

Meeting PLANNING AND LICENSING COMMITTEE – VIRTUAL MEETING

Date Tuesday 14 July 2020 (commencing at 10.30am)

**Membership**

Persons absent are marked with 'A'

**COUNCILLORS**

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

Pauline Allan	John Longdon
A - Andy Brown	A - Rachel Madden
Neil Clarke MBE	Tracey Taylor
Sybil Fielding	Keith Walker
Tony Harper	Andy Wetton
Paul Henshaw	

**SUBSTITUTE MEMBERS**

Richard Butler for Andy Brown

**OFFICERS IN ATTENDANCE**

Pete Barker – Chief Executive's Department  
Matthew Brouwer – Place Department  
Rachel Clack – Chief Executive's Department  
David Collins – VIA  
Neil Lewis – Place Department  
Stephanie Lock – Place Department  
David Marsh – Place Department  
Joel Marshall – Place Department  
Jonathan Smith – Place Department  
Tim Turner – Place Department

**1. CHAIRMAN AND VICE CHAIRMAN**

That the appointment by Full Council on 11 June 2020 of Councillor Chris Barnfather as Chairman and Councillor Jim Creamer as Vice-Chairman of the Committee for the 2020-21 municipal year be noted.

## **2. COMMITTEE MEMBERSHIP**

That the membership of the Committee for the 2020-21 municipal year as follows: Councillors Chris Barnfather, Jim Creamer, Pauline Allan, Andy Brown, Neil Clarke MBE, Sybil Fielding, Tony Harper, Paul Henshaw, John Longdon, Rachel Madden, Tracey Taylor, Keith Walker and Andy Wetton, be noted.

## **3. MINUTES OF LAST MEETING HELD ON 2<sup>nd</sup> June 2020**

The minutes of the meeting held on 2 June, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

## **4. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Brown (medical) and from Councillor Madden who was not able to access the entirety of the virtual meeting due to technical problems.

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

There were no declarations of interest.

## **6. DECLARATIONS OF LOBBYING OF MEMBERS**

Councillor Harper declared that he had been lobbied by Eastwood Town Council, Broxtowe Town Council and had met residents during a site visit. Councillor Harper informed Committee that he intended to speak as the local member and would not be taking part in the debate or the vote.

The Chairman agreed that the order of items be changed, in order that the original Item 8, Construction of New Highway Junction and Modifications to Junction at Walker Street/Three Tuns Road, Eastwood be considered first as speakers were present for this item.

## **7. CONSTRUCTION OF NEW HIGHWAY JUNCTION AND MODIFICATIONS TO JUNCTION AT WALKER STREET / THREE TUNS ROAD, EASTWOOD**

Mr Marsh introduced the report which considered a planning application for the construction of a new highway junction and modifications to the facing junction at Walker Street, Eastwood. Mr Marsh informed Committee that the key issues related to the adequacy of the proposed junction geometry to serve future development and the potential impact on the delivery of key aspirations identified in the Broxtowe Borough Council Local Plan (2019).

Following the introductory remarks of Mr Marsh, the Leader of Eastwood Town Council, Councillor Bagshaw, was then given the opportunity to speak and a **summary** of that speech is set out below:

- This development is not the best option, in fact it is the worst. The better access would be from Wellington Place exiting onto Nottingham Road.

- The traffic on Walker Street is condensed into a single lane now and I have major concerns that the construction of a roundabout to take traffic from the new estate would exacerbate the problem and be hazardous to children and pedestrians.
- Exiting from Walker Street now is problematic with tailbacks occurring often, the extra traffic would create chaos.
- The site is an ideal one for a new leisure facility which would benefit all North Broxtowe residents and the current application could jeopardise the plans for a new library, a doctor's surgery, a citizen's advice bureau and a fire service facility, all of which would enhance the town of Eastwood.

There were no questions.

Following Councillor Bagshaw's speech, Matthew Brouwer from NCC's Property section was then given the opportunity to speak and a **summary** of that speech is set out below:

- The County Council received central government funding to optimise the use of the land released from the former school site.
- This is a highways only application, an application for the use of the land will follow and the County Council is liaising with the District Council over the proposals.
- The development of the two junctions, one at Walker Street and one already approved at Lynncroft, does need to proceed in order to take advantage of the available funding before the end of the financial year.
- I am confident that the proposals are in line with the policies and scope of the application.

