

Planning and Licensing Committee

Tuesday, 20 January 2015 at 10:30

County Hall, County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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|---|--|--------------|
| 1 | Minutes of the last Meeting 16 December 2014 | 5 - 10 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of lobbying | |
| 5 | Use of Derelict Sandstone Cutting for the Disposal of inert Waste Material -
Land adjacent to Shenton Lodge Derby Road Kirkby -in-Ashfield | 11 - 58 |
| 6 | Erection of a Two-Storey Replacement Primary School
Annie Holgate Primary School High Leys Road Hucknall | 59 - 124 |
| 7 | Local Government Ombudsman Report Learning Lessons from Complaints | 125 -
130 |
| 8 | Development Management Progress Report | 131 -
154 |
| 9 | Work Programme | 155 -
158 |

NOTES:-

(1) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

(2) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules.

Members or Officers requiring clarification on whether to make a declaration of interest are invited to contact Dave Forster (Tel. 0115 9773552) or a colleague in Democratic Services prior to the meeting.

(3) Members are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information may be recycled.

(4) This agenda and its associated reports are available to view online via an online calendar -
<http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Notes

(1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

(2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

(3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting	PLANNING AND LICENSING COMMITTEE
Date	Tuesday 16 December 2014 (commencing at 10.30 am)

membership

Persons absent are marked with `A`

COUNCILLORS

John Wilkinson (Chairman)
Sue Saddington (Vice-Chairman)

Roy Allan	A	Andy Sissons
Steve Calvert		Keith Walker
Jim Creamer		Stuart Wallace
Stan Heptinstall MBE		Yvonne Woodhead
Rachel Madden		

OFFICERS IN ATTENDANCE

David Forster – Democratic Services Officer
Jerry Smith – Team Manager, Development Management
Sally Gill – Group Manager Planning
David Marsh – Major Projects Leader
Sue Bearman – Solicitor
Neil Lewis – Team Manager Countryside Access

CHANGE IN MEMBERSHIP

The Clerk reported orally that Councillor Jim Creamer had been appointed to the Committee in place of Councillor Steve Carroll and Councillor Stuart Wallace had been appointed for this meeting only in place of Councillor Andrew Brown.

MINUTES OF LAST MEETING HELD ON 18 NOVEMBER 2014

The minutes of the meeting held on 18 November 2014 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

An apology was received from Councillor Andy Sissons (other)

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

There were no declarations of interest

DECLARATIONS OF LOBBYING OF MEMBERS

There were no declarations of Lobbying

COUNTRYSIDE ACCESS (DEFINITIVE MAP) SCHEDULE OF CASE FILES

Mr Lewis introduced the report and highlighted the appendices attached to the report which set out in the current work being undertaken by the Countryside Access Team.

RESOLVED 2014/043

That the report be noted.

CHANGE IN ORDER OF BUSINESS

With the consent of the Committee the Chairman changed the order of business

EXTENSION OF SAND AND GRAVEL WORKS FINNINGLEY QUARRY CROFT ROAD FINNINGLEY DONCASTER

Mr Smith introduced the report and gave a slide presentation. He informed members that this site lies across two administrative areas and Doncaster Metropolitan Borough Council was also in the process of considering an application forming part of the overall extension.. He highlighted the Council were in the process of updating its Minerals Local Plan which proposes to include the site to help provide the reserves needed in Nottinghamshire. The land will be restored to agricultural land once the sand and gravel has been extracted. He also advised that the financial comments absent from the report could be reported as being no financial implications arising from the proposals.

Following the opening remarks of Mr Smith, Mr Dan Walker, spoke in favour of the application on behalf of Lafarge Tarmac highlighting the following :-

- The site has been a Sand and Gravel extraction site for many years.
- The site will not require any imported restoration material.
- The company will ensure the restoration is carried out sympathetically and in an appropriate manner.
- The minerals extraction will take approximately 4 years.
- The works indirectly supports a number of jobs in the area.

In response to questions Mr Walker responded as follows:-

- There is no need to import any materials for the infilling of the site as it is backfilled as the site is worked
- There are regular liaison meetings with the public where issues can be raised and discussed.

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

RESOLVED 2014/044

1. That the Corporate Director 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 provide a total of 15 years extended aftercare management of the lagoon area of the development site
2. That subject to the completion of the legal agreement before the 30th December 2014 or another date which may be agreed in writing by the Team Manager Development Management, 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 attached to the report and.
3. That in the event the legal agreement is not signed by the 30th December 2014, or within any subsequent extension of decision time agreed in writing with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

CONTINUATION OF INFILLING WITH INERT WASTE AND AMENDMENTS TO RESTORATION AND VARIATION OF CONDITION TO CONTINUE RECYCLING OPERATIONS AT VALE ROAD QUARRY VALE ROAD MANSFIELD WOODHOUSE (2 APPLICATIONS)

Mr Smith introduced the report and gave a slide presentation.

During his introduction Mr Smith informed members that there was a late representation which highlighted that Lorries travelling along Vale Road from the site currently do so without covers to stop dust or debris from falling from the back. They also reported a car had been damaged through falling debris.

He advised that additional conditions and the terms of the legal agreement provided additional controls over the impacts of lorry movements. He also informed members that Waste Core Strategy Policy (WSC3) supports the application. Reference was also made to hydrological impacts in relation to the Littlewood Quarry and the applicant's intention of exploring options for that site as part of a separate application

He also reported that the financial comments absent from the report should have read that there were no financial implications arising from the proposals.

Also constitutional comments could be reported that Planning and Licensing is the appropriate committee to deal with this application.

He also reported that the recommendation to the committee for the application for the crushing and screening proposal should also include reference to the Section 106 Agreement so as to ensure that the benefits of controls over traffic impacts would also apply to lorry movements associated with the second application.

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

RESOLVED 2014/045

- 1 That 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 secure:
 - a) A Traffic Management Plan to include the following:
 - Appropriate routeing for all HGVs travelling to and from the site, signage and measures for issuing the approved route to all drivers;
 - Instructions to all drivers to prevent HGVs from arriving at the site, or parking on or near Vale Road, outside of the site operating hours;
 - Instructions to all drivers to prevent HGVs from driving along Vale Road in convoy;
 - Issue instructions to all drivers reminding them to abide by the Highway Code at all times;
 - Issue instructions to all HGVs travelling to and from the site encouraging them to sheet or have their loads otherwise totally enclosed where this facility is available on the HGV;
 - Actions to be taken in the event that HGV drivers are observed and/or reported to be operating outside of the approved strategy
 - b) A contribution of £25,000 (minus the costs of drawing up the legal agreement) towards the total cost of a road scheme to improve safety and prevent vehicles overriding the footway at the junction of Vale Road and Station Street/High Street, Mansfield Woodhouse.
- 2 that subject to the completion of the legal agreement before the 31 March 2015 or another date which may be agreed by the Team Manager Development Management, the Corporate Director for Policy, Planning and Corporate Service be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 attached to the report.

- 3 That in the event that the legal agreement is not signed by the 31st March 2015, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.
4. That, subject to the completion of the legal agreement before the 31 March 2015 or another date which may be agreed by the Team Manager Development Management, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for Variation of Condition 2 of Planning Permission 2/2010/0227/NT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years subject to the conditions set out in Appendix 2 attached to the report and
5. That a local liaison Group be established as part of the legal agreement.

ERECTION OF TWO STOREY REPLACEMENT FLYING HIGH ACADEMY MANSFIELD

Mr Smith introduced the report and gave a slide presentation.

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

RESOLVED 2014/046

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 3 attached to the report.

JOHN BROOKE SAWMILLS LIMITED THE SAWMILL FOSSE WAY

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

RESOLVED 2014/047

That the report be noted.

REQUEST FOR SITE INSPECTION BY PLANNING AND LICENSING COMMITTEE

Mrs Gill introduced the report and highlighted that in addition to the request for members to visit the site of the proposed anaerobic digestion facility in Gedling there is a proposal to replace another school (Annie Holgate Infants School) and it may be necessary to arrange a site visit to the school site before the application comes before Committee.

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

RESOLVED 2014/048

That Committee agrees to attend a formal inspection of the site of the proposed Anaerobic Digestion facility on land at the former Gedling Colliery and the Annie Holgate Infants School site on dates to be arranged prior to the applications being reported to Committee for determination.

WORK PROGRAMME

RESOLVED 2014/049

That the Work Programme reported be noted

The meeting closed at 11.37 am.

CHAIRMAN



20 January 2015

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

ASHFIELD DISTRICT REF. NO.: 4/V/2014/0287

**PROPOSAL: USE OF DERELICT SANDSTONE CUTTING FOR THE DISPOSAL OF
INERT WASTE MATERIAL (INCLUDING SUBSEQUENT RESTORATION
SCHEME SECURING LANDSCAPE AND ECOLOGICAL BENEFITS)**

**LOCATION: LAND ADJACENT TO SHENTON LODGE, DERBY ROAD, KIRKBY-IN-
ASHFIELD**

APPLICANT: MR AND MRS J B CUTTS

Purpose of Report

1. To consider a planning application for the development of an inert waste disposal/landfill facility with ancillary on-site recycling on land adjacent to Shenton Lodge, Derby Road, Kirkby-in-Ashfield. The key issues relate to the need for the disposal facility and whether there are more sustainable methods for managing the waste stream in the context of national and local waste policies, particularly in terms of the choice of site given its greenfield location and Green Belt designation. The proposed development also raises key issues regarding ecological impacts and has been treated as a 'departure' to the Development Plan. The recommendation is to refuse planning permission for the reasons set out in Appendix 1 of this report.

The Site and Surroundings

2. The application site is situated on the south-eastern side of the A611 (Derby Road) to the east of the southern edge of Kirkby-in-Ashfield. Annesley is a short distance to the south of the site with Newstead beyond that, whilst Annesley Woodhouse and Nuncargate are to the southwest. (see Plan 1). To the northeast of the site is agricultural land with Hollinwell Golf Course to the east and land associated with the former Newstead Colliery to the southeast.
3. The site covers an area of 1.8 hectares and is made up of two distinct areas of land comprising a roughly rectangular shaped paddock of grassland to the northeast of Shenton Lodge and a narrow 'V' shaped valley to its east (see Plan 2). The grass paddock measures roughly 100 metres by 50 metres and

is predominantly flat in character. It is screened from the A611 by a hedgerow which is separated from the edge of the road by a grass verge. An existing field access, which provides vehicular access to the A611, is situated towards the northern corner of the paddock close to the junction of the A611 and Balls Lane (see Plan 2) and is the proposed point of access to serve the application site. A high voltage electricity cable crosses the southern part of the paddock in a line running roughly northwest to southeast.

4. The valley area is steeply sided and slopes down into a central valley which runs in a northeast to southwest direction. The application area is drawn to incorporate approximately 200 metres by 70 metres of this valley. The land is uncultivated and overgrown in character incorporating a mix of gorse, grass and trees and forms the northern edge of a larger ecologically important designated site known as Robin Hood Hills Local Wildlife Site (LWS) (see Plan 2). The LWS covers a total area of approximately 15 hectares and is described as 'a large area of acidic woodland, extensive bracken and notable heath communities on a south facing slope'. The site also lies immediately adjacent to an area of land that has been identified as part of both the 'Indicative Core Area' and 'Important Bird Area' in relation to the prospective Sherwood Special Protection Area (SPA). The aforementioned overhead electricity cable crosses the centre of that section of the valley which is within the application area.
5. The entire application site is located within land designated as Green Belt, as designated within the Ashfield Local Plan Review and the area in close proximity to the site which is outside the Green Belt is highlighted on Plan 2. There are a number of footpaths in close proximity to the site (see Plan 2) with Kirkby-in-Ashfield Footpath 44 being around 70 metres to the south of the application site at its closest point.
6. The nearest residential property is the applicants' house, Shenton Lodge, which adjoins the site boundary to the northeast whilst Beacon Poultry Farm is almost directly opposite on the western side of the A611. Winshaw Well, a building of local historic interest, is approximately 50 metres northwest of the proposed site access while Warren House Stables are situated approximately 270m to the southeast. All these properties are highlighted on Plan 2. Approximately 750 metres south of the proposal site is Annesley Colliery Conservation Area designated in 2000.

