

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 10 December 2019 (commencing at 10.30am)

**Membership**

Persons absent are marked with `A`

**COUNCILLORS**

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

Pauline Allan	Rachel Madden - A
Richard Butler	John Ogle
Kevin Greaves	Tracey Taylor
Tony Harper	Keith Walker
Paul Henshaw	Andy Wetton
John Longdon	

**OTHER COUNTY COUNCILLORS IN ATTENDANCE**

Roger Jackson

**OFFICERS IN ATTENDANCE**

Pete Barker – Chief Executive’s Department  
Rachel Clack – Chief Executive’s Department  
Sally Gill – Place Department  
Ruth Kinsey – Place Department  
Neil Lewis – Place Department  
Stephanie Lock – Place Department  
David Marsh – Place Department  
Joel Marshall – Place Department  
Jason Mordan – Place Department  
Jonathan Smith – Place Department  
Clive Wood – Place Department

**ALSO IN ATTENDANCE**

Assad Raouf – Arc Partnership  
Joseph Starkey – Arc Partnership

## **1. MINUTES OF LAST MEETING HELD ON 3<sup>rd</sup> September 2019**

The minutes of the meeting held on 3 September 2019, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

## **2. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Madden (illness).

Councillor Butler replaced Councillor Brown, Councillor Greaves replaced Councillor Fielding and Councillor Ogle replaced Councillor Neil Clarke, all for this meeting only.

## **3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS**

Councillor Ogle declared an interest in Item 7, Erection of Hall, Kitchen and Classroom at East Markham Primary School, as he was the local member and wished to speak. Councillor Ogle undertook to take no part in the debate or to vote on the item.

## **4. DECLARATIONS OF LOBBYING OF MEMBERS**

Councillor Barnfather referred to an email received by himself and other members of the Committee from a parents' group regarding Item 7, Erection of Hall, Kitchen and Classroom at East Markham Primary School.

This declaration did not preclude members of the Committee from speaking or voting on that item.

## **5. CONSIDERATION OF AN APPLICATION TO DIVERT A PUBLIC FOOTPATH IN THE PARISH OF SOUTHWELL**

A plan was circulated to members before this item was discussed indicating the points from which the photos in the presentation were taken.

Mr Lewis introduced the report which concerned a request from the landowner to divert part of Southwell Footpath No. 69 in order to allow him to better manage his land, reduce any health and safety issues and increase the security of his property by diverting the footpath away from the boundary of his garden.

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

- My wife and I moved into our new home in Southwell with our two young boys 18 months ago.
- The previous owners had lived there for over 40 years and were very elderly when they passed away.
- The public footpath had not been a concern for them as they had no young children and were unable to make the best use of the garden.

- I am here today out of concern for the safety and security of my family.
- We have three main concerns with the existing footpath which can be within 20-35 metres of the house:
  - The path at ground level and the proximity of it to the both the rear house windows and garden means that the children can be seen and faces recognised both inside and outside the house (20/20 vision means that facial recognition does not blur until a distance in excess of 50 metres)
  - The open plan conservation area means that there are currently no defined boundaries (and cannot be above 1m) and so animals and people regularly stray into the garden and this is unsafe for the family and unsecure for the property.
  - The noise levels from the public due to the path proximity interferes with our peace, comfort and convenience.
- Clearly, we knew the footpath was a concern when purchasing the house but had been advised that diversions were possible. As my wife and I work in retailing and brand management, we have no experience in planning and so spent much of 2018, under the guidance of NCC Officer Angus Trundle, consulting with the local community, relevant bodies and the County and Parish councils.
- Having found what was felt by all parties to be a compromise for a proposed diversion that would firstly, ensure the safety and security of my family and home, and, secondly, be no less convenient, enjoyable and be the same length and an open area for the public, I formally applied to the County Council for the tabled diversion.
- I would like to highlight a few of the specific written consultation approvals to this proposal:
  - Alan Wilson – Nottingham Footpath Preservation Society
  - James McGill – Nottingham Area Ramblers
  - Councillor Scorer – Southwell Town Planning Chair
  - Councillor Roger Jackson – Nottinghamshire County Council
- The diversion proposed is an adjustment to the curve of the footpath and so moves the path a further 15 metres away from the house while remaining in open space and being no less enjoyable or convenient.
- There is no impact on grassland, trees or wildlife (as confirmed by the NCC Conservationist) as the proposed path crosses the same adjacent grassland and passes through the same trees.