Following Mr Brouwer's speech the following comments and questions were responded to:

- The building of the junction at Walker Street is preferred as locating the junction further down, as suggested by Eastwood Town Council, would prohibit the development of the hub, which although has not been fully designed, the location of its footprint is known.
- The junction at Walker Street is designed to allow access to the southern part of the site, this is needed because the topography of the site means that this area cannot be accessed from the junction at Lynncroft.
- Officers are satisfied that the proposed junction will have the capacity to handle the traffic generated by the new residential development. A Road Safety Audit has been completed and no concerns have been raised.

- The building of the junction at Walker Street will not prevent the development of the leisure centre.

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

- There is poor visibility onto Walker Street with a high volume of traffic for a road of that size.
- The new junction would prejudice the building of the new leisure centre which is especially important now as the facility in Kimberly is being closed.
- An alternative location of the junction at Wellington Place has been proposed, there is poor drainage at the current suggested location and a badger sett is present.
- Walker Street is already a busy residential road which is often congested.
- Broxtowe Borough Council and Eastwood Town Council have been vocal opponents of the application.

Following Councillor Harper's speech Members then debated the item and the following comments and questions were responded to: -

- The issue of visibility at the new junction has been carefully considered by officers and the splays are detailed in the drawings. The junction design complies with highways design guidance and is not sub-standard.
- The proposed site of the new leisure centre is on land owned by Nottinghamshire County Council.
- The proposed new leisure centre is a recent aspiration of Broxtowe BC that is not in that council's original local plan but which has taken on new significance given the scaling down of the facility in Kimberley.
- The topography of the site, with its 3 plateaus, means that different points of access are required if the whole of the site is to be accessible. The whole of the site could not be developed if access were only possible via the Lynncroft junction. The junction at Lynncroft has been approved, the junction at Walker Street is required to access the land where housing is proposed, though a junction at Walker Street would be required irrespective of what is developed in that area of the site.
- The report does not say that a junction at Wellington Place would not be suitable but the application is for a junction at Walker Street.
- It is not possible to serve the residential area on the south side of the site without the Walker Street junction.
- Officers have been guided by the highways department regarding the acceptability of the junction and its adequacy will be tested when the

subsequent application for development comes forward. The junction has been designed for a development considerably larger than that proposed – 90 dwellings are proposed, the Walker Street junction is designed to accommodate traffic generated by 150 dwellings. The overall Local Plan allocation is for 200 dwellings on the site which will be served by both the Walker Street and the Lynncroft junctions.

- The traffic anticipated to be generated in the morning and evening peak times is not especially high given the amount of traffic that already passes through the area.
- Land from the former school site will be included in the highway to improve the visibility at the Walker Street junction. A virtual crossroads will be created close to the existing school and this issue has been identified and the Three Tuns Road junction has been modified and a Safety Audit carried out as a result.
- The new junction will be approximately 50 metres from the school. The plans show the extent of the double yellow lines, both proposed and existing, and these are and will be enforceable.
- Officers have been mindful of what is in the Local Plan and approval of this application will not prejudice any development proposed in that Plan.
- There is a 20mph advisory speed limit in the vicinity of all Nottinghamshire schools - there are no plans to revise this. The speed limit on Walker Street is 30mph and due to the alignment and width of the road speeding is not considered to be an issue.
- Given the amount of information contained in the report, along with the plans included and the information given during the debate, it is not considered that a site visit is required in this case.

Following the debate the Chair summarised as follows:

- The Committee is here to decide the application submitted, not to consider alternatives.
- The Committee has heard of the problems the topography of the site presents and the consequent need for a junction to facilitate the development of the whole site.
- In the future a planning application for a Hub with access via Wellington Place may be submitted but that is not for the Committee to determine today.
- In the professional opinion of the officers the Walker Street junction has been designed with the capacity to handle the traffic generated from a development of 150 dwellings whereas the proposed development is one of only 90 dwellings.
- The merits of developing a leisure centre on the site are not an issue for the Committee to consider at present.

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

## **RESOLVED 2020/009**

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 1 of the report.