Planning History

7. Ashfield District Council refused planning permission for the 'controlled non-toxic filling of derelict cutting and return to agriculture at rear of Shenton Lodge' in October 1980 (reference 4/23/80/0773) for the following reasons:
 - (a) *The proposed development would, in the opinion of the Local Planning Authority, have a detrimental effect on the rural character of the area which constitutes an important informal recreation area for local residents. Moreover, the development would result in the loss of a footpath which is an important link in the footpath system in the locality.*

- (b) *The proposed development, if permitted, could set a precedent for future tipping in the adjacent sandstone cuttings which form part of 'The Warren'.*
 - (c) *It is considered by the Local Planning Authority that the creation of an additional access for slow moving vehicles at this point on the A611 would be detrimental to the highway safety of the area.*
 - (d) *In the opinion of the Local Planning Authority adequate areas to cater for the disposal of waste materials exist with the benefit of planning permission, within reasonable proximity of the site.*
8. Planning permission was refused by Nottinghamshire County Council (reference 4/V/2012/0127) for the development of an inert waste disposal/landfill facility with ancillary processing on land adjacent to Shenton Lodge in September 2012 for the following reasons:
- (a) *Landfill of Greenfield sites is inappropriate development in the context of Green Belt Policy and therefore contrary to Nottinghamshire and Nottingham Waste Local Plan (WLP) Policy W3.17 (Green Belt) and Ashfield Local Plan Review Policy EV1 (Green Belt).*
 - (b) *The disposal of waste on Greenfield sites is contrary to WLP Policy W10.3 (Greenfield Sites) and draft Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policy WCS4 (Disposal sites for non-hazardous and inert waste) and represents the least favoured option for waste disposal under the sequential site selection criteria set out within WCS Policy WCS6 (General Site Criteria). WLP Policies W10.1 and W10.2 identify the important contribution that waste disposal can provide in reclaiming derelict and degraded land, the disposal of waste on Greenfield land at Shenton Lodge would not provide environmental benefits and therefore does not represent a sustainable use of the waste stream.*
 - (c) *The development would result in the loss of part of a Site of Importance for Nature Conservation (SINC) of heathland character as well as detrimental impacts to protected species. The 'mitigation hierarchy' as outlined in the National Planning Policy Framework directs development to locations where there is least ecological impact and therefore would not provide support for the location of the development. Any need for additional disposal capacity within Nottinghamshire is not critical and would not outweigh the environmental impact caused by the development. The development is therefore contrary to WLP Policies W3.20 (Heathlands), W3.22 (Biodiversity) and W3.23 (Nature Conservation (including geological) Sites and WCS Policy WCS12 (Protecting our Environment).*
9. Following the above refusal, a further planning application (reference 4/V/2013/0361) was submitted for the same development, albeit the application was accompanied by additional environmental information in order to address the previous reasons for refusal. This application also sought to complete the proposed landfilling operations within two years as opposed to the four years proposed in the previous application. This application was

again refused planning permission by the County Council in November 2013 for the following reasons:

- (a) *Landfill on greenfield sites is inappropriate development in the context of Green Belt Policy and therefore contrary to Nottinghamshire and Nottingham Waste Local Plan Policy W3.17 (Green Belt), Nottinghamshire and Nottingham Waste Core Strategy Policies WCS4 (Disposal sites for hazardous, non-hazardous and inert waste) & WCS6 (General Site Criteria) and Ashfield Local Plan Review Policy EV1 (Green Belt).*
- (b) *The disposal of waste on a greenfield site is contrary to Nottinghamshire and Nottingham Waste Local Plan Policy W10.3 (Greenfield Sites). There is not a critical need for additional inert waste disposal capacity within Nottinghamshire and the development represents the least sustainable method of waste disposal under the sequential site selection criteria contained within the Nottinghamshire and Nottingham Waste Core Strategy Policy WCS4 (Disposal sites for non-hazardous and inert waste).*
- (c) *The development would result in the loss of part of a Site of Importance for Nature Conservation (SINC) of heathland character. Whilst ecological off-setting and mitigation is proposed, there is no assurance that the measures would be successful. Since there is no over-riding need for the development the ecological interests of the habitat and protected species would be best served by avoidance of impact in accordance with the 'mitigation hierarchy' as outlined in the National Planning Policy Framework. The development would result in the destruction of the existing habitat and is contrary to Nottinghamshire and Nottingham Waste Local Plan Policy W3.20 (Heathlands), Policy W3.22 (Biodiversity) and Policy W3.23 (Nature Conservation (including geological) Sites. Due to these environmental impacts the development is contrary to Nottinghamshire and Nottingham Waste Core Strategy Policy WCS12 (Protecting our Environment).*
- (d) *The planning application does not incorporate sufficient information to enable the Waste Planning Authority to undertake a comprehensive 'risk based approach' assessment (as advocated by Natural England) to consider the magnitude of any environmental impacts to the prospective Sherwood SPA.*

Proposed Development

10. Planning permission is again sought for the disposal of inert waste at Shenton Lodge. The proposed scheme is similar to the two previous developments refused planning permission but, as with the previous application, the applicant has sought to provide additional environmental information to address previous reasons for refusal.

11. The proposal is seeking to import approximately 210,000 tonnes of inert waste (concrete, hardcore, demolition waste etc) into the site. The facility would be mainly used by Colson Transport Ltd which has stated that material entering the site on their HGVs would have been pre-treated and would only contain non-recyclable material to be tipped into the natural valley feature, which the applicant describes as a derelict void. However, the site would also be available to other haulage firms and the proposals include facilities to sort and process any recyclable material which would be removed from site once there is a sufficient amount. The application states that the site has a disposal capacity totalling 88,600 cubic metres and would be filled over a period of two years. Prior to any material entering the site, a number of preparatory operations would take place.
12. A number of ecological mitigation measures are being proposed. Areas of bare earth and rubble would be provided as suitable habitat for woodlark whilst there would also be a programme of translocation for reptiles (grass snake) which have been identified in the ecological survey. Areas to the east and west of the tipping area within the applicant's control would be used to create habitat suitable for translocation (see Plan 3) and would have habitat piles (log and timber piles) created, whilst the area to the west would also have a new pond and grassland area created. Some of this work has already been carried out and a pond has been created in both the eastern and western areas.
13. Once reptiles have been captured and translocated to the newly created habitats, it is proposed to erect reptile fencing around the proposed landfill area to prevent them from returning to the active working area. The fencing would remain in place for the duration of the proposed works.
14. Tipping works would also be preceded by the construction of the proposed vehicular access off the A611 and an internal haul road across the north eastern end of the paddock towards the landfill area (see Plan 3). The new access would create a T-junction and would also involve the construction of 15 metre kerb radii to allow HGVs to enter and exit the site without having to use the opposite carriageway. Soils stripped from the line of the internal haul route would be used to create screening bunds either side of it (see Plan 3) and the internal haul road would be hard surfaced. A wheel cleaning facility and security cabin would be provided in this area (see Plan 3).
15. Vegetation and soils would then be stripped from the proposed landfill area with the majority of the soils being removed and placed in three and four metre high bunds on the north eastern, north western and south western boundaries of the paddock (see Plan 3). The bunds would be sown with a low maintenance mix of native grass species. Some of the soil would be taken to the habitat creation area and stored in shallow bunds no more than one metre in height.
16. With all soils stripped from the tipping area, the land would be regraded to form internal haul roads to the bottom of the proposed landfill. The roads would be constructed of hardcore and have a maximum gradient of 1:10. The base of the landfill area would be lined with a combination of a geological clay

barrier and an engineered liner to a thickness of 0.5 metres. The base of the void area would also have an infiltration basin installed to provide effective drainage for surface and storm waters. An area in the north eastern corner of the landfill area would be regraded and surfaced with hardcore to create a level surface upon which plant and equipment associated with the proposed on-site recycling operation would be located (see Plan 3). The plant and equipment proposed to be used in this area are a crusher, a screener, a loading shovel and an excavator.

17. Tipping would commence in the south west corner of the site, which corresponds with the deepest point of the void. Material would enter the site, be checked for any inappropriate material, and then screened with any recyclable material separated and stored in the recycling area until there is a sufficient quantity which can be removed from site. All HGVs leaving the site would pass through the wheelwash facility. The traffic assessment has identified that the site would generate around 3,700 trips per year (7,400 movements). This equates to an average of approximately three HGV trips (six movements) per hour. Incoming HGVs would carry between ten and 19 tonnes of material at a time.
18. Non-recyclable material would be taken to the void area and tipped in 200mm thick layers with a dozer with large tracks and towing a roller compacting the material. Tipping would continue and gradually raise ground levels whilst at the same time extending the tipping area towards the north eastern corner of the site. The tipping level would vary across the site and would have a maximum depth of 13 metres.
19. Operating hours at the site are proposed between 8am and 6pm Mondays to Fridays and 8am to 1pm on Saturdays. The site would not operate on Sundays or Public and Bank Holidays.
20. Upon the completion of waste disposal operations the landfill area would be capped with a combination of a geological clay barrier and an engineered liner prior to the replacement of the original soils. The final restoration profile of the completed site would remove the 'V' shaped valley feature and provide a gentle sloping plateau area leading to a steep slope in the southeast corner of the site. The site would be seeded and planted with the objective of recreating the bracken habitat of the existing site including scattered trees and scrubs, herb rich acid grassland and wavy haired grassland. The paddock would be reseeded to create an additional area of heathland habitat including a wetland area within two ponds.
21. The application has been accompanied by a number of supporting documents which can be summarised as follows.

Statement of need

22. The application includes a letter addressed to the Team Manager of the County Council's Planning Policy Team which seeks to update the situation regarding disposal capacity in the county. The letter points to statements which have been provided by haulage contractors operating within the county

which are presently experiencing considerable difficulty in accessing sufficient authorised tipping facilities, which has the knock-on effect of impacting on the future viability of these companies. The letter also states that the lack of suitable disposal facilities has impacted upon the tram extension works in Nottingham, which it is claimed have on occasions been halted because haulage contractors have had nowhere to dispose of surplus material.

