

minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 22 January 2013 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

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

	Jim Creamer	Bruce Laughton
	John M Hemsall	Rachel Madden
	Stan Heptinstall MBE	Sue Saddington
A	Rev Tom Irvine	Mel Shepherd MBE
		Keith Walker

ALSO IN ATTENDANCE

Councillor Steve Carroll

OFFICERS IN ATTENDANCE

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

MINUTES OF LAST MEETING

The minutes of the meeting held on 18 December 2012, 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 Tom Irvine

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Bruce Laughton declared a pecuniary interest in agenda item 5 – Land at Two Oaks Farm Derby Road Mansfield because he is a customer of Mansfield Sand Company through his ownership of Rufford Golf Club.

Councillor Rachel Madden declared a non-pecuniary interest in agenda item 5 – Land at Two Oaks Farm Derby Road Mansfield, on the grounds she had attended meetings at Ashfield District Council when this application had been discussed but had not taken part in those discussions.

DECLARATIONS OF LOBBYING OF MEMBERS

All members had received letters from Mr P Smith regarding the application for Land at Two Oaks Farm Derby Road Mansfield.

The Chairman informed Committee that he had spoken to Mr P Smith regarding the application prior to it being presented today

LAND AT TWO OAKS FARM DERBY ROAD MANSFIELD

Councillor Bruce Laughton following his declaration at the start of the meeting left the meeting.

The Chairman informed members that he had received a request from Mr P Smith, an objector, to circulate further information to Committee regarding this item this request was denied in accordance with the Planning and Licensing protocols

Mr Smith introduced the report and gave a slide presentation to the committee and took it through the conditions set out in the report. He informed members that with regard to condition 13 which sets out the number of Heavy Goods Vehicles there is a limit based on an average to 50 movements a day (25 in and 25 out). The annual figure set out in the condition does not take account of public holidays therefore the total number should read 27,800 and not 28,600 vehicle movements a year.

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

Mr A Chambers, representative of Coxmoor Golf Club, spoke in opposition to the application and raised a number of issues including Road Safety, Pollution and perimeter bunds casting shadows on parts of the course. The traffic issues relate to Coxmoor Road becoming a rat run. The pollution issues could not only affect those playing the course but also the plants and animals that are found on the course. Finally the issue of shadows being cast across the course could have issues around management of the course day to day and the effect of moisture retention.

In response to the issues raised by Mr Chambers, Mr Smith informed members that it is not proposed to allow Lorries to use Coxmoor Road when travelling to and from the site. He also informed members that there had been no objections from the Environmental Health Agency or Natural England regarding noise and pollution.

There were no questions asked.

Mr C Hook, representative of the Sherwood Observatory, spoke in opposition to the application on the grounds that the light pollution will affect both their ability to practice and also the ability to teach. The approval of this application would affect the ability to star gaze due to the loss of the dark skies around the observatory.

Mr Smith responded to the issues raised by Mr Hook stating all additional lighting needed for the site will be installed correctly and that all use of the site would cease at 8 pm which is set out in condition 21. He also informed members the security lighting which will be triggered by movement will be angled downwards so as not to interfere with the night skies.

In response to a question Mr Hook informed members that the observatory is situated over the brow of the Hill towards Kings Mill Hospital and because of light pollution the observatory can only look to the south east quadrant of the sky.

Mr T Smith on behalf of Mr P Smith, a local resident, spoke in opposition to the application and highlighted the following issues. The impact of vehicular movement in the vicinity of the site will increase noise pollution in the area. He also highlighted the issue of local wildlife such as birds and bats, whereby the population of both species could be lost. The impact on the landscape is also a factor that needs to be taken into consideration and the impact on local businesses and residential dwellings in the vicinity of the site.

In response to questions Mr P Smith responded as follows

- There is private housing along Coxmoor Road and I live furthest away from the site but feel that it will affect the area as a whole.
- Vehicular movements in the area are thought to be a lot higher than reported due to the lorry movement of products other than silica sand. Also the re-phasing of the traffic lights will not have a significant effect on the congestion issues which surround Coxmoor Road.
- There has not been enough study undertaken with regard to the effect on the Bat and Nightjar population and this needed addressing.

In response to issues raised by Mr P Smith, Mr Smith responded as follows

- There has been a significant Traffic Assessment undertaken and the Highways Authority is satisfied that the Conditions set out in the appendix to the report cover these issues in detail. Condition 13 in particular restricts the movement of Traffic both in and out of the site.
- The issue around the Bats and Nightjars has been scrutinised by Natural England and no evidence has been found to suggest this application would have a major affect on them.