### **8. REFERRAL OF ORDERS MADE TO EXTINGUISH FOOTPATH AND CREATE REPLACEMENT IN PARISH OF MANSFIELD**

Ms Lock introduced the report which sought approval to refer the made Extinguishment Order and the concurrent Creation Order to the Planning Inspectorate for a decision on whether the Orders should be confirmed. Ms Lock informed Committee that the County Council had received one objection to the Extinguishment Order which had prevented the County Council from confirming the Extinguishment and Creation Orders.

Following Ms Lock's introduction, Mr Lewis read out statements from a local resident, Mr Cheetham, who objected to the application and from SDC Trailers who supported the application. A **summary** of those statements is set out below:

#### Mr Cheetham's Statement:

- The current, regularly used, easily accessed, generally weed free, footpath has street lighting. The path parallel to the railway line, leading to the new proposed path does not, and could be hazardous to pedestrians, especially in winter months.
- The current route is shorter for me, which I use daily, and have done for over 20 years (as have many others), as it's the main and popular route, whereas the new pathway would take longer to reach destinations.
- The railway path leading to the new proposed pathway often becomes impassable in the summer months due to overgrowth. Last year the railway path became obstructed due to 5ft high growth.
- SDC trailers want to join both adjacent sites that they own. This must be a challenge or impossible, as the sites have an approximately 2 metre difference in ground level. They recently had steps, crossing the footpath, made to facilitate easy access between buildings / locations.
- My aspiration is for Mansfield to develop businesses, be a better place to live and work for all, whilst recognising community needs, retaining current footpaths, encouraging exercise and reducing carbon footprints.

#### SDC Trailer's Statement:

- We have been operating our trailer manufacturing and repair facility at Bradder Way, Mansfield since 1996 and currently directly employ some 140 personnel at that facility.
- The presence of SDC Trailers also sustains significant levels of secondary

employment in the surrounding area, through a wide network of suppliers of goods and services.

- We take our corporate social responsibilities seriously, including fund raising for the Children's ward at Kingsmill Hospital and recently donating face masks to the Hospital as well as financially supporting causes such as 'Age Concern' and 'Action Mental Health'.
- Towards the end of 2018, SDC commenced the process to purchase the neighbouring premises, a former Dairy, with a view to sustaining the manufacturing operation and in anticipation of future growth and development.
- The newly acquired site, which is separated from the existing main site by a section of public footpath, is currently being used as the Goods In and materials storage for SDC's operations as well as providing additional car parking spaces for SDC employees. Already this has afforded SDC the opportunity to extend the footprint of their manufacturing facility, on the main site, thereby increasing production capacity.
- In the longer term it is envisaged that the two sites could become fully integrated, thereby avoiding the use of Quarry Lane for the conveyance of materials between the Goods In and the main manufacturing plant. This will only be made possible by re-routing the section of footpath dividing them.
- Immediately following acquisition of the 'Dairy' site, SDC contacted Neil Lewis of Nottinghamshire County Council's (NCC) Countryside Access Team and arranged to meet him on Wednesday 5th December 2018, for an initial walk of the public access footpaths in proximity to SDC Mansfield.
- Following that meeting SDC commenced formal engagement with NCC with a view to seeking an 'Extinguishment Order' for the section of footpath running between the two sites, accompanied by a 'Creation Order' for an alternative section of footpath along the boundary of the recently acquired site on to Highfield Way.
- NCC continued to progress the formal process, on the basis that SDC would contribute toward the cost of reparation works to sections of the existing pathway as well as bearing all costs associated with the creation of the new section of footpath, to the standard required by the Council.
- As part of this formal process notices were posted informing the public of the proposed revisions and amendments to the footpaths in the area which resulted in Stephanie Lock informing SDC by e mail on 02/12/19 that there had been an objection raised by a member of the public and explaining how this would affect the progression of the Orders.
- On 16/12/2019 SDC received a direct email from a 'tnotts' raising concerns they had as a local, in relation to the extinguishment of the section of footpath between the two sites.
- There followed a few, very courteous, e mail exchanges where the complainant elaborated on their concerns, pointing out some specific issues relating to the state of the current footpaths in the vicinity, in terms of weed control, lighting and debris from the party wall between SDC main site and

the section of footpath along the railway.