23. The applicant's letter considers that the County Council was acting under a misapprehension when the previous application was refused by considering that there was no requirement for additional tipping facilities within the county, a matter which needs to be reassessed.
24. With respect to the site's location in the Green Belt, the applicant's letter considers that the level of need that exists for the site outweighs the inappropriate nature of the proposed development and so very special circumstances apply.
25. The applicant's letter considers that this latest application differs from that previously submitted and refused, as evidence has been provided to demonstrate the actual situation of need, rather than simply justifying a general need for additional disposal capacity which the letter states the County Council did not dispute, but simply took the view that the need was not sufficiently critical to justify the release of the site for disposal. The application also differs from that previously submitted as it is proposed to fill the void in two years as opposed to four, a reflection of the need for the facility. The applicant considers that this shorter period of time would reduce the impact on the landscape, the heathland and protected species on site and bring about the restoration of the site more quickly.
26. A further change to the application is through the provision of an additional parcel of land to be used for the translocation of reptiles, given that the County Council's Nature Conservation Team raised concerns previously that the area of land being provided for this purpose was not sufficient in size. The applicant's letter considers that all necessary precautions have been undertaken to establish the likely presence of all protected species and to provide a comprehensive suite of mitigation, compensation and enhancement.
27. The applicant's letter also highlights that there were no landscape or highways objections and no objections were raised by local residents. Given all these factors, the letter considers that there is now an overriding need for the development.
28. On two separate occasions, the applicant has submitted information to support their arguments for the need for the site. A number of waste operators have provided correspondence, primarily waste transfer receipts, detailing the number of loads they are handling and where the material has been taken for disposal or recovery. To give an idea of the information provided, the second set of information, provided at the end of 2014, included a summary of the receipts provided and details the following:
 - Oakfield Construction handles around 20 loads per day (approximately 5,000 per annum) and would welcome a more local tipping facility;

- K J Tomlinson has made reference to 830 loads from various locations, although no timeframe is given for these, only a reference to recent jobs. Some of these jobs have been completed but others have yet to commence. Invoice details have been provided for 77 of these loads, with 73 being for loads sourced within Nottinghamshire. 48 loads were sent to Coneygre Farm at Hoveringham and 25 to Vale Road, Mansfield Woodhouse;
- Leedale states that it moves in the region of 500 loads a week, equating to around 26,000 loads per annum, and state that they are desperately in need of another tipping facility in the Nottinghamshire area;
- Colson Transport (which is the company supporting the application) makes reference to tipping 50 loads per day;
- Aggrecom has handled 1,649 loads over a recent four month period, of which 969 have been deposited at facilities outside the county. They state that they are finding the tipping situation very difficult around the Nottingham area due to the lack of local landfills and inert tipping facilities, and cannot stress enough the importance of future sites coming on line;
- Johnson Aggregates have provided details of 1,668 loads handled between July and October 2014, although only 434 of these sourced the inert waste from within Nottinghamshire.

Planning policy considerations

29. The application considers the site to be a derelict sandstone cutting and, as such, meets the requirements of Policy WCS5 and Policy WCS7 in the Waste Core Strategy (WCS) as it falls within the description of 'other voids'. The WCS recognises that, although safe disposal of waste is at the bottom of the waste hierarchy, it remains an essential component of the waste strategy as even the most optimistic assumptions on recycling and other more sustainable forms of waste management are going to leave large quantities of waste requiring disposal. The WCS estimates that 273,000 tonnes of construction and demolition waste will need to be disposed of per annum and that there is a requirement for disposal capacity of 3.2 million cubic metres in the plan period up to 2025.
30. Regarding the impact on the Green Belt, the application considers that the proposed restoration scheme, including landscape and ecological works along with new footpaths allowing public access, would be appropriate. Reference is also made to the limited life and size of the proposals and the fact that only one small building would be erected. The application considers that these impacts would be far outweighed by the ecological and recreational benefits along with the need for additional landfill capacity. It is also contested that the areas identified in the WCS for waste disposal, i.e. on the edge of the built up areas of Nottingham and Mansfield/Ashfield, lie mostly within the Green Belt.

31. Reference is made to Planning Policy Statement 10 (although this has been replaced by the National Planning Policy for Waste) and the need for sites not identified in a development plan to not undermine the waste planning strategy through prejudicing movement up the waste hierarchy. The applicant considers that this would not be the case as the site is located in an area of recognised need for inert disposal which is presently served by a single facility at Vale Road Quarry. The applicant contends that the application site would avoid the need for inert waste having to be sent to non-hazardous waste sites or to more remote sites, neither of which are considered to be sustainable or economically viable.

Transport assessment

32. The application includes a traffic survey which has been undertaken during the morning and evening peak hours on the A611. The morning peak (7.30am to 9.30am) counted 551 vehicles travelling north, of which 74 were HGVs, with 539 vehicles travelling south (53 HGVs). For the evening peak (4.30pm to 6.30pm), 539 vehicles were counted travelling north, of which 54 were HGVs, with 477 travelling south (51HGVs).
33. The applicant has calculated the number of HGVs entering and leaving the site on the basis that the site would be filled over a period of two years at a rate of 105,000 tonnes per annum. Based on information provided by the applicant, vehicles entering the site are likely to be able to carry between ten and 19 tonnes of material per load. Based on an average load of 14 tonnes per HGV, it would require 7,500 trips a year to bring 105,000 tonnes of material into the site. Based on the site operating hours, the applicant has calculated that there would be three HGV trips per hour into the site (six movements). The application anticipates two of these three HGVs entering and leaving the site from/to the south with one from/to the north. There would also be a small number of employees accessing the site in private cars at the beginning and end of each working day.
34. The transport assessment has also calculated the anticipated increased levels of traffic on the A611 in 2015 and assessed the impact of HGV traffic associated with the proposed development at that time. The assessment concludes by stating that the site access and surrounding highway network could satisfactorily accommodate the additional traffic generated by the proposed development. Personal injury accident data has also been studied for the most recent three year period and concludes that there would not be any safety concerns.

Updated ecological assessment

35. The ecological surveys carried out by the applicant confirm that the site includes areas of continuous bracken, heath communities and scattered broadleaved trees. Grass snakes and common lizard have been recorded as using the site which also provides suitable habitat for foraging bats, badgers, and breeding birds, including nightjar. The assessment makes a number of recommendations including keeping the working area to within the void; the

stripping, storage and re-use of soils on site; the temporary storage of any plant and machinery on the paddock as opposed to within the footprint of the local wildlife site; the protection of retained trees; the capture and translocation of reptiles to suitable habitat within the site boundary and the erection of reptile fencing around the working area; and the clearance of vegetation outside the bird breeding season.

36. Compensation and enhancement works are also proposed by the applicant including the creation of a mosaic of bracken, heathland, scattered trees and scrub, herb rich grassland, wavy-haired grassland, ponds and associated wetland habitat as part of the restoration works, resulting in a higher botanical diversity than the existing bracken dominated habitat; the creation of heathland on the existing paddock; the enhancement of areas outside the working area for reptiles; the creation of habitat piles and hibernacula; and the long term (15 years) management of the site specifically for wildlife.

Landscape and visual appraisal

37. The application site is located in the Kirkby Forest Wooded Farmlands policy zone which is described as being of 'moderate' landscape sensitivity. The applicant considers that the proposed development would result in a 'medium' magnitude of change to the character area resulting from disturbance to the landscape and the loss of heathland and scrub. There would be a 'slight/moderate' adverse landscape effect on the wider character area.
38. The assessment submitted considers that the restoration of the site would result in grassland establishing quickly and the site appearing mature in a short period of time, in keeping with the wider escarpment. The applicant is proposing a management plan which would secure the long term protection of the grassland and heathland. The applicant considers that the magnitude of landscape change could be 'low beneficial' leading to a slight improvement to landscape character.
39. The applicant considers that the impact of the proposed development on the site access area would be 'slight' during operations but notes there would be a slight beneficial' effect on the landscape.
40. The applicant considers that visual impacts would be restricted to footpath users, railway users and isolated properties. The magnitude of visual change on footpath users would be 'medium adverse' leading to a 'moderate adverse' overall visual effect, whilst it would be 'slight to moderate adverse' for rail users and nearby properties. The restored site would create a similar view resulting in a visual effect for all users of 'no change'.
41. The appraisal concludes that whilst there would be some short term landscape disruption, the restored site presents an opportunity to create a diverse new area of landscape and to secure its long term protection and management.

Dust impact assessment

42. A dust impact assessment has been submitted with the application and has reviewed local air quality conditions, local meteorology, wind speed and sensitive receptors which, within 200 metres of the application site, are restricted to the applicants' own home, Beacon Poultry Farm (134 metres west of the site), and Winshaw Well to the north west of the site. All the potential sources of dust generation resulting from the proposed development have been identified with the most significant considered to be from the stockpiling of construction materials and HGV movements, particularly within the site on unbound haul roads. The assessment considers that there are no identified receptors which have a combined risk due to distance from the site and wind direction.
43. Mitigation measures are proposed by the applicant to minimise dust generation include the use of the wheel wash; the hard surfacing of the first section of the access road; dust suppression units on the crushing and screening plant; speed limits for on-site vehicles; management of any stockpiles of materials awaiting transportation off site; HGVs being sheeted; and the dampening down of dusty activities.

Noise assessment

44. The applicant has established the existing noise climate in the area through noise monitoring from Warren House Stables to the south of the site and Winshaw Well Farm to the north west, in addition to noise calculations being made based on the level of traffic on the A611. The assessment considers that the increase in noise levels along the A611 due to the increased number of HGVs associated with the site would be 0.2dB(A), a level which it is considered would not result in any additional annoyance or disturbance.
45. For operational activities on site, calculations have been made by the applicant taking into account the distance between mobile plant and sensitive receptors, any sound barriers such as soil bunds, the attenuation properties of soft ground, and the angle of view of the haul road on site. The applicant considers the calculations to be 'worst case' as they predict all plant and machinery to be operational at the same time at the closest locations to residential properties, in addition to when landfilling activities are at the final phase; i.e. at their highest and most audible. Predicted noise levels at the two noise sensitive locations have been assessed to be within the levels set out in the National Planning Policy Framework (55 dB L_{Aeq1hr} for normal operations and 70 dB L_{Aeq1hr} for temporary operations) and so the proposed development would not cause annoyance or disturbance to nearby residents.
46. Noise impacts on nightjar and woodlark have also been assessed by the applicant, given the identification of breeding and foraging sites for nightjar at Thieves Wood (2.7 kilometres north east of the site) and Coxmoor Golf Club (2.5 kilometres north east of the site) and for woodlark at Newstead Pit Tip (720 metres south east of the site). Noise levels from activities associated with the proposed development are not calculated to exceed 40 dB L_{Aeq1hr} which is widely accepted to be at the lower limit of the 40 to 50 dB(A) range which can potentially disturb birds during the breeding season.

Flood risk

47. A flood risk assessment has been carried out by the applicant due to the proposals comprising landfill, despite the site being located in flood zone 1 which has only a 1 in 1000 annual probability of river flooding. Measures to control surface water run-off have been considered and the applicant proposes to construct an infiltration basin just beyond the south west corner of the landfill footprint. Surface water run-off would be directed to the basin through a series of lateral pipes which would connect to a carrier pipe along the impermeable base of the landfill linking directly to the basin. The size of the pipes and the gradient of the land on which they would be laid have been calculated to carry 580 litres of water per second which compares to a requirement of 449 litres per second.
48. The infiltration basin would have a surface area of 290 square metres and would be 1.2 metres deep. The applicant has calculated that this would have sufficient capacity for a 1 in 30 year storm event. Upon the completion of the restoration of the site, land drainage is recommended by the applicant above the clay cap to allow surface water to continue to run-off into the proposed basin.

Land contamination

49. A site investigation has been carried out by the applicant to ascertain the risks to the geology and hydrogeology of the site. The assessment considers that appropriate engineering of the landfill cell can mitigate any risks associated with the proposed development which could impact on groundwater and the wider environment. Remedial measures should not be required as a result of any previous historical uses of the site. Based on the weathered sandstone that has been identified at shallow depths, an artificial geological barrier of at least 0.5 metres in depth is recommended, constructed of a combination of a geological barrier and a liner. This would be required on the base and on top of the landfill.

