

minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Wednesday 17 April 2013 (commencing at 2.00 pm)

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)

A Sybil Fielding (Vice-Chair)

Jim Creamer

John M Hemsall

A Stan Heptinstall MBE

A Rev Tom Irvine

Bruce Laughton

A Rachel Madden

Sue Saddington

Mel Shepherd MBE

Keith Walker

OFFICERS IN ATTENDANCE

Nathalie Birkett - Solicitor

David Forster – Democratic Services Officer

Jerry Smith – Team Manager, Development Management

Sally Gill – Group Manager Planning

David Marsh - Major Projects Senior Practitioner

MINUTES OF LAST MEETING

The minutes of the meeting held on 26 March 2013, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman subject to Councillor Laughton's apologies being noted.

APOLOGIES FOR ABSENCE

Apologies for absence were received from

Councillor Stan Heptinstall – on other County Council Business

Councillor Rev Tom Irvine - Illness

Councillor Rachel Madden - on other County Council Business

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

CHANGE IN ORDER OF BUSINESS

With the permission of the Committee the Chairman changed the order of business to take item 6 as the first business item.

ERECTION OF A 2 CLASSROOM STAND ALONE BUILDING AND RETENTION OF THE ADJACENT FENCED BALL COURT HARD PLAY AREA CARNARVON PRIMARY SCHOOL BINGHAM

Mr Smith introduced the report and took members through the report. He also circulated pictures of the area subject to the planning application and the surrounding area at the meeting for members' information.

In response to a question Mr Smith responded as follows

- The creation of a Liaison Group involving Local Residents, the School and Local Councillor could be looked into as an option.
- He also informed members with regard to parking outside school the authority had recently approved a report enabling enforcement of the no parking on the zig zag lines outside schools

On a motion by the Chairman, seconded by Councillor Shepherd it was:-

RESOLVED 2013/013

1. That planning permission be granted for the above development for the purposes of regulation 3 of the Town and Country Planning Regulations 1992 subject to the conditions set out in Appendix 2 attached to the report.
2. That an additional informative setting up a local liaison group is added to the recommendation set out in Appendix 2

NEW STAND ALONE SINGLE STOREY 4 CLASSROOM EXTENSION TO THE SOUTH OF THE EXISTING SCHOOL - COVERED WALKWAY NEW PEDESTRIAN ENTRANCE MULTI USE GAMES AREA AND ASSOCIATED DRAINAGE LANDSCAPING AND EXTERNAL WORKS ST PETER'S PRIMARY AND NURSERY SCHOOL MANSFIELD

Mr Smith introduced the report and took members through the report. He also circulated pictures of the area subject to the planning application and the surrounding area at the meeting for members' information. He also reminded members that Appendix 2 sent out with the papers had been reissued because of an amendment in the numbering of the conditions.

He informed members that since the report was published the Regional Spatial Strategy had been revoked and therefore no weight should be applied to those policy references included for completeness set out in paragraphs 75 and 89 in the report. Reference was also made to the response from Sport England with regard to the retained outdoor play area and the fact it is deemed adequate.

He also informed members that an objection had been received on Monday 15 April 2013 objecting to the consideration of the report on the grounds of Crime and Disorder issues not being fully considered. The letter highlighted the planning issues that were material to the determination of the planning application, stating there had been no regard paid to the crime and disorder or legal duty placed on the County Council under section 17 of the Crime and Disorder Act 1998 the requirement of which was read to members by Mr Smith.

The objector raised issues as follows:-

- The design and location will bring with it an increase in burglary/other offences at the premises which will affect the current building and new build.
- Parking issues will raise the probability of confrontation through vehicles nuisance and highway obstruction, thus more complaints to the police. Vehicle nuisance is one of the categories used to measure anti social behaviour levels.
- Insufficient parking in the area will lead to parents parking in areas which do not have natural surveillance. The Bellamy Road Estate sees a higher than normal crime rate and this will lead to a higher risk of crime with more vehicles being in the vicinity.
- The potential neglect by the Design Team/Planning Officer in failing to discharge the Councils duty under the Crime and Disorder Act 1998, fall below the standards expected of a public office.
- In order to resolve these concerns the objector asks for the following actions to take place:-

(1) The application be withdrawn from this Committee Meeting and be deferred until such time as the County Council have given due regard to the effect of the proposal on crime and disorder. There should be a clear audit trail available to show that due regard has been given.

(2) Nottinghamshire County Council provide a full written explanation as to why it has failed to discharge its duty under s.17 Crime and Disorder Act 1998 in relation to this application.

(3) A written explanation of what training and / or qualifications the officers have that have provided them with the "expertise" to state that there are no crime and disorder considerations.

In response to the above Mr Smith informed members the planning issues raised had been forward to the Police Force Architectural Liaison Officer who had responded to an earlier request, but his reply had not been received stating 'having viewed the

documents and examined the crime and disorder stats for this area, I have no concerns or further comments to make.'

In addition the following comments dated 15 April 2013 from the Police Architectural Liaison Officer had been received in response to planning issues raised in the complaint:

The Police Architectural Liaison Officer's comments made in January 2013, took into consideration the existing school site, the overall security of the site, the extent of any reported crime and disorder and the proposals of the application.

The proposals indicated increased classrooms, new pedestrian access, covered walkway and a Multi Use Games Area, the classrooms being proposed within modular buildings, and all contained within the existing site. The existing site already benefits from the security measures currently in place, including a Heras security fence and the new proposals will also benefit from these measures.

The school suffers from very little reported crime and disorder and the new development, within the existing site, should not change this.

The Police Architectural Liaison Officer notes from the documents that increased vehicular traffic may have an effect on the local residents, and can understand this concern as similar issues surround most schools at drop off and pick up time. However, in the past 12 month period, the Police Architectural Liaison officer is aware of only 2 reported incidents to the Police where nearby residents have been blocked in their drives by indiscriminate parking.

With the low levels of reported crime and disorder in the local vicinity of the school site the Police would have no concerns regarding the proposed planning application.

Mr Smith stated whilst the complainant stated that it was inappropriate and insufficient to rely solely on the police to advise regarding crime and disorder considerations, Members should note that Section 118 of the report sought to deal with Crime and Disorder Implications of a planning application rather than to address any wider obligation on the part of the Authority under Section 17 of the Crime and Disorder Act 1998. Whilst there may be other matters related to the duty of the Authority that would require a formal response to the complaint, following advice from Legal Services the crime and disorder implications of the development had been suitably considered and did not prevent the determination of the planning application.

Members considered the report and the following issues were raised during those discussions and Mr Smith responded as follows:-

- The creation of a Liaison Group involving Local Residents, the School and Local Councillor could be looked into as an option.
- The need for a Section 77 approval lies outside the consideration of the merits of the planning application but would be a requirement for the applicant to secure.

On a motion by the Chairman, seconded by the Councillor Shepherd it was:-

RESOLVED 2013/013

1. That planning permission be granted for the above development for the purposes of regulation 3 of the Town and Country Planning Regulations 1992 subject to the conditions set out in the amended Appendix 2 circulated prior to the meeting and
2. That an additional informative setting up a local liaison group is added to the recommendation set out in the amended Appendix 2

The meeting closed at 2.50 pm.

CHAIRMAN

M_26 March 13