

Meeting PLANNING AND RIGHTS OF WAY COMMITTEE

Date Tuesday 14 December 2021 (commencing at 10.30am)

Membership

Persons absent are marked with `A`

COUNCILLORS

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

Andre Camilleri	Philip Owen
Robert Corden	Francis Purdue-Horan
Jim Creamer	Sam Smith
Paul Henshaw	Tom Smith
Andy Meakin	Daniel Williamson - Apologies
John Ogle	

SUBSTITUTE MEMBERS

Councillor Sam Smith replaced Councillor Upton on a permanent basis.

Councillor Callaghan replaced Councillor Fielding for this meeting only.

OFFICERS IN ATTENDANCE

Rachel Clack – Chief Executive’s Department
Marion Clay – Children and Families Department
Keith Ford – Chief Executive’s Department
Sally Gill – Place Department
Neil Lewis – Place Department
David Marsh – Place Department
Matthew Neal – Place Department
Mike Sharpe – Children and Families Department
Jonathan Smith – Place Department
Dan Sullivan – Place Department
Jan Witko – Place Department

1. MINUTES OF PREVIOUS MEETING HELD ON 2 NOVEMBER 2021

The minutes of the meeting held on 2 November, 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 Fielding and Councillor Williamson.

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. ERECTION OF A TEMPORARY SCHOOL, EAST LEAKE

Mr Marsh introduced the report which considered a full planning application for the erection of a temporary primary school (Learning Village) for up to 120 pupils on land east of Sheepwash Lane, East Leake. Mr Marsh informed members that the key issues related to the principle of the development and the traffic/travel related impacts of the proposed point of access.

In addition to the comments received from Rushcliffe Borough Council, the details of which are contained in the report along with NCC's responses, Mr Marsh informed Committee that Borough Councillor Thomas and Borough Councillor Way had submitted their own observations.

Borough Councillor Thomas had questioned whether the school would provide enough places for pupils, especially given the volatile situation with new houses being built every week. Mr Marsh stated that projections indicated that only 80 of the 120 places would be needed, though ultimately this was an issue for the education authority.

Borough Councillor Way was concerned that with the new school not due to open until September 2023 that parents picking up and dropping off their children at the temporary school would conflict with residents during the construction phase. Councillor Way was concerned with potential traffic/road safety problems around the hammerhead turning area and the roundabout; possible gridlock in surrounding roads; that decisions had been made based on historical data; and requested that Condition 16 be redrafted to emphasise child safety. Mr Marsh informed members that these issues were for Rushcliffe Borough Council to follow up with the developer to implement pedestrian protection measures as required.

Following Mr Marsh's introduction, Councillor Barney, as the local County Councillor, was given the opportunity to speak and **a summary** of that speech is set out below:

- I am pleased that the full application has been approved and can I thank all the officers involved with what is a complicated site with numerous owners and builders and I am glad that everything has been resolved so quickly.

This will obviate the need to bus children to schools in other villages.

- There will be negative impacts for the residents of Sheepwash Way but these will only be for the short term with the permanent school opening in September 2023.
- I would like to endorse the comments made by Councillors Thomas and Way and ask officers to continue to work to mitigate any problems around pedestrian footways.
- I would like reassurance that once the temporary buildings are removed the fields and views will be restored.
- I wholeheartedly support this application.

Mr Marsh responded to the following issues raised by Councillor Barney:

- The measures detailed in Condition 16 will address the traffic/road safety issues.
- The removal of the temporary buildings will follow the natural course of events as the permanent buildings come to supersede the temporary ones over time. This issue is addressed by Conditions 5, 26 and 27.

Members then debated the item and highlighted the following:

- Admissions to the school will be carried out by the Academy Trust who will not want to exclude pupils, there will be no shortage of pupils and the Trust will have the experience to deal with fluctuating pupil numbers.
- Place planning is an art rather than a science and demand for school places in the area has increased. The new school should be large enough to cater for the demand but data changes and is reviewed annually.
- The period of construction will be a testing time for residents in the surrounding area in terms of traffic generated and parking, but government guidelines make it clear that highway authorities only have limited scope to object on highways grounds. Objections must be limited to issues of congestion and highway safety, amenity cannot be taken into consideration ie the disruption/inconvenience to residents.
- The site was provided on appeal, this authority has very little influence over which site is selected.
- The assumption is that parents will behave responsibly and the TROs and the extended School Zone are designed to mitigate any traffic/parking problems.
- TROs can be used on unadopted roads.
- Various planning conditions refer to road safety.