Consultations

50. ***Ashfield District Council** objects to the application as the site is located in the Green Belt where development is strictly controlled under Policy EV1 of the Ashfield Local Plan Review and the NPPF. The proposal is considered to be inappropriate development in the Green Belt as it does not meet the criteria in the policy or the NPPF. Whilst the applicant states that there is insufficient capacity within the county for the disposal of inert materials over the next ten years, there appears to be no justification as to why this site is the most suitable location. It is considered that there is insufficient evidence to support a case for 'very special circumstances'.*
51. *If the County Council considers that very special circumstances can be justified and the local wildlife issues can be overcome, the value of the site should be enhanced over the longer term through appropriate conditions or a Section 106 Agreement.*

52. **The Environment Agency (EA)** has no further comments to make in addition to those made on the previous application. The proposed development would be acceptable if a planning condition is included requiring drainage details to be submitted, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in a 100 year plus climate change critical storm would not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme should also include the utilisation of sustainable drainage techniques; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change (30%), based upon the submission of drainage calculations; a demonstration of adequate percolation tests if infiltration techniques are to be utilised; detailed drainage design for each earthwork phase of the development where required; and responsibility for the future maintenance of drainage features.
53. The EA notes that the Flood Risk Assessment (FRA) only recommends providing surface water management up to the 1 in 30 year storm event and not up to the 1 in 100 year plus climate change scenario. Given the lifetime of the development, the EA considers that analysis of the 1 in 100 year plus climate change event should be provided at detailed design and the drainage scheme designed accordingly, in line with the National Planning Policy Framework. Some analysis of the required drainage is provided in the 'Proposed Surface Water Drainage' section of the FRA and the EA recommends that this is included in the detailed design.
54. A further condition is recommended requiring only uncontaminated, inert material to be imported and deposited on site in order to protect groundwater quality in the area. Advice is provided regarding the environmental permit process.
55. **Network Rail** notes that the proposed tipping area is approximately 120 metres from the existing Nottingham and Mansfield Line and Kirkby Tunnel. The disused, and not Network Rail owned Annesley Tunnel lies between the site and Network Rail infrastructure. A condition requiring only inert material to be tipped is recommended to allow the continued safe operation of the railway and to maintain the integrity of the railway infrastructure.
56. **NCC (Planning Policy)** considers that any potential short-term benefits of the proposed development, primarily to the site operator, do not outweigh the environmental harm at the site or override policy presumption against development of greenfield land.
57. National policy, set out in the National Planning Policy for Waste (issued in October 2014), states that waste management should move waste up the waste hierarchy, with disposal being seen as a last resort, but nevertheless one which must be adequately catered for. Policies within the Nottinghamshire and Nottingham Waste Core Strategy (WCS) set out the approach towards future waste disposal facilities, including those for inert

waste and permits new disposal capacity where it can be shown that this is necessary to manage residual waste that cannot be economically recycled or recovered (Policy WCS3(c)). This also reflects the new National Planning Policy for Waste which requires waste to be driven up the waste hierarchy whilst making adequate provision for waste disposal. In this case it is accepted that the material to be disposed of is likely to be residual, especially given the recycling element of the proposal and there is not therefore a conflict with the waste hierarchy in principle.

58. *Nationally it is estimated that between 80% and 90% of construction and demolition waste is recycled or recovered in some way, with much of this waste now recovered on site and not therefore entering the waste stream. Local data on inert waste arisings is therefore limited but overall construction, demolition and excavation waste arisings within Nottinghamshire and Nottingham are estimated to be in the region of 2.7 million tonnes per annum depending on economic circumstances.*
59. *An indicative estimate of long term future inert waste disposal requirements, set out within the WCS, envisages a long term need for sufficient capacity to manage around 273,000 tonnes per annum (approximately 10% of anticipated future arisings). However, this figure will be reviewed on an ongoing basis to reflect the publication of more recent waste management data by the Environment Agency (EA).*
60. *The most recent published waste data for 2012 shows that 297,000 tonnes of inert waste was deposited at inert landfill sites in Nottinghamshire in 2012, 54,000 tonnes was used or deposited at non-hazardous landfill sites and 215,000 tonnes re-used for construction or restoration projects. In 2011 there were 217,000 tonnes deposited at inert landfill sites; 55,000 tonnes within non-hazardous sites and 98,000 tonnes re-used for construction or site restoration. These figures include waste imported from outside the county.*
61. *More detailed analysis of the EA's 'Waste Data Interrogator' for 2012 suggests that, taking account of the recorded imports and exports of inert waste, Nottinghamshire and Nottingham City produced approximately 350,000 tonnes of inert waste which was disposed to landfill and 171,000 tonnes which was used for construction or reclamation purposes, giving a total of 521,000 tonnes. This compares to 566,000 tonnes of inert waste which was deposited within the plan area in the same period and suggests that Nottinghamshire is presently a net importer of inert waste for disposal or re-use.*
62. *These figures do not include any material that is managed at exempt sites, although the EA has confirmed that the quantity of waste via exemptions has reduced significantly following changes to the regulatory system. The annual tonnage of inert waste re-used for reclamation and construction purposes under an exemption is not therefore considered by the EA to be significant and unlikely to affect assumptions on capacity.*
63. *In terms of the existing capacity to manage future inert waste arisings, EA data shows that at the end of 2012 there was an estimated 1.764 million cubic metres of permitted capacity remaining within the county. Taking away a further two years of inert disposal and recovery inputs, using the 2012 figure of*

566,000 tonnes per annum, would suggest that there was around 632,000 cubic metres of disposal capacity left at the end of 2014, based on a conversion factor of one tonne of inert waste per cubic metre as previously advised by the EA and used in the WCS estimates. This would suggest that there is little remaining inert disposal capacity in the county but it is important to consider significant additional inert disposal capacity that has recently been granted planning permission and subsequently implemented.

64. *In July 2011, planning permission was granted to import 495,000 cubic metres of inert waste material into the former Bentinck Colliery Tip near Kirkby-in-Ashfield. Works commenced around February 2014 and are due to be completed by February 2019.*
65. *In September 2012, planning permission was granted for works to restore the former Welbeck Colliery using approximately 1.6 million cubic metres of inert waste disposal. Works on site commenced in May 2013 and are due to be completed by May 2018.*
66. *Finally, planning permission was granted in December 2014 to extend the inert waste disposal facility at the former limestone Quarry at Vale Road, Mansfield Woodhouse, providing additional inert waste disposal capacity of 2.06 million cubic metres and extending the life of the facility until 2030.*
67. *These three planning permissions have therefore added a further 4.155 million cubic metres of inert disposal and recovery capacity in the county. When added to the 632,000 cubic metres anticipated to be remaining at the end of 2014, this would suggest that there is approximately 4.787 million cubic metres of remaining disposal and recovery capacity in the county at the present time.*
68. *Looking ahead, this remaining capacity provides sufficient disposal and recovery capacity for either around 8½ years (based on the 1:1 conversion factor used in the WCS), around 12½ years (based on a conversion factor of 1:1.5 suggested by the HMRC since the WCS was adopted), or just over 20 years based on the applicant's own conversion factor of 2.4 tonnes per cubic metre.*
69. *The WCS anticipates that there will be a need to identify additional inert disposal capacity towards the end of the plan period in order to maintain an appropriate level of provision and the recent additional capacity would support this stance. The WCS therefore identifies the broad areas and types of sites where future inert disposal capacity could be provided through Policies WCS5 and WCS7. Possible site allocations for inert waste disposal are currently being assessed through the preparation of a site specific document to support the WCS. In strictly numerical terms, there is therefore not considered to be a critical need for additional inert disposal capacity at the present time as there is sufficient capacity to manage current and anticipated arisings either via disposal or recovery/site reclamation options whilst the site specific document is being prepared. It is acknowledged that the majority of the county's existing, dedicated, inert disposal capacity is concentrated within a single large site at Mansfield Woodhouse and a much smaller site near Newark, but other options for disposal and recovery capacity have recently started accepting*

inert waste, including Bentinck Tip which is in close proximity to the application site. It is also considered that the proposal would only provide a temporary additional outlet for inert waste which would add up to less than a year's worth of overall disposal capacity and so would not therefore make a significant contribution. Whilst small windfall schemes are, in principle, supported under Policy WCS5, this is only where they enable appropriate site reclamation or restoration, a situation which does not apply in this instance (see later comments).

70. *The WCS does therefore acknowledge a probable longer term need for additional inert disposal capacity and seeks to encourage a better distribution of sites to improve coverage and reduce transport distances. However this has to be balanced against the site specific impacts of any proposal.*
71. *Where there is a proven need for additional inert disposal capacity, Policy WCS5 gives priority to sites within the main shortfall areas around Nottingham and Mansfield/Ashfield and the application site falls within this broad area. However, the policy also sets out a sequential approach to the development of sites which prioritise the extension of existing sites; followed by the restoration of old colliery tips, mineral workings, other man-made voids and derelict land where this would have environmental benefits; ahead of disposal on undeveloped greenfield sites. Sites within the Green Belt would need to demonstrate 'very special circumstances' in accordance with the NPPF.*
72. *The application site includes a steep-sided valley feature described by the applicant as a derelict sandstone cutting, although this is queried. Even if there was evidence that the site had been worked historically, national policy within the NPPF is clear that where land has since regenerated to the point that it is perceived as natural it must be treated as undeveloped for planning purposes. As such the proposal is not supported by Policy WCS5 as greenfield sites can only be considered where there is no more sustainable alternative. It is considered that there are other more sustainable options available.*
73. *As the proposal falls within the Green Belt very special circumstances would therefore need to be demonstrated as set out within the NPPF, Policy WCS5 and its supporting text (paragraph 7.26) and Policy WCS7. This could for example include the restoration of a former mineral working or derelict site but, as this proposal is for a greenfield site, it is not considered that very special circumstances can be demonstrated in this case.*
74. *Part of the site is also designated as a Local Wildlife Site and development would therefore be contrary to Policy WCS13, in respect of nature conservation, and saved Waste Local Plan (WLP) Policy W3.23(c) unless the importance of the development could be judged to outweigh the local value of the site. Given that there are other existing and former mineral workings in need of restoration there is not an overriding need to develop this particular site at this time. Subject to detailed landscape comments, the proposal is also likely to be contrary to Policy WCS13 in terms of landscape impact as disposal operations would lead to the permanent loss of a natural valley feature. In terms of the proposed aggregates recycling use, this would be supported in*

principle, for the duration of any disposal operation but would not be acceptable as a stand-alone use at this location (Policy WCS7 and paragraph 7.38).

75. *Policy WCS11 seeks to encourage sustainable transport options, promoting alternatives to road transport where viable, and looks to make the best use of the existing transport network and minimise overall transport distances. Depending on the source of the waste the proposal may reduce haulage distances in some cases. Subject to detailed highways comments, saved Policies W3.14 and W3.15 from the WLP would restrict development where the vehicle movements likely to be generated cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance, and secure appropriate conditions and highway improvements where necessary. Saved Policies W3.9 – W3.11 of the WLP would also be relevant in terms of appropriate controls over possible sources of noise, dust and mud.*
76. *The applicant points to a lack of currently operational sites within their supporting statement but this does not demonstrate any consideration of other possible sites for this development. It is understood that this site is available to the applicant, and therefore convenient for their operation, but it does not necessarily follow in planning terms that this is the only or most suitable site for inert disposal. Preparatory work for the waste site specific document has identified four existing/former quarries in the Mansfield area that have been put forward for possible restoration using inert waste and five other potential sites across the rest of the plan area. These comprise unrestored quarries, former colliery tips and existing quarries along with proposed future mineral workings that are currently being assessed as part of the review of the Minerals Local Plan. A planning application to extend the time allowed for completion of the existing inert disposal site at Vale Road has recently been approved. In addition, the premature closure of two of the county's remaining non-hazardous landfill sites at Carlton Forest, Worksop, and Dorket Head, Arnold, has recently been announced, both of which are likely to require importation of additional inert materials to achieve a satisfactory restoration scheme.*
77. *Whilst it may be necessary to consider the development of a greenfield site as a last resort, if there are no other more sustainable options available, in policy terms it would be inappropriate to allow development of this site when there are other alternative sites in need of restoration and that are supported by Policy WCS5.*
78. *In conclusion, the WCS acknowledges a longer term need for additional inert disposal capacity and seeks to encourage a better distribution of sites to improve coverage and reduce overall transport distances. This is being addressed through the site-specific document, which will assess all of the sites put forward for inert disposal, and is not therefore considered to be critical at the present time. Even if there were a more urgent case of need this would still have to be weighed against the environmental impacts of the proposed development at this location. Policy WCS5 sets a clear preference for the use of inert waste for restoration purposes with the development of greenfield sites*

only as a last resort if all other reasonable options have been exhausted. This would therefore be the least sustainable option and contrary to national and local Green Belt policy. In policy terms, any potential short term benefits, primarily to the site operator, do not outweigh the environmental harm at this location or override policy presumption against development of greenfield land.