- Thank you again for your time this morning and I trust you can see that I am trying to find the appropriate balance for our family home and have consulted with all parties to ensure the public can still enjoy this public right of way.

There were no questions.

Councillor Roger Jackson, the local County Council member, was then given the opportunity to speak and a **summary** of that speech is set out below:

- Mr Heath has set out the issues very well.
- Footpath 69 is just a short cut across the garden and leads to Gallows Hill, so perhaps in the past was the route for the hangman!
- There is an argument that Footpath 69 is not required at all, but Mr Heath is only seeking a diversion for the privacy and safety of his family.
- The diversion will have no detrimental effect on the area, and officers have advised that the former route will regenerate quickly once abandoned so that in time no difference will be seen.

Members then debated the item and the following questions were responded to: -

- Officers could only recall a handful of similar diversions being made in the past, not only for privacy reasons, but also for health and safety reasons around farm yards and to aid land management. The Chair informed members that he had attended three recent meetings to discuss similar cases, so this application was not unprecedented.
- The legal cost of the application is £1,535 and would be met by the landowner. This sum also covers officers' time. There would also be further costs of approximately £500 associated with publicising the application. The landowner would also incur costs in removing the stile and relocating fencing.
- As the Highway Authority the County Council is responsible for maintaining the surface of the footpaths. The surface of Footpath 69 is grass but not on a slope and away from trees, so it is not steep and should not suffer from the presence of mulch. The new route will be as safe as the one that exists currently.
- The Chair informed members that he had sat on the Planning & Licensing Committee and its predecessors for number of years, as well as on the Rights of Way Committee when it existed, and that he could recall similar applications being approved, this application was not a precedent.

The Chair stated that the landowner had a right to apply for such a diversion and the Committee had a duty to determine it, irrespective of the costs.

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

**RESOLVED 2019/025**

That Officers make a legal Order to divert part of Southwell Footpath No.69 and to bring a further report back to Committee should objections be received to that Order and not withdrawn.

**6. RIGHTS OF WAY MANAGEMENT PLAN (2018 – 2026) PROGRESS REPORT**

Mr Lewis introduced the report which updated members on the progress of Nottinghamshire's Rights of Way Management Plan (2018-2026).

Following the introductory remarks of Mr Lewis, Members debated the item and the following comments and questions were responded to: -

- The Countryside and Rights of Way Act (CROW) 2000 required all Highway Authorities to produce a Rights of Way Improvement Plan. There was also a requirement to review this plan, and when Nottinghamshire reviewed its Improvement Plan its name was changed to Management Plan. There are not two different Plans.
- The Chair reminded members that the Communities & Place Committee sets the policies in respect of Rights of Way issues, with the Planning & Licensing Committee responsible for implementing those policies. The Chair informed Committee that he and Mr Lewis do discuss the proposals before they go before Communities & Place Committee and that because the Planning & Licensing Committee does implement the policies, it was felt that the report should be brought before this Committee.
- The Chair informed Committee that the report demonstrated how much work goes on behind the scenes and that he met Mr Lewis regularly to keep up to date with developments. The Chair informed members that he also met the Ramblers' Association, landowners and other relevant parties regularly in an effort to resolve issues on the ground with the aim of obviating the need to bring reports to Committee for decision. The Chair stated that the Rights of Way Team is a small one, but they have to deal with a large number of applications.

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

**RESOLVED 2019/026**

That no further actions are required as a direct result of the contents of the report.

**7. ERECTION OF HALL, KITCHEN AND CLASSROOM AT EAST MARKHAM PRIMARY SCHOOL**

Mr Smith introduced the report which concerned an application for the erection of a hall, kitchen, and classroom building and the retention of containerised storage at

East Markham Primary School. The key issues relate to the siting and design of the building and the highway impacts arising from the expansion of the school.