Mr J Boulton, Managing Director, Mansfield Sand, spoke in favour of the application and highlighted the fact the company employs over 65 people and has a good reputation in the area. If the application is granted he informed members that there would be over 60 conditions attached to this application. The Quarry has been

designed to minimise any visual effects on the surrounding area especially the Coxmoor Golf Course.

In response to questions Mr Boulton responded as follows

- A complaint received 15 years ago was due to the sound of reversing beepers on vehicles but with technological improvements these have been made less intrusive but still safe
- The noise levels of these reversing beepers would be approximately 55 decibels which is lower than normal traffic sound and not a continuous noise.
- The Ratcher Hill Quarry site only has enough sand for quarrying for approximately 18 months.

Councillor Steve Carroll, local member, spoke against the application he raised the issues of increased HGV traffic in and around the area. He informed members that there is already a lot of congestion around the area and this additional traffic will have an effect on junction 27 of the M1 along with the West Notts College and the Crematorium. There is also the issue of damage caused by heavy traffic along the narrow B6139 with increased traffic. The issue of safeguarding jobs is not a reason for approving this planning application as it will not have an effect on employment. It will only impact on the environment for local residents and business in the area through increased HGV traffic.

Mr Smith responded to the issue regarding the B6139 and the fact that as part of the agreement there would be a dilapidation survey carried out annually, and if there is any sign of damage the operator would be liable to make good any damage. The Highways Authority has advised on the conditions in the report and are content with those as set out in the report.

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

- There have been no objections received from the Environmental Health Officer with regard to any problems connected with the PM10's The onus of monitoring of vehicles in and out of the site will be on Mansfield Sand Company and can be scrutinised at any time and is set out in condition 13.
- The issue regarding additional housing being given planning permission by the District Council was made after this application was first made and should not have a bearing on this application.
- The management of HGVs entering the site at the beginning of the day, in order to prevent them queuing on nearby roads could be added to the legal agreement.
- The strict conditions as set out in the report cover most eventualities and therefore permission would not be granted without them.
- The issues surrounding will be dealt with in a sensitive way.
- The hours of working will be strictly adhered to through the conditions laid down and based on a noise assessment made in the area.
- The setting up of a liaison committee with the company, the Conty and District Councils, the local residents and businesses could be added to the legal agreement.

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

RESOLVED 2013/001

1. That no objection be raised and that the application be referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 due to the potential impact of the proposed development on the openness of the Green Belt.
2. that, should the Secretary of State not wish to intervene, the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to cover the routing of Heavy Goods Vehicles in and out of the site, the maintenance of clear visibility at the junction of the access road and the B6139 through the management of roadside vegetation; the carrying out of an annual dilapidation survey of the B6139 for a distance of 250 metres east of the site access and up to the A611/B6139 crossroads west of the site access and any remediation measures that the surveys identify; the translocation of common lizards; and the long term aftercare of the proposed heathland, wetland and woodland areas proposed as part of the restoration of the site.
3. that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of the report.
4. that the following matters be added to the legal agreement as follows
 - No vehicles may wait outside the site prior to 6.30 am
 - That a liaison group be established between the applicant the County and District Councils and local community to ensure issues regarding conditions are adhered to and any other problems which may arise can be addressed.

In accordance with Standing Orders Councillor Rachel Madden's vote against the recommendation was noted.

KILVINGTON QUARRY KILVINGTON – VARIATION OF CONDITION 51 OF PERMISSION 3/05/02813/CMA TO AMEND RESTORATION PLAN

Mr Smith introduced the report and highlighted that Alverton and Kilvington Parish Council had now accepted the issue regarding Longhedge Lane access was not under the Planning and Licensing Committee's jurisdiction.

Following the opening remarks of Mr Smith Mr J Elvins, British Gypsum was given the opportunity to speak and a summary of his speech is set out below.

Mr Elvins informed members that the restoration of the Kilvington site has far exceeded the expectations of many people in the local area and has attracted over 160 species of birds. Over 5 km of hedgerows have been established and the scheme offers a network of footpaths available for public use.

There were no questions

On a motion by the Chairman and duly seconded by the Vice Chairman it was

RESOLVED 2013/002

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

WORK PROGRAMME

RESOLVED 2013/003

That the work programme be noted

The meeting closed at 12.47 pm.

CHAIRMAN

M_22 Jan 12