79. **NCC (Highways)** has no objection to the application and considers that the proposed new junction out of the site onto the A611 would be able to cope with HGVs entering and leaving the site at the same time. Also, the junction geometry would allow HGVs to enter and leave the site without crossing onto the opposite side of the road. No objection is raised regarding the access subject to a condition requiring further details of the site access to be submitted for approval.
80. Conditions are also recommended requiring the number of HGVs entering and leaving the site to be monitored with details being made available to the County Council on request; the surfacing of the first 20 metres of the access road with a bound material; the construction of the access road in a manner which prevents the unregulated discharge of surface water onto the public highway; and the provision of wheel washing facilities.
81. Further advice is also provided to the applicant regarding the deposit of mud on the public highway; the need to enter into an agreement under the Highways Act 1980 to provide for off-site works; and the need to contact the Highways Authority to gain technical approval for necessary works.
82. **NCC (Nature Conservation)** considers the application's repeated description of the site as a 'derelict sandstone cutting' to be a mistake with no evidence presented in support of that claim. The site is considered to be a natural valley and can be clearly discerned on Sanderson's Map of 1835 (and on the Ordnance Survey 6 Inch Series map covering this area), and the Robin Hood Hills, of which the site is a part, feature a number of deep, narrow valleys which are natural geological features, rather than having arisen through quarrying. The site is considered to be greenfield, well vegetated and not in need of any restoration or remediation works, which use of the word 'derelict' misleadingly implies. This erroneous assumption is used to justify the development, with regards to Policies WCS5 and WCS7 of the Waste Core Strategy, which refer to the restoration of derelict land (where this would have associated environmental benefits). Given that the site is not derelict, it therefore follows that the sections of these policies cited do not apply in this case.
83. The majority of the site in question is locally designated as the Robin Hood Hills Local Wildlife Site (LWS) and is therefore of at least county-level importance for its wildlife. Kirkby Grives Site of Special Scientific Interest is approximately 1km to the west and the site makes up part of an important cluster of large and connected nature conservation sites in the Newstead area and, as such, is a key component of the local ecological network. The site also lies immediately adjacent to an area of land that has been identified

as part of both the 'Indicative Core Area' and 'Important Bird Area', in relation to the prospective Sherwood Special Protection Area (SPA).

84. *Due consideration has to be given in the decision making process to the 'mitigation hierarchy', as outlined in the National Planning Policy Framework which requires that significant impacts should first be avoided, then mitigated against, and finally compensated for. Whilst a range of mitigation measures are proposed, it first needs to be established that the impacts cannot be avoided, for example by locating the development elsewhere, on a less ecologically sensitive site.*
85. *The Updated Ecological Assessment identifies the main potential impacts arising from the proposed development as loss of part of the LWS, loss of reptile habitat and potential harm to reptiles during the works, and that there would be a reduction in habitat available for nesting birds and foraging bats. No other protected or notable species were encountered during the site surveys. The site consists predominantly of continuous bracken, with areas of scrub and trees and patches of acid grassland and is assessed as being of high ('County') value.*
86. *Notable numbers of grass snakes and common lizards were discovered during surveys and the site is considered to be of 'high (County) value' for reptiles, supporting a 'large' population of grass snakes and a 'medium' population of common lizards. A range of mitigation measures are proposed, focussing on a trapping and translocation programme, which is considered broadly suitable, and enhancements to adjacent habitat. In order to increase the carrying capacity of retained habitat into which trapped reptiles would be released, it is proposed to create habitat piles, two ponds, and a grassland area with a pond to the west of site in advance of reptile translocation works.*
87. *In order to further raise the carrying capacity of the retained land to support the translocated reptiles, additional enhancements including the creation of grassy 'glades' and small areas of bare ground within the dense bracken are recommended on land in the applicant's control. Confirmation that this is acceptable is requested.*
88. *The breeding bird surveys carried out in 2012 did not follow standard guidelines, with two (rather than three) morning surveys carried out (one at the end of June and one at the start of July). Normally, surveys are spaced out regularly during April, May and June, to account for the fact that evidence of breeding becomes harder to establish later in the season. The site is considered to provide a 'valuable habitat for breeding birds', with Red and Amber listed Birds of Conservation Concern recorded, including song thrush, whitethroat, willow warbler, linnets, bullfinch and yellowhammer. The proposed development would involve the temporary loss of breeding habitat, and there would be increased levels of disturbance in surrounding areas due to noise and dust, and as a result of visual disturbance. The application states that habitat creation would replace lost habitat once the site has been restored (with no reduction in nesting habitat in the long term) and that the*

location of the works within the valley would limit disturbance, although this screening effect would reduce as the level of the tipping rises.

89. *No evidence of woodlark was found at the site, although the timing of the 2012 survey was too late to be effective for detecting this species but, irrespective of this, the habitat is considered unsuitable as it does not provide the vegetation structure required. An assessment of potentially suitable habitat in the vicinity of the site was carried out in May 2014, concentrating on Hollinwell Golf Course to the east and concluded that the habitat at the golf course is now unsuitable for this species although potential breeding habitat was identified in an area of clearfell conifer approximately 220 metres east of the proposed development site.*
90. *Whilst no nightjars were encountered during survey work, the site was considered to provide suitable foraging, and potentially breeding, habitat for this species. It should be noted that there are no existing records of breeding nightjar in the vicinity of the site, the nearest occurring around 2.7km to the northeast. The proposed development would involve the temporary loss of potential foraging habitat for nightjars, and increased levels of disturbance due to noise and visual impact. It is stated that the corridor formed by the Robin Hood Hills LWS, although narrowed, would be retained, that significant areas of additional habitat would remain in the area, and that new habitat of potentially greater suitability for nightjar (and woodlark) would be created following site restoration. As for other birds, it is stated that the potential increase in disturbance is not considered likely to be significant due to the local topography which would provide screening, and that the potential increase in disturbance is not likely to be significant and that the area is not used frequently by foraging nightjar.*
91. *Initial concerns regarding potential indirect impacts from noise on nightjar and woodlark have been satisfactorily addressed.*
92. *If planning permission is granted, conditions should be attached to:*
 - (a) *Protect retained areas of habitat/vegetation outwith the area of tipping;*
 - (b) *Limit the works to a two-year period;*
 - (c) *Provide for a methodology for the stripping and storage of soils, to ensure that existing soils can be reused during restoration;*
 - (d) *Ensure that vegetation clearance takes place outside the bird nesting season (March to August inclusive), to avoid impacts on nesting birds and also to help avoid disturbance to woodlark and nightjar;*
 - (e) *Resurvey the site if works cease for more than two weeks during the period of March to July to confirm that woodlark have not colonised the site;*
 - (f) *Require an experienced ornithologist to visit the site early in the breeding season (i.e. early March) each year, to assess the site for its potential to support breeding woodlark and make recommendations;*

- (g) *Prohibit artificial lighting on site;*
 - (h) *Prepare a detailed methodology for the trapping and translocation of reptiles at the site;*
 - (i) *Prepare a detailed Advanced Habitat Creation Plan, to include details of advanced habitat enhancement and creation measures to benefit reptiles and other species.*
93. *The proposed restoration of bracken, grassland, heathland and scrub habitats, along with ponds and a wetland area are appropriate to the location, but a detailed habitat restoration plan and working methods would need to be secured through a condition. This should include details of topography, ground preparation, species mixes, establishment methods and maintenance regimes. It is not clear how habitat creation would proceed on the area to be used for soil storage and it is suggested that topsoil is stripped to expose the low nutrient, sandy substrate. It is also recommended that, in addition to reusing existing soils present on the site, clean mineral sand should also be excavated to be used in the restoration. This would ensure that at least some areas of the restored site are free from bracken rhizomes, and hence can develop into open acid grassland habitat. Alternatively, a proportion of the soils could be screened before replacement to remove bracken rhizomes. The proposed 15 year management period, supported by a management plan to be updated on a 5-yearly basis, should be secured through a legal agreement.*
94. **Nottinghamshire Wildlife Trust (NWT)** *objects to the application, noting that the application site is within a local wildlife site (LWS) and forms part of a larger complex of closely located and linked wildlife sites. The site is not considered to be derelict and appears to be a landform that is compatible with other valley features in the area and is very well vegetated. NWT highlights the National Land Use Database which defines derelict land as either “land so damaged by previous industrial or other development that it is incapable of beneficial use without treatment, where treatment includes any of the following: demolition, clearing of fixed structures or foundations and levelling” or “abandoned and unoccupied buildings in an advanced state of disrepair i.e. with unsound roof(s)”. NWT highlights that the definition also excludes “land damaged by development which has been or is being restored for agriculture, forestry, woodland or other open countryside use” and “land damaged by a previous development where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site, such as its contribution to nature conservation, or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment.”*
95. *NWT is satisfied that woodlark is not breeding on Hollinwell Golf Course due to a lack of suitable habitat and so would not be affected by noise and disturbance from the proposed development. The breeding bird survey has shown the site to have a valuable assemblage of breeding birds and whilst no overwintering bird survey has been carried out, the application has confirmed*

that there is likely to be a comparable population of overwintering birds. No breeding nightjar were found on the site despite there being suitable habitat but the application acknowledges that the site is known to be used for foraging nightjar, for which there is also suitable habitat. Whilst the applicant has increased the area of proposed habitat creation, there would be a time lag of at least five to ten years before suitable habitat would be available again and NWT considers this to be a major adverse impact. The reduction in foraging nightjar habitat would have an as yet unknown scale of impact.

96. *NWT considers that there is the potential for birds breeding on the adjacent land to be detrimentally affected by noise from the proposed development, yet no proper assessment has been undertaken. An assessment of the potential impacts of noise on known woodlark and nightjar breeding sites has been undertaken and concluded that there would be no significant noise effects (>40dBA), a conclusion that NWT concurs with. However, with regard to other bird species, the noise modelling shows a predicted level of 60dB Leq at Winshaw Well Farmhouse, during soil stripping and restoration operations which would presumably equate to much higher noise levels in the LWS habitat where birds currently breed as that is much closer than the farmhouse.*
97. *No noise contour map has been provided and whilst the application states that operations would mainly be within the valley which would ameliorate noise, this does not take account of soil stripping and restoration operations, or the impact of HGVs travelling up inclines out of the valley. NWT therefore considers that it is not possible to determine the impact of noise on breeding and overwintering birds but considers that noise levels could be considerable and would cause birds to move from the area and have an adverse effect.*
98. *The populations of lizards and grass snakes are considered to be of county importance and meet the criterion for local wildlife site (LWS) designation. NWT considers that if there is an over-riding need for the development which outweighs the need to avoid such irreparable damage, then a substantive programme of mitigation and compensation is required. Given the scale of loss of habitat (approximately 25% of the LWS) and the period of time before similar habitat could be restored, combined with the reduced micro-habitats that would be present on the restored site due to loss of the variable aspect and topography of the valley feature, the residual effect in the short-medium term should be considered as major adverse. The loss of the valley topography of this site is likely to affect not only reptiles but also invertebrates which would have different assemblages based on the variation in flora, temperature, moisture, and light conditions associated with slopes of different aspects.*
99. *NWT considers the proposed reptile translocation methodology to be satisfactory, subject to the establishment of good quality habitat in the receptor areas at least 12 months in advance of any translocation programme to ensure that the habitats are properly established and functioning. This would require a commitment from the applicant to an extensive programme of trapping for at least 70 days to achieve a successful translocation that would ensure that reptiles were not harmed by the proposed works and would have*

to include the infill area and the HGV access routes, as well as the proposed infill area.