Following the introductory remarks of Mr Smith, Mrs Duggin, the acting head of East Markham Primary School, was given the opportunity to speak and a **summary** of that speech is set out below:

- Everyone that visits our school immediately realises the desperate need we have for more teaching and learning space. I understand that this is not what is in question this morning but felt it important to highlight a number of key points in support of our application.
- Our school strives to provide an environment which offers the best possible education to its pupils. Our staff are driven and dedicated, delivering an inspiring and challenging ethos which allows our children to thrive. In 2018, our Year 6 SATs results were in the top 1% nationally, meaning we were a top performing Nottinghamshire school. This is something we are determined to uphold, the only thing holding us back is space.
- For nearly a decade the school and its community have been striving for an expansion. Due to a steady increase in actual pupil numbers, we now have 7 classes in our school, one per year group. We have constantly adapted our existing building but have now reached the absolute limit of its potential. We have no hall, no library and no spare working space for groups or interventions.
- Our children have to learn, take assembly, eat dinner, and exercise in the same room. For too long our children have been adapting to these circumstances. The school is already utilising temporary accommodation which was donated by a local company, and although this was incredibly generous and very much appreciated, it is an old shipping container which is not fit for purpose. Furthermore, Bassetlaw District Council has mandated that it must be removed by July 2020. Published figures show that by September 2021 the school will be unable to accommodate projected pupil numbers.
- The heritage of the existing school building is important to our community and we appreciate the sensitive nature in which this has been considered and reflected. However, this project was highlighted in the Basic Need Programme over 2 years ago, yet today we are still fighting for planning permission. We have worked closely with architects, the planning team, heritage and conservation teams during this time to address concerns, ensuring the building meets educational demands whilst addressing multiple viewpoints.
- The village of East Markham is seeing significant housing growth supported by Bassetlaw District Council. It would not be unfair to say that other local projects seem to achieve the relevant permissions with ease, within the same East Markham conservation area, even within very close proximity to our school. It is important that this village housing growth is sustainable - a fundamental requirement of this growth is to ensure that the strategic infrastructure in the village can support the additional children moving to East Markham. Therefore, the school must grow, and it needs the facilities to do so.

- This is the last chance to ensure that new starters in September 2020 will have a school hall and, more crucially, that Year 6 are not spending their last year of primary school in a large mixed-year group class unnecessarily, or in a space which is not fit to be a classroom. It is time that our children are able to access their PE lessons regardless of the weather.
- This project has been championed by Parliamentary support (Robert Jenrick MP), Councillor support (John Ogle), the East Markham Parish Council and Askham Parish Meeting. It would not just benefit everyone in our school, but the local community too.
- We believe this design meets the needs of the school, it has rightly been adjusted on a number of occasions to address concerns of different parties and is fully supported by Nottinghamshire County Council. I now implore you to support this essential development for the future of the children of East Markham Primary School.

Following Mrs Duggin's speech the following comments and questions were responded to: -

- The Published Admission Number (PAN) can be exceeded if parents successfully appeal for a place at the school.
- Bassetlaw District Council stated in their comments that planning consent for the temporary classroom had been granted until 2021 to tie in with the timetable for the construction of the new building.

The local member, Councillor John Ogle, was then given the opportunity to speak and a **summary** of that speech is set out below:

- Much needed facilities will be provided if this application is approved.
- The school is highly valued locally but is let down by a lack of provision, for example the arrangements for PE and the fact that events for more than 30 pupils have to take place off-site and involve the use of transport to get the pupils there.
- Pupils have to eat their lunch in the classrooms.
- The kitchen facilities are very cramped.
- The school as a whole is over-crowded which must have held the pupils back, though the standard of education is high.
- There is a wide range of support for the proposals including from the local MP, parents, teachers, the children and the Parish Council.
- The impact of the proposals will be wholly positive and will be good news for everyone in East Markham.

There were no questions.