- There have been no recorded accidents at the roundabout on Sheepwash Way so there is nothing to indicate that it is dangerous.
- It is national policy is to encourage non-motorised transport.
- Officers are currently engaged on a piece of work regarding the site allocation for schools, including the regulations and guidance around car parking, and will bring a report to a future meeting of the Committee.
- The plan has always been to build a school at the end of the cul de sac and the buyers of new homes would have been aware of this before purchasing their houses.
- This committee cannot debate the application for the new permanent school at this time.
- Condition 18 refers to with the issue of lighting.
- Condition 13 refers to the issue of grass snake on site. The shelter will be placed in an area where it will not have to be relocated once in position.

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

RESOLVED 2021/020

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 of the report.

6. RETENTION OF A NEW BUILDING FOR END OF LIFE VEHICLE FACILITY (ELV) – COLWICK BUSINESS PARK

Mr Smith introduced the report that considered a planning application for the retention of a building used as an End of Life Vehicle (ELV) facility at Chris Allsop’s Metal Recycling at Colwick Business Park, Private Road No 2, Colwick. Mr Smith informed members that the key issue related to flood risk management.

Following Mr Smith’s introduction Members then debated the item and highlighted the following:

- The area is at risk of flooding, though the defences were improved in 2012 to provide protection on a 1 in 100 year flood event with a 50% allowance for climate change. The defences are maintained by the Environment Agency and it is hoped these defences will continue to provide protection into the future.
- Members expressed their frustration that this was another retrospective planning application and were concerned at how such applications were perceived by the public.
- Officers agreed to raise the issue of retrospective applications, including the possibility of increasing fees or introducing fines for such applications, via officer networks/organisations. Members agreed to lobby MPs on the issue.

- Regular site monitoring allows officers to identify such cases.

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

RESOLVED 2021/021

That subject to the application being referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of State deciding not to call in the application for his own determination, planning permission be granted for the above development subject to the conditions set out in Appendix 1 of the report.

7. PROPOSAL TO DIVERT A FOOTPATH IN THE PARISH OF SOUTHWELL

Mr Lewis introduced the report that considered an application from the landowner to divert part of Southwell Footpath No. 69. Mr Lewis informed members that the application had been submitted by the landowner in order for him to better manage his land, reduce any health and safety issues for his young family and increase the security of his property by relocating the footpath towards the garden boundary.

Mr Lewis informed Committee that the County Council had received 12 objections to the Diversion Order which prevents the County Council from confirming the Order itself. The Council must now decide whether to proceed. If it does then the tests set out in the report need to be met before confirmation of the Order is sought from the Secretary of State. Mr Lewis informed members that the recommendation was for the Order to be referred to the Secretary of State for their approval.

Following Mr Lewis' introduction, Mr Kevin Heath, the landowner, was given the opportunity to speak and **a summary** of that speech is set out below:

- The footpath is in the middle of my back garden
- I bought the property 3 years ago, the previous owners lived in the property for 30 years and did not have any young children
- The only reason for my application is to ensure the safety and security of my family
- The footpath passes to within 20m of my house and it is possible to see through the windows and into the property from the footpath
- There are no clearly defined boundaries near my property and the public do stray onto my land
- Noise made by the public on the footpath can be heard from inside my house
- I have consulted the relevant councils and this solution gives my family security while at the same time not affecting the public detrimentally

- The footpath remains in open space and no grass, wildlife or trees are affected I have tried to strike a balance between my family and the public, people's concerns have been addressed and the public will still be free to enjoy the right of way

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

- The footpath is not a direct link between villages. It is not a short cut and the extra length of the diversion may add to the public's enjoyment of the route.
- The area does get muddy and works are planned to address this irrespective of whether the diversion goes ahead.
- Some members attended the site visit and the Chair emphasised the importance and usefulness of such visits.

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

RESOLVED 2021/022

That the order be referred to the Secretary of State seeking their confirmation.

8. DEVELOPMENT MANAGEMENT REPORT

Mrs Gill introduced the report and confirmed that this was the usual report brought regularly to committee detailing the applications received, determined and scheduled.

Mrs Gill confirmed that the application at Colwick Business Park referred to on page 107 of the report did involve the use of containers as sound barriers.

A site visit to Ratcher Hill quarry and to the site previously used would be organised for members.

RESOLVED 2021/023

That a report on the process and procedures around site allocation for schools be brought to a future meeting of the Committee.

The meeting closed at 12.08pm

CHAIR