100. *No bat roosts are present at the site but the area contains suitable foraging habitat, although no survey work has been undertaken to confirm this. The restored site would not provide suitable conditions for foraging bats for some years.*
101. *Whilst the reduced timeframe of the proposals would reduce the likely indirect impacts on habitats and species from issues such as noise and dust, it would not alter the direct impact on the loss of LWS habitat. The proposed development would result in the loss of nearly 25% of the LWS and would largely break the link with another LWS, contrary to advice in the National Planning Policy Framework. Whilst the site would be restored sooner, it would still be several years before the loss of the LWS would meaningfully be compensated. It is also questioned whether the site would in reality be completed within the stated two year timeframe. The application also needs to be considered against a number of policies in the Nottinghamshire Waste Local Plan.*
102. *Whilst the restoration proposes similar types of habitat to that which would be lost, the application acknowledges that this would not replace the complexity of the faunal assemblages and the loss of the slope and aspect of the valley would also reduce the micro-habitats that could be achieved in the long term. The establishment of habitat suitable for woodlark could be beneficial but could also be achieved without the proposed development. Further details are required on the establishment methodologies for all the proposed habitats. The proposed 15 year aftercare period would need to be secured by condition and accompanied by a significant restoration bond.*
103. *In summary, NWT objects to the application as the impact of the proposed development on the site cannot be properly mitigated or compensated.*
104. **NCC (Landscape)** *has reiterated previous comments on the earlier applications and considers that the proposed development would result in some short term landscape disruption but these would be limited due to the character of the local landscape and the valley feature which would screen tipping operations. Overall, NCC (Landscape) supports the application and considers that it provides an opportunity to create a diverse new area of landscape upon restoration, subject to the use of appropriate native planting. Planning conditions also provide an opportunity to secure the long term protection and management of the site.*
105. **NCC (Reclamation)** *considers that the site shows no sign of industrial or commercial activity and inspection of historic maps indicate the site to be undeveloped and marked as open ground. The site overlies the principal aquifer, presumed to be the Lenton Sandstone Aquifer, and as such is identified as a potential receptor.*
106. *Regarding the comment in the application that the lack of inert landfill space has led to delays in major infrastructure projects, the matter has been discussed with the Highways Authority and no support for this assertion can*

be found. The proposed recycling facility would need to include dust and surface water run-off controls as well as the bunded storage of any fuel storage tanks on site. The proposal to reload HGVs should materials be found to be inappropriate could prove impractical if chemical analysis of the material is called for.

107. *The application has identified contamination pathways and suitable mitigation should be in place to bar access to it. Inert waste can contain asbestos and so the applicant is right to propose the inspection of loads and the reloading of HGVs if inappropriate material is found. There could also be significant quantities of cement-based products which are alkaline. Any seepage of these materials from the landfill could impact upon any acid grassland restoration.*
108. *In summary, there are concerns relating to the control and receipt of waste which could contain asbestos or other deleterious materials; and the potential for groundwater contamination, either directly or via the proposed drainage system. The proposed development would require an environmental permit and would be regulated and inspected by the Environment Agency. Whilst the applicant's arguments for the need for a waste disposal facility are recognised, the protection of the environment and inspection/control/regulation of the disposal process remains an issue.*
109. **NCC (Noise Engineer)** *has reiterated previous comments and considers that noise levels are predicted to be equal or less than the permitted levels allowed in the National Planning Policy Framework at nearby sensitive receptors, i.e. less than or equal to 55dB L_{Aeq, 1 hour} for normal operations and less than 70 dB L_{Aeq, 1 hour} for temporary operations. It is noted that Shenton Lodge has not been included in the assessment as the applicant owns and resides at the property.*
110. *Should planning permission be granted, conditions are recommended regarding the hours of operation; limiting the amount of material entering the site to 105,000 tonnes per annum; limiting the number of HGV trips to three per hour or 30 a day; restricting the plant and machinery used on site to that listed in the noise assessment; the fitting of noise abatement measures to all plant and machinery with silencers maintained in accordance with the manufacturers' recommendations; the use of white noise reversing alarms; and the carrying out of a noise survey in the event of a justifiable complaint being received.*
111. **NCC (Countryside Access)** *has no objection to the application so long as the availability of Kirkby-in-Ashfield Footpath Number 44 is not affected or obstructed by the proposed development unless subject to appropriate diversion or closure orders. Consultation should be carried out for any surfacing or gating issues and the developers should be aware that any potential footpath users should not be impeded or endangered in any way.*
112. **NCC (Built Heritage)** *has not responded on the application but has previously raised no objection to the previous applications given that, although the active stage of the development would have a slight harmful impact on the setting of Winshaw Well and the Annesley Colliery Conservation Area, the long-term*

impacts would be negligible and not contrary to any local or national policies regarding built heritage.

113. **NCC (Archaeology)** has not responded but has previously raised no objection to the application.
114. **Severn Trent Water Limited, Western Power Distribution, National Grid (Gas) and National Grid Company PLC** have not responded and have not responded on previous applications either. Any responses shall be orally reported.

Publicity

115. The application has been publicised by means of a site notice and a press notice in the Ashfield Chad. Neighbour notification letters have been sent to the three nearest properties to the site – Winshaw Well, Beacon Poultry Farm and Warren House – in accordance with the County Council’s adopted Statement of Community Involvement. Furthermore, a resident of Church Street, Kirkby-in-Ashfield and County Councillor Gail Turner, Member for Selston, have been notified having made representations against the previous application.
116. Councillor Rachel Madden, the local County Council Member for Kirkby-in-Ashfield South, has been notified of the application.
117. Councillor Gail Turner, the local County Council Member for Selston, objected to the previous application and has asked that those objections be rolled forward to this application. Councillor Turner objects on the following grounds:
 - (a) The need for this application is questioned on the basis that it is a greenfield site. The land is a natural depression and its infilling would bring no environmental benefits to this natural area;
 - (b) The natural ecology of the site should not be interfered with as there is no overriding need to infill. The snakes and other reptiles do not need to be moved as translocation has many risks and these risks do not outweigh benefits as there are no environmental benefits brought by this application;
 - (c) Not only would this application bring no benefits but it would bring harm to a natural area in its natural condition that has no need for infill or restoration of any kind;
 - (d) As there is only so much inert infill material available this needs to be directed to sites that are in great need of restoration and which would bring huge benefits to communities.
118. Seven letters of objection have been received from residents in Kirkby-in-Ashfield. Six of these objectors have raised concerns regarding the traffic impacts of the proposed development whilst issues have also been raised regarding the impact of the proposals on the countryside and the Green Belt,

the availability of alternative brownfield sites, odour, vermin, ground pollution, wildlife, noise, dust, and the impact on house prices.

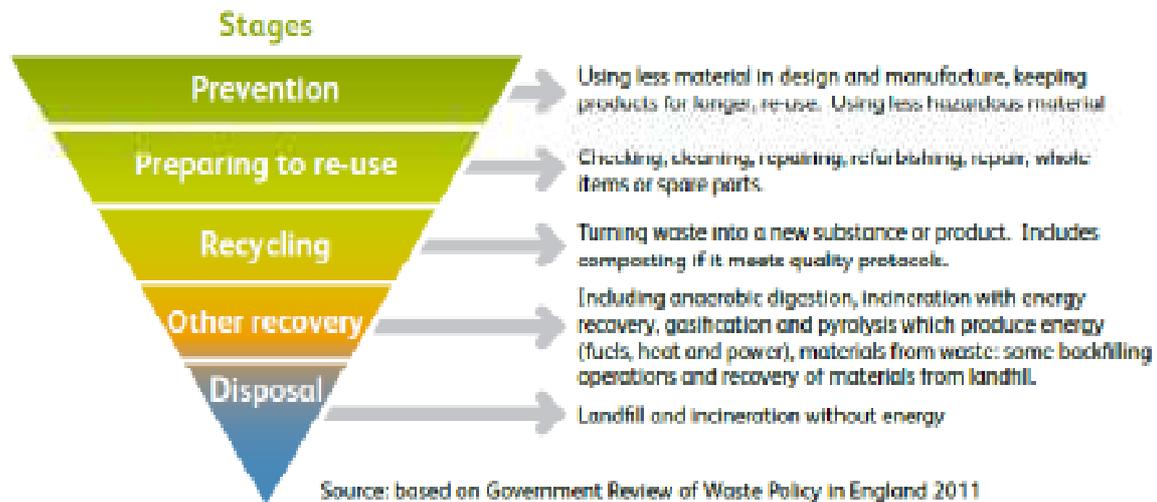
119. The issues raised are considered in the Observations Section of this report.

Observations

Planning policy considerations

- The National Planning Policy for Waste
120. Government guidance on waste can now be found in the National Planning Policy for Waste (NPPW), which was published in October 2014. The NPPW largely streamlines previous guidance in Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) whilst giving special protection to the Green Belt by stating that local plans should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development, whilst also recognising the particular locational needs of some types of waste management facilities.
121. When determining planning applications, the NPPW states that waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up to date local plan and, in such instances, take account of the capacity of existing operational facilities to satisfy any identified need. For disposal applications not in line with the local plan, applicants need to demonstrate that the proposals do not undermine the objectives of the local plan through prejudicing the movement of waste up the waste hierarchy. Impacts to the local environment and amenity should be considered but it is not necessary to carry out detailed assessments of epidemiological and other health studies on the basis that these controls would be provided through the pollution control regime. Landfill or land raise sites should be restored to beneficial afteruses at the earliest opportunity and to high environmental standards.
122. Appendix A of the NPPW sets out the waste hierarchy with prevention being the most preferred option and disposal the least desirable. Appendix B identifies a number of locational criteria for testing the suitability of sites and areas for new waste development. These include the consideration of water quality and flood risk; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land use conflict.
- The Waste Core Strategy and the waste hierarchy

123. The waste hierarchy referred to above is also one of the key principles in the Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy (WCS), adopted in December 2013 and is set out in the diagram below.



124. It can clearly be seen that the disposal of waste is at the bottom of the waste hierarchy and this is reflected in Policy WCS3 of the WCS which prioritises new or extended recycling, composting and anaerobic digestion facilities and only allows for new or extended energy recovery facilities where it can be shown that this would divert waste that would otherwise need to be disposed of. The policy only supports new or extended disposal capacity where it can be shown that this is necessary to manage waste that cannot be economically recycled or recovered. The application puts forward arguments (as summarised in paragraphs 22 – 28 above) as to why the facility is required and it is accepted that not all waste can be re-used or recycled and there continues to be a need for disposal facilities, as acknowledged by the NPPW, although Policy WCS3 clearly sets out a sequential test with disposal being the least favourable option.
125. In order to ensure that any recyclable inert material is recovered prior to disposal, the applicant is proposing an on-site recycling facility which would allow for any loads entering the site to be sorted into recyclable or non-recyclable waste. The applicant has confirmed that this would only apply to HGVs entering the site which are not associated with Colson Transport Ltd which is the main waste management company involved in the application. HGVs associated with Colson would access the site carrying inert waste already screened and sorted at their facility at Basford and so would need no further sorting on site. Colson has indicated that the majority of HGVs accessing the site would be their own and so only a small percentage would be from other waste operators. These other loads would be sorted and any recyclable material placed to one side in the recycling area until there is a sufficient amount to allow a full load to be taken back off site. Colson has indicated that this material would be removed off site by a HGV which had entered the site with a full load in order to minimise the number of HGVs

accessing the site. In any event, the applicant has indicated that the number of HGVs leaving the site with recyclable material would only be around one per week.