Members then debated the item and the following comments and questions were responded to: -

- Victorian schools enhance the areas which they are in.
- The suitability of Bassetlaw District Council's alternative design was questioned.
- Welsh slate is available to be used on the new building's roof but is expensive.
- Metal roofs are high quality and complementary to schemes such as the one under consideration. They have been used on churches where the lead has been stolen.
- Rosemary tiles are another option for the roof of the new building, but they are not used in this area of Nottinghamshire where the use of pantiles predominates.
- The metal roof looks like lead, though without the value, and will blend in with the sky/horizon, especially after it has weathered, and even more so if terne coated steel is used. The time taken for the roof to fade depends on the location and weather, but the oxidisation process will take approximately 2 years.
- The provision of solar power on site is a separate project.
- As there are no concerns about the air quality in the area, the planting of trees to improve the situation is not an issue.
- Lighting in the evening and at night is a school management issue, but it is assumed that it will be appropriate for a conservation area.

At the invitation of the Chair, Assad Raof from the Arc Partnership made the following observations:

- Members are welcome to visit the Arc offices at any time to see the work of the Partnership.
- There had been many challenges and difficulties to overcome on this project.
- I agree with the views expressed about the alternative design suggested by Bassetlaw District Council, with the large windows in particular causing a distraction, especially at night when they would be illuminated.
- A simple, contemporary design was chosen in order to fit in with the existing building.
- Architecture can be an emotive topic with people's views being subjective.



- Design details such as glazing and coping will be looked at very carefully with samples also being used before final decisions regarding materials are taken.
- Future maintenance costs will be taken into consideration by specifying long lasting materials.

The Chair summed up by stating that the phrase 'beauty is in the eye of the beholder' is one with which the Committee could all agree. The Chair informed members that he could understand Bassetlaw District Council's point of view, but felt that their suggested design would detract from the existing building, with a view of the adjacent industrial area being afforded through the extra side windows.

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

### **RESOLVED 2019/027**

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.

### **8. VARIATION OF CONDITIONS AT TWO OAKS QUARRY, SUTTON IN ASHFIELD**

Mr Smith introduced the report which considers two separate planning applications seeking to vary conditions on the current planning permission governing Two Oaks Quarry.

The first application seeks to vary the provision and layout of various silt lagoons in Phase 1 of the mineral extraction area, and thereafter for approval of a revised site restoration design and landform in this phase. Permissions to operate a second motor scraper to transport mineral internally is also sought.

The second application seeks permission to increase the permitted daily, weekly and annual HGV movements serving the quarry.

Following the introductory remarks of Mr Smith, Mr Mark Oldridge, the agent for the applicant, was given the opportunity to speak and a **summary** of that speech is set out below:

- Two Oaks Quarry is unique in that it is the sole quarry producing specialist silica sands within the County of Nottinghamshire. It is a relatively new operation which was first developed in 2013/14 following conditional approval by Nottinghamshire County Council following officer's recommendation for approval. The quarry is the County's sole producer of high-quality silica sand and it makes a significant contribution to the local economy by way of rate contributions, day to day purchases of supplies, the use of local specialist contractors for quarry plant repair and the use of local hauliers to deliver quarry products.

- The quarry produces a range of specialist industrial and sports construction and renovation sands including specialist "fibre sand" products for football, rugby and equestrian use and top dressing for golf, bowls and football pitches within the UK. Output at the quarry varies on a month to month basis with the winter months being relatively quiet and the summer months being extremely busy. When the quarry was first developed, internal transport studies considered potential HGV movements but, due to inaccurate estimates, were incorrect. In terms of the request for increased HGV movements this effectively became essential due to an over estimation of average load size when the quarry was first developed. The Managing Director at the time based his assessment of output, and HGV movements, on a typical average load size of 26-27 tonnes. This effectively assumed all vehicles leaving the quarry would be articulated in nature. However, in reality a variety of vehicles are used including a number of four axle tippers which carry an average load size of 20 to 21 tonnes and four wheelers carrying 16 tonnes. Including all other vehicles this gives an average load of 22 - 23 tonnes per vehicle.
- Over the year this reduction of around 4 tonnes per wagon dramatically affects sales and hence there is a need to revise the current HGV movements. Another key factor is the importation of other materials to the quarry and in particular soils, compost and pallets. As there is a very sophisticated and new bagging plant on site, sales for bagged products have increased and hence there is a greater number of pallets brought to the site. As all HGV movements are taken into account for the daily, weekly and annual movements, this further impacts, in a negative manner, upon the removal of quarry products.
- The Applicants are now looking to "future proof" output and HGV movements at the site and do not wish to come back again to increase HGV movements but wish to establish a firm base to take the quarry through the various phases of approved development.
- The highway studies have shown that in the opinion of the Company's consultants the increased HGV movements have little or no impact. However, they recognise that your own highways department have commented on the possible effect on the light controlled junction on Coxmoor Road and have confirmed their willingness to fund CCTV improvements to the traffic light system.
- It is considered that the development is acceptable and that there will be no environmental harm associated with the increase in traffic movements proposed each year.
- The Applicant has a first-class relationship with the local community, through the quarry liaison group, and meetings are relatively infrequent at the request of those that attend the meetings as the quarry seems to operate within the localised environment without disturbance or concerns. This relationship will continue throughout the life of the quarry development.