- NCC were copied in on all correspondence, responding positively to their requests for further contributions toward additional costs of lighting and undertaking to carry out repairs to the wall.
- SDC remain committed to sustaining and, where market demands allow, growing their manufacturing and repair operations in the Mansfield area along with the resultant growth in both direct and secondary employment.
- This submission is made in the hope that the Extinguishment and Creation Orders will be referred to the Planning Inspectorate for approval.

Following the reading out of the statements members then debated the item and the following comments and questions were responded to: -

- SDC became involved in the process in December 2018 and if the recommendation is approved today it will be 6 – 12 months before the planning Inspectorate looks at the case.
- SDC are aware that they will be responsible for maintaining the path in the future.
- Complaints in the past have stemmed from overgrowth on Network Rail's land that has affected the footpath and NCC have been liaising with Network Rail, and will continue to liaise with Network Rail in the future, to cut back this vegetation. There is a legal process available to NCC if Network Rail do not deal with this encroachment, including NCC themselves cutting back the overgrowth from the footpath and possibly charging Network Rail the cost of doing so. NCC work closely with Network Rail and they have always removed vegetation when requested to do so, especially when this encroaches on rights of way.
- The lighting to be installed will be designed by VIA and will be to the same specification in relation to energy saving etc as NCC themselves would require.

Following the debate the Chair summarised as follows:

- Walking the replacement footpath would only add 2 minutes to the journey compared to the present route
- The lighting issues have been addressed
- The problem with the slippery path has been addressed
- The problems with overgrown vegetation have been addressed

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

**RESOLVED 2020/010**

That the Orders be referred to the Planning Inspectorate, seeking their confirmation.

**9. VARIATIONS OF CONDITIONS AT WEST BURTON POWER STATION AND  
BOLE INGS ASH DISPOSAL SITE, RETFORD**

Mr Marshall introduced the report which considered a planning application seeking to vary conditions governing operations at Bole Ings ash disposal site, to enable the full extraction of ash materials from phase 1B/2. Mr Marshall informed Committee that the key issues related to the associated transport movements and the revised restoration design for the site.

Following Mr Marshall's introductory comments members then debated the item and the following comments and questions were responded to: -

- Condition 16 will govern the number of HGV movements. In terms of routeing, HGVs are restricted to permitted routes therefore a condition governing routeing is not required. Informative Note 3 refers to the Environmental Weight Limits in force and advises that drivers are regularly notified of these.
- Millions of tonnes of ash have been produced and stored on the site over the years.
- The present customer for the ash does not have access to rail so this will be a road served facility unless the customer changes. An informative note is to be included in the conditions requesting a more sustainable form of transport if the customer changes.
- The deposition of ash is permitted until 2025, though as coal power is being phased out the power station may close before then. The extraction of ash is permitted until 2030 and at present that will not change.

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

**RESOLVED 2020/011**

That planning permission be granted subject to the conditions set out in Appendix 1, including the addition of Informative Note 4 requesting a more sustainable mode of transport in the event of the customer for ash changing.

## **10. ANNUAL REPORT ON PLANNING MONITORING AND ENFORCEMENT FOR 2018-19 AND 2019-20.**

Mr Turner introduced the report which updated members on the monitoring and enforcement work carried out during the financial years 2018/2019 and 2019/2020 and provided updates regarding notices served.

Following Mr Turner's introductory comments members then debated the item and the following comments and questions were responded to: -

- Unfortunate situation at Sandy Lane, Worksop where the operator went out of business with the land coming into the ownership of the Crown estate. The site is an eyesore, officers are working on a solution and it is believed two enquiries have been made to purchase the land but they have not come to fruition. Any terms of sale would have to comply with the enforcement notice in place.
- Officers are not aware of any national comparators relating to enforcement work.
- The reference to notices returned relates to Planning Contravention Notices. The authority endeavours to establish information when there has been a breach of planning control. The recipient has 21 days to respond and this can secure a solution as this elevates the situation for the recipient.

On behalf of the Committee the Chair thanked Mr Turner and his team for the work they had carried out.

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

### **RESOLVED 2020/012**

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

## **11. DEVELOPMENT MANAGEMENT PROGRESS REPORT**

Mr Smith introduced the report, stating that it was the usual report brought regularly to Committee.

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

### **RESOLVED 2020/013**

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

The meeting closed at 1.13pm

**CHAIR**