126. Appropriate controls could be secured through planning conditions to ensure that all waste destined for the landfill has been pre-treated either off-site or on-site and, with such controls in place, it is considered that the proposed development would accord with this element of the NPPW and Policy WCS3 and would not prejudice recycling operations further up the waste hierarchy.

- The need for the site

127. Policy WCS3 states that the aim of the WCS is to provide sufficient waste management capacity for the county's needs. Regarding construction and demolition waste, the WCS states that estimated arisings are anticipated to be around 2.725 million tonnes per annum throughout the plan period and only plans for 10% of this not being recoverable and therefore requiring disposal. The WCS also states that existing permanent aggregate recycling sites in the county provide enough capacity to recycle up to one million tonnes of concrete, rubble and spoil per annum. Whilst this would appear to suggest a significant shortfall in recycling capacity, the WCS does highlight the fact that temporary facilities at quarries and landfill sites, in addition to the recycling of construction and demolition waste on the sites where they are generated, provides adequate recycling capacity.

128. The WCS accepts that disposal capacity in terms of the number of sites is very limited in the county with the vast majority of disposal taking place at Vale Road, Mansfield Woodhouse, with some disposal capacity also available at Coneygre Farm at Hoveringham. Of the almost 300,000 tonnes of inert waste deposited in the county in 2012, over 85% was deposited at Vale Road. It is therefore accepted that the provision of further disposal sites would be beneficial in terms of managing this waste stream effectively.

129. In terms of planning for future waste management provision in the county, the WCS considers that the amount of construction and demolition waste subject to disposal will amount to 273,000 tonnes per annum, i.e. 10% of the total generated. Given that the WCS states that there was 2.1 million cubic metres of inert disposal capacity in 2010, it is considered that capacity to dispose of a further 3.2 million cubic metres is required during the plan period up to 2030, based on a density conversion ratio of 1:1. More recent data from the EA suggests that the remaining inert disposal capacity in the county had fallen to 1.764 million cubic metres by the end of 2012, although the situation in the county has changed significantly since then, as discussed in greater detail below.

130. In order to provide sufficient future disposal capacity for construction and demolition waste, the County Council has put out 'a call for sites' as part of the preparation of the Site Allocations Document for the Waste Development Plan Documents. A total of 13 sites have been put forward for allocation which have a potential capacity of over 14 million cubic metres. Although the identity of these sites is presently considered confidential, given the

early stages at which this process is at, it can be confirmed that they include the application site along with some former colliery sites and former mineral workings.

131. It can also be confirmed that the sites are in a variety of locations across the county which is an important consideration when assessing the application against Policy WCS5 as it states that, where it is shown that additional landfill capacity is necessary, priority will be given to sites within the main shortfall areas around Nottingham and Mansfield/Ashfield. It can be confirmed that seven of the 13 sites put forward for allocation, including the application site, are within the Nottingham and Mansfield/Ashfield priority area and have a combined potential void capacity of over 11 million cubic metres (including Vale Road which has been subsequently approved planning permission). It is therefore considered that the application site accords with this element of Policy WCS5 as it is located in this main shortfall area.
132. Policy WCS5 then further states that, in addition to prioritising sites in the main shortfall area, preference will be given to the development of sites in the following order:
 - (a) The extension of existing sites;
 - (b) The restoration and/or reworking of old colliery tips and the reclamation of mineral workings, other man-made voids and derelict land where this would have associated environmental benefits;
 - (c) Disposal on greenfield sites will be considered only where there are no other more sustainable alternatives.
133. An initial assessment of the seven sites within the main shortfall area suggests that four of them are either former colliery tips or mineral workings and so would fall into criterion (b) above, i.e. the second most preferable option, with the other two, including Shenton Lodge, falling into criterion (c). It can be confirmed that only one of the sites put forward, Vale Road, falls into criterion (a) as an extension to an existing site.
134. The application site is considered to be a greenfield site despite the applicant arguing that it is a 'derelict sandstone cutting'. The valley landform can be clearly identified on Sanderson's Map of 1835 and is considered to be a natural feature given that it is in keeping with the surrounding Robin Hood Hills which feature similar deep, narrow valleys. An internet search describes the Robin Hood Hills as "a steep sided range of sandstone hills forming a natural amphitheatre surrounding the villages of Annesley and Newstead". In addition to this, the site is not considered derelict in character and is in fact a well vegetated and ecologically important habitat not in need of any restoration or remediation works.
135. The National Planning Policy Framework (NPPF) incorporates a glossary of terms which defines previously developed land but excludes, amongst other things, "land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the

landscape in the process of time". Even if the site was previously quarried, as the applicant suggests, it is considered that any remains of that quarrying have now blended back into the landscape. It is also worth highlighting the consultation response from Nottinghamshire Wildlife Trust (NWT) which has quoted the National Land Use Database's definition of derelict land which is "land so damaged by previous industrial or other development that it is incapable of beneficial use without treatment, where treatment includes any of the following: demolition, clearing of fixed structures or foundations and levelling". NWT also highlights that the definition excludes "land damaged by development which has been or is being restored for agriculture, forestry, woodland or other open countryside use" and, reflecting the NPPF, "land damaged by a previous development where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site, such as its contribution to nature conservation, or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment".

136. Given these definitions and the lack of evidence from the applicant to support their argument, despite further requests, it is considered most appropriate to consider the application on the basis that it is a disposal facility on a greenfield site and so is the least favourable option in Policy WCS5. Consideration therefore needs to be given as to whether there are more sustainable alternative sites. The 'call for sites' recently carried out suggests that, subject to there being no significant environmental constraints, there are a number of options in the Nottingham and Mansfield/Ashfield priority area which could be considered to be preferable to Shenton Lodge when considered against Policy WCS5 as they would fall within criterion (b) of that policy. It is therefore considered that there is merit in allowing the preparation of the Site Allocations Document to proceed to adoption in order to identify the most suitable sites, particularly if it can be demonstrated that there is sufficient inert disposal capacity in the short-term whilst the document is being prepared.
137. The applicant contends that there is a need for further sites immediately and considers that Shenton Lodge should be granted as a short-term solution. The applicant has put forward evidence including waste transfer receipts from some other waste management companies operating in the county which detail the amounts of inert material being managed and what is purported to be the increasing difficulty in finding suitable disposal sites for this material (see paragraph 28 above). However, what the more detailed information does show is that outlets for this inert waste are being found and whilst these are sometimes outside the county, or involve the material being taken a considerable distance (for example from sites in St Ann's and Keyworth to Welbeck), it is considered that granting planning permission at Shenton Lodge would not necessarily alter the disposal destination for many of these waste arisings. For example, there have been significant amounts of inert waste generated in East Leake in recent months and the company managing this waste has taken it to either a facility at Lockington, Leicestershire which is approximately ten kilometres away, or to Donington Racetrack which is approximately 15 kilometres away. Given that Shenton Lodge is

approximately 35 kilometres from East Leake, it is not considered that the availability of an inert disposal site at Shenton Lodge would be a viable option for waste generated in East Leake.

138. Whilst some operators might be keen to see another disposal facility open at the application site, and it is accepted that this might be the most convenient site for some inert waste arisings, granting planning permission for such facilities cannot be allowed simply out of convenience but instead needs to be acceptable in planning terms. To this end, what the information provided has not considered is the strategic requirements for future inert waste management in the county and it is considered that the evidence put forward falls somewhat short of demonstrating the quantitative or market need for a new facility, as required by the NPPW.
139. As already highlighted, construction and demolition disposal capacity is largely concentrated at a single site (Vale Road), with Coneygre Farm in Hoveringham also providing additional capacity. The remaining capacity in the county had fallen to 1.764 million cubic metres at the end of 2012. Based on the 273,000 tonnes of inert waste that the WCS estimates to require disposal per annum during the plan period, it can be assumed that, by the end of 2014, this remaining capacity would have fallen to around 1.218 million cubic metres, based on the WCS's conversion factor of one tonne of inert waste per cubic metre. However, Members will recall that additional disposal capacity at Vale Road was granted planning permission in December 2014, adding a further 2.06 million cubic metres of disposal capacity. Therefore, if added to the assumed remaining capacity at the end of 2014, this would provide a total disposal capacity of 3.278 million cubic metres.
140. How long this remaining capacity would last differs depending on the density factor used. The density ratio of 1:1 used in the WCS is based on advice from the Environment Agency and this would provide sufficient capacity for around 12 years from the end of 2014. However, since the WCS was adopted, HMRC has published a conversion factor for inert waste of 1.5 tonnes per cubic metre which would result in the remaining capacity being sufficient for around 18 years from the end of 2014. What can also be considered is the applicant's conversion factor of 2.4 tonnes per cubic metre used in the application which, if used, would result in there being sufficient capacity for almost 29 years from the end of 2014.
141. Although there are a limited number of inert landfill sites in the county, there are, and historically have been, other outlets for non-recyclable construction and demolition waste, such as large reclamation schemes and non-hazardous landfill sites which use inert material for engineering purposes and as daily cover. In 2012, around 267,000 tonnes of inert material was used in this way at sites across the county, including the restoration of the former Bentinck Colliery tip site which is only around three kilometres from the application site. In particular, the reclamation schemes at Bentinck Tip and Welbeck Colliery have a combined requirement for 2.095 million cubic metres of inert waste material. Both sites are now operational with their respective permissions providing for five years of disposal until 2018 for Welbeck and 2019 for Bentinck and would therefore provide an additional 479,000 cubic

metres of inert disposal capacity per annum until this time. In tonnes, this could equate to 718,500 tonnes per annum if using the 1:1.5 conversion ratio published by HMRC, or 1,149,600 tonnes per annum if using the 1:2.4 conversion ratio used by the applicant.

142. The disposal *and* recovery of inert waste has been considered in the consultation response from the County Council's Planning Policy Team which states that 566,000 tonnes of inert waste was deposited or recovered in the county in 2012, either deposited as inert landfill (297,000 tonnes), recovered in construction or restoration schemes (215,000 tonnes), or deposited at non-hazardous landfill sites (54,000 tonnes), probably as daily cover material. However, adding in the additional disposal capacity at Vale Road *and* the additional recovery capacity at Welbeck and Bentinck, which together total 4.155 million cubic metres, to the 1.764 million cubic metres of remaining inert disposal capacity at the end of 2012, minus two years of inert disposal *and* recovery at 566,000 tonnes per annum (1.132 million tonnes), leaves approximately 4.787 million cubic metres of remaining disposal *and* recovery capacity in the county as of the end of 2014, based on a ratio of one tonne of waste per cubic metre. The County Council's Planning Policy Team has confirmed that this remaining capacity would provide sufficient disposal *and* recovery capacity for around 8½ years using a density ratio of 1:1, around 12½ years using the 1:1.5 density ratio, or just over 20 years using the 1:2.4 density ratio used by the applicant.
143. Whether looking solely at inert landfill capacity or when also taking into account additional recovery capacity, it is considered that there is sufficient existing capacity available in the county at the present time and in the short to medium term to manage arisings of inert waste which cannot be recycled, be that at inert landfill sites or major restoration sites. This should allow sufficient time for the Site Allocations Document to be progressed to adoption (anticipated 2016) which would allow a thorough assessment to be made of all the sites that have been put forward for allocation and the most sustainable options to be allocated. It is therefore considered premature to grant planning permission for Shenton Lodge which, based on information gathered so far, would appear to be one of the least favourable sites when assessed against Policy WCS5.
- Waste disposal in the Green Belt
144. The final part of Policy WCS5 states that, where disposal sites proposed in the Green Belt constitute inappropriate development, very special circumstances would need to be demonstrated in line with national guidance. This is reflected in Policy WCS7 which indicates that derelict or previously developed land, or old quarries could be acceptable Green Belt locations for landfill but that all proposals will be subject to Green Belt policies and need to demonstrate very special circumstances. Policy WCS7 does not support land raise in the Green Belt and, given the lack of evidence to support the applicant's view that the site is a former quarry, it is considered that the proposed development, despite proposing to fill a natural valley feature, would constitute land raise and so is contrary to Policy WCS7. This policy also

states that aggregate recycling facilities are not suitable in the Green Belt, although it is accepted that this element of the proposed development is relatively minor when compared to the disposal element of the proposals.