- It is therefore hoped that members will follow the officer's recommendation for approval, linked to the existing legal agreement, to ensure that all HGV traffic continues to be managed when travelling to and from the site.

There were no questions.

Members then debated the item and the following comments and questions were responded to: -

- Under the Highways Act 1980, the Authority has a duty to maintain the highway to a standard fit for the vehicles using it. Funds to repair any damage to the highway will be sought if the cause of that damage can be attributable. As part of the conditions, an annual dilapidation survey of the B6139 Coxmoor Road will be undertaken and maintenance requested if required.
- Details of the routing for HGVs is contained in the legal agreement and the usual sanctions are in place if breached ie written warnings and the power to ban hauliers from the site. Officers are not aware of any breaches currently, indicating that the conditions in place are working.

The Chair stated that some members may be able to recall the initial application and the large number of objections that it attracted. The Chair stated that it was significant that these two applications had not attracted any objections. The Chair informed Committee that he travels close to the quarry on a regular basis and has yet to see a lorry either entering or leaving the site.

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

### **RESOLVED 2019/028**

1. That planning permission be granted for Planning Application 4/V/2019/0614 (Proposal 1), subject to the conditions set out in Appendix 1 of the report.
2. That planning permission be granted for Planning Application 4/V/2019/0300 (Proposal 2), subject to the conditions set out in Appendix 2 of the report.

### **9. OUTSIDE BODIES**

Mrs Gill introduced the report and informed Committee that following a report to Policy Committee, a similar report had been submitted to all Committees to inform members of the relevant outside bodies and to provide the opportunity to request further information on those bodies if required.

The Chair stated that many members attended various liaison groups but that such bodies were part of the planning process and outside the scope of this report. The Chair offered to inform members about the Constable's Field Foundation and stated that the Local Access Forum of which he, the Vice Chair and Councillor Madden were members, met quarterly to consider issues related to Rights of Way and whose members also included representatives from such relevant organisations as

the Ramblers' Association. The Chair offered to share more details if required and extended an invitation for members to attend a meeting of the Forum if they so wished.

**RESOLVED 2019/029**

That no further actions are required as a direct result of the contents of the report.

**10. DEVELOPMENT MANAGEMENT PROGRESS REPORT**

Mrs Gill introduced the report, informing members that it was the usual report brought to Committee, though this one was longer than normal because of the length of time that had passed since the last meeting of the Committee.

In response to a question, Mr Smith informed members that the number of applications regarding waste storage sheds were from the same applicant and were largely retrospective.

**RESOLVED 2019/030**

That no further actions are required as a direct result of the contents of the report.

Before closing the meeting, the Chair informed members that on their way out they could collect a reduced-size copy of the Code of Best Practice as discussed at the previous meeting and that copies would be distributed to all County Council members.

The Chair also informed Committee that he had recently spent the morning at the offices of the Arc Partnership and had found it informative in terms of the scale and scope of the work undertaken. Given that the Arc Partnership plays a significant part in a large number of applications, the Chair informed members that he had spoken to the Partnership's Chief Executive who had agreed to deliver a presentation of 30-40 minutes to a future Committee meeting when the agenda was light.

The meeting closed at 12.16pm.

**CHAIR**