the adjoining landowners, alongside this, the exclusion of the public to areas of historical significance and beauty. It would also cause possible conflict with the public and guests and the additional traffic issues could have an effect on public use. There is also the possible noise and disturbance which would continue into the evening due to use until 12.30 am.

In response to a question Councillor Pearce informed members that there is liaison between the Parish Council and the operators of the Country Park through the Rufford Support Committee.

During discussions Members considered the noise and nuisance issue raised and the fact that they felt that Rufford is one of the jewels of Nottinghamshire. The Members also considered the conflict which could possibly occur with guests and public wishing to view the Orangery. They took into consideration the conditions attached to the application and the views of the local Parish Council and the local resident who's property is most affected.

RESOLVED 2012/032

That the application for planning permission be refused for the following reasons:-

1. That the intrusion on residents who live in the vicinity
2. The effect on visitors wishing to visit the Orangery as a tourist attraction.
3. The potential for conflict between the public and wedding guests

FORMER BENTICK TIP SITE, PARK LANE, KIRKBY IN ASHFIELD

Jerry Smith introduced the report and gave a presentation outlining the main elements of the application, including the number and nature of objections received. He informed Members that he had received a further objection from Leedale Mushroom Farm due to the effect it could have on any possible future sale of the business despite it not having traded for several years. The Owner considered that a scheme of mitigation should be required up front, rather than in the event of a desire to recommence the business as recommended Condition 17 suggests.

He also reported that he had received a letter objecting to the use of Wind Turbines on the site with a suggestion that an alternative could be solar panels as a more ecological source of energy supply. It also suggested that the placement of Wind Turbines would be contrary to Greenbelt Policies. Mr Smith informed members that the issues had already been considered and it was felt that these issues do not require a new application to be submitted.

Following the opening remarks of Mr Smith a number of speakers were given the opportunity to speak and summaries of those speeches are set out below.

Mr Stone, representing the applicant Broomco (1997) Ltd, spoke in favour of the application. He highlighted the benefits of the application which included employment, restoration of the coal tipping site, recreational facilities for the surrounding community and an iconic landmark for visitors to Nottinghamshire. He also informed members that there were a few concerns regarding the conditions set out in the appendix to the report regarding the Mushroom Farm and the measures which would need to be taken and the reference to Section 106 agreement to improve the Kirby Cross roundabout.

Mr Stone responded to question by the Committee as follows:-

- The current fleet of lorries owned by the company will not increase.
- The club house proposed does not have solar panels now but may have in the future this is because technology is changing rapidly regarding solar power.
- The footpaths proposed and already in existence will not have horse rider and walker conflict because there will be separate areas assigned to each of these pursuits thus cutting out any conflict.
- The issues around Kirkby Cross roundabout is down to the fact there are other developments in the pipeline and therefore why should one developer bear the brunt of the costs of the development of the roundabout.
- We will be working closely with the Police during the development and will aim to keep crime down to a minimum also there will be on site security to prevent theft.
- With the wind Turbines it is hoped that the site will be completely self sufficient on energy.

Councillor Gail Turner, Local Member, for an adjoining division spoke in favour of the application and highlighted the following issues.

- This development will provide much needed jobs in an area which suffers from high unemployment.
- It will also open the gates to Nottinghamshire with a modern development rather than the eyesore it currently is today, which can only be good for the County.
- The educational aspect of having an open classroom for schools to use and teach pupils the history of the mining industry which was a big part of Nottinghamshire life in the past. Although she understood the County Council's Reclamation Team were opposed to this which disappointed her.
- The introduction of ponds and vegetation will bring back wildlife to an area lacking such things.

She also informed Members that she had canvassed many local residents who supported this development wholeheartedly and also the local police sergeant who feels it will be positive for the local community and youngster for future employment. With regard to condition 17 and the Mushroom farm this has not traded for some 8 years or so and therefore should not have such a condition tying the company up to a scheme of mitigation to safeguard the viability of the farm.

No questions were asked.

In response to issues raised by the speakers Mr Smith informed Members that Condition 17 was included to safeguard the Mushroom farm if it was to recommence production, but there is no intention to start up the business currently.

During discussions Members welcomed the application and felt that this is good for the County as a whole. They considered the use of Wind Turbines as a source of renewable energy and felt that the site is ideal. The majority of Members also felt that condition 17 should be removed.

On a motion by Councillor Ruth Madden seconded by Councillor Rev Tom Irvine it was -

RESOLVED 2012/033

1. that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into legal agreements under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 to secure an additional five years of aftercare for those areas on the site which are of ecological interest; an annual dilapidation survey of the section of Park Lane 250 metres west of the site access towards Selston and approximately 650 metres east of the site access up to the access to the sewage works; improvements to the highway at the Kirkby Cross roundabout; and a lorry routeing agreement to prevent HGVs associated with the restoration of the site from travelling along the B6020 through the retail centre of Kirkby-in-Ashfield.
2. that subject to completion of the above legal agreements the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions as set out in Appendix 1 to the report with the exception of Condition 17

NEWTORPE SEWARGE TREATMENT WORKS, HALL LANE NEWTHORPE

RESOLVED 2012/034

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

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Sally Gill introduced the report which detailed applications received between 1 September – 7 November 2012, confirmed decisions made on planning applications since the last report to Committee, and updated Members on recent Government announcements that the planning application fees will rise by 15% from Thursday 22 November 2012.

RESOLVED 2012/035

That the report and appendices be noted.

WORK PROGRAMME

RESOLVED 2012/036

That the committee's work programme be noted.

The meeting closed at 12.10 pm.

CHAIRMAN

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