145. Guidance on Green Belts also remains in Policy W3.17 of the Waste Local Plan (WLP) which only allows for waste disposal in the Green Belt where it represents the best option for reclaiming mineral voids or other derelict voids. Again, it is considered that the site is not a mineral void or other derelict void and so is contrary to this policy.
146. Regarding Green Belt policy in the NPPW, this acknowledges that Green Belts have special protection in respect to development and, in preparing local plans, waste planning authorities should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development, whilst also recognising the particular locational needs of some types of waste management facilities.
147. In considering what is and is not 'inappropriate development' in the Green Belt, paragraphs 89 to 92 of the NPPF define the types of development that can be considered not to be inappropriate. Paragraphs 89 (buildings), and 91 and 92 (renewable energy projects) are not relevant to this application and while paragraph 90 relates to other forms of development, including mineral extraction and engineering operations, it does not include waste disposal. The application site is therefore considered to be an inappropriate Green Belt location for waste disposal and so very special circumstances need to be demonstrated in support of the application.
148. Paragraph 88 of the NPPF states that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". As the proposed development is considered to be inappropriate, it is necessary for the applicant to demonstrate 'very special circumstances' to outweigh the inappropriateness, a stance reflected in Policy WCS5.
149. As previously highlighted, the applicant has tried to demonstrate these 'very special circumstances' by providing correspondence from other waste operators which suggests that they are having difficulties finding suitable facilities to dispose of inert waste, although most of the correspondence is somewhat vague in terms of clarifying the amount of non-recyclable inert waste being generated and requiring suitable disposal facilities. In addition to this, Bentinck Tip, which is in very close proximity to the application site, along with the facility at Welbeck Colliery, are both now available and provide additional inert disposal capacity until around 2018, whilst additional disposal capacity has recently been granted at Vale Road. Given these factors, it is not considered that there are 'very special circumstances' in support of the proposed development and so a departure from Green Belt policy is not considered justified.

150. Furthermore, in response to the request for inert waste disposal sites in the emerging Site Allocations Document, of the 13 sites put forward for allocation, four are in the Green Belt, including the application site and, of the remaining nine which are outside the Green Belt, three are in the Nottingham and Mansfield/Ashfield priority area and have a combined capacity of 6.6 million cubic metres. It would therefore appear that there is substantial inert waste disposal capacity available for allocation which is within the Nottingham and Mansfield/Ashfield priority area but which is outside the Green Belt, contrary to the applicant's assertion that the Green Belt is a significant constraint to identifying suitable sites in the priority area. There would therefore appear to be more suitable alternatives to the Shenton Lodge site.
151. Finally, it is also considered worthwhile assessing Green Belt policy in the Ashfield Local Plan Review which, despite being adopted in 2002, is consistent with the NPPF. Policy EV1 does not allow for inappropriate development in the Green Belt except in very special circumstances. The policy defines appropriate development as including "engineering, mining or other operations and uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it". As already stated, the development is not considered to be an engineering or mining operation and so, if it is to be considered as another operation or use of land, it needs to preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt. It is considered that the proposal does encroach on the Green Belt and would negatively affect its openness and cannot be considered as an appropriate 'other operation' within the Green Belt under the terms of this policy.

Ecology

152. The application site lies entirely within the Robin Hood Hills Local Wildlife Site and is also adjacent to an area that has been identified as part of the Indicative Core Area and Important Bird Area in relation to the prospective Sherwood Special Protection Area (SPA). There are a number of policies in the WLP which are relevant in this respect. Policy W3.20 (Heathlands) seeks to protect areas defined as heathland unless their value is outweighed by the need for the facility and, where planning permission is granted, requires the effects on habitats and species to be minimised, the provision of suitable habitat for species either within or outside the site, and the provision of appropriate ameliorative measures.
153. Similarly, Policy W3.22 (Biodiversity) seeks to protect species or habitats of county importance unless the need for the development outweighs the local conservation interest of the site. Again, where planning permission is granted, the policy requires the provision of suitable alternative habitats either on site or elsewhere.
154. Policy W3.23 (Nature Conservation Sites) protects sites of local importance where the importance of the development outweighs the local value of the site, taking account of any scope for mitigation and/or compensatory measures to replace the loss.

155. Significant ecological surveys have been undertaken as part of the application which have identified the presence of grass snakes and common lizards on the site. The application proposes to create replacement habitat outside the area subject to proposed landfilling with some of the required work having already been carried out. The County Council's Nature Conservation Officer has highlighted the tests set out in the NPPF which, at paragraph 118 states:

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

156. The NPPF is clearly setting out a sequence of tests against which the application needs to be assessed, in that order. With respect to the first test (avoiding significant harm through locating the development on an alternative site), the planning policy observations above have clearly identified that, for the short to medium term during which the proposed development would be operational if granted planning permission (two years), there is sufficient inert disposal capacity available in the county to meet existing rates of disposal. It is also anticipated that, during this time, the Site Allocation Document to accompany the WCS would have proceeded to adoption, a process which would allocate any additional inert landfill sites required to meet the county's needs over the plan period (up to 2031). This allocation of sites might or might not allocate the application site at Shenton Lodge but, from the sites that have been put forward for consideration, it is considered likely that more sustainable options are available, subject to more detailed assessment.
157. It is therefore considered that the proposed development does not accord with the NPPF as there are alternative inert landfill sites available at the present time, all of which have been assessed through the planning application process and deemed to be acceptable. In addition to this, there are potentially other alternative sites that could be allocated in the future which would provide sufficient inert landfill capacity without causing the ecological harm that the proposed development would cause. Therefore, irrespective of any mitigation measures being put forward, the significant harm that the proposed development would cause to a designated Local Wildlife Site can be avoided.
158. Given this, it is also considered that the proposed development is contrary to Policies W3.20, W3.22 and W3.23 of the WLP as all these policies protect species or habitats unless their value is outweighed by the need for the facility. The landfill area of the application site falls within a Local Wildlife Site and whilst this is only a local wildlife designation, it has been demonstrated that the local (county) inert landfill needs are presently being met and are in the process of being assessed for the longer term. There is therefore no justification for damaging this site, irrespective of the mitigation measures being put forward in terms of reptile translocation areas and the proposed restoration of the site.
159. In addition to the direct ecological impacts of the proposed development, the application also has the potential to impact on breeding and foraging nightjar and woodlark as the application site falls within the five kilometre buffer zone

for the prospective Sherwood SPA. A lack of information in this respect was one of the reasons for the refusal of the previous application as it was considered that the WPA could not undertake a comprehensive risk based approach assessment as recommended by Natural England.

160. Additional information regarding the potential noise impacts of the proposed development on these species has been provided by the applicant in light of concerns raised by the County Council's Nature Conservation Officer. Potential habitat for woodlark has been identified on Hollinwell Golf Course, which is around 220 metres from the application site. The applicant has responded on this matter by stating that the existing noise climate in the potential habitat area is already quite loud due to traffic on the A611 Derby Road and above the recognised noise disturbance threshold for breeding woodlark. This has been accepted by the County Council's Nature Conservation Officer and so it is considered that the proposed development would not have an adverse impact on nightjar and woodlark. However, this does not take away the fundamental objection to the application in terms of the need for the site not being sufficient enough to outweigh the ecological impacts, even taking into account the proposed mitigation measures.

Landscape and visual impact

161. Policy W3.3 of the WLP requires plant, buildings and storage areas to be located in areas which minimise their impact on adjacent land, grouped together, kept as low as practicable, appropriately coloured and clad, and satisfactorily maintained. Policy W3.4 seeks to reduce visual impact through screening and landscaping using existing landscape features, additional planting, or man-made features such as soil bunds, and by phasing operations to cause the least visual intrusion.
162. The findings of the landscape and visual impact appraisal submitted with the application considers that the proposed development would result in a 'medium' magnitude of change to the Kirkby Forest Wooded Farmlands landscape policy zone, resulting in a 'slight to moderate' adverse landscape effect. This would be as a result of the removal of existing vegetation and soils and temporary operations including soil storage, temporary buildings and the use of plant and machinery on site. The restoration of the site would result in a 'low beneficial' magnitude of change to the landscape and a slight improvement to landscape character.
163. The County Council's Landscape Officer has assessed the submitted appraisal and the conclusions reached are generally accepted. There would be little built development on site and it is proposed to screen views into the site from the A611 with soil bunds created by soils stripped from operational areas. A condition could be attached to any planning permission granted setting a maximum height for stockpiles of recyclable inert material. A height of four metres is considered appropriate to match the height of the soil bunds on the perimeter of the site.
164. With the above controls in place, it is considered that the proposed development accords with Policies W3.3 and W3.4 of the WLP.

Highways

165. Policy W3.14 of the WLP requires proposals to demonstrate that the vehicle movements generated can be satisfactorily accommodated on the highway network without causing unacceptable disturbance to local communities. Policy W3.11 seeks to prevent the trafficking of mud and other deleterious material onto the public highway. Whilst the A611 is an already busy road, it is an 'A' road and is therefore designed to carry significant volumes of traffic. The proposed development would generate three HGV trips into the site per hour (six movements) and the Highways Authority has raised no objection to this level of traffic, subject to a condition to control levels to this number. A query has been raised with the applicant regarding the amount of additional traffic that would be generated by separated recyclable material being removed from the site but the applicant has confirmed that this would amount to around a single HGV per week and would utilise a HGV accessing the site with a load of inert material.
166. No objection has been raised by the Highways Authority regarding the site access subject to it being constructed in accordance with further details which reflect those already submitted. Such an access would ensure that HGVs can enter and leave the site without having to manoeuvre into the centre of the road. Conditions are recommended regarding the control of surface water discharge onto the public highway, the surfacing of the access road, the provision of a wheel wash, and preventing the deposit of mud onto the public highway. With these controls in place, it is considered that the proposed development is acceptable in terms of its highways impact and accords with Policy W3.11 and W3.14 of the WLP.

Noise

167. Policy W3.9 of the WLP specifies measures to be taken to reduce the noise impacts of waste management facilities. The Technical Guidance accompanying the NPPF provides guidance with regarding to noise and minerals development and this guidance is considered appropriate in the assessment of waste management facilities.
168. Background noise levels in and around the application site are generally quite high due to the busy adjacent A611 Derby Road and the County Council's Noise Engineer considers that the proposed development would generate levels of noise that would be equal to or less than the levels allowed in the NPPF, i.e. less than or equal to 55dB $L_{Aeq, 1 \text{ hour}}$ for normal operations and less than 70 dB $L_{Aeq, 1 \text{ hour}}$ for temporary operations. Conditions have been recommended to ensure that noise levels do not exceed those anticipated in the noise assessment submitted with the application and with these conditions in place, such as controlling the hours of operation, the amount of material entering the site, and the number of HGVs entering the site, it is considered that the proposed development would accord with Policy W3.9 of the WLP and the NPPF.

Surface water management and pollution control

169. Policy W3.5 of the WLP seeks to prevent any unacceptable risk of pollution to groundwater or surface water and Policy W3.6 sets out measures to be implemented to ensure surface and groundwaters are protected. Policy W3.10 seeks to suppress dust emissions through a variety of measures.
170. The base of the proposed landfill area would be lined by a combination of a geological clay barrier and an engineered liner to a thickness of 0.5 metres. This would be replicated once landfilling operations had been completed and prior to the restoration of the site.
171. The Environment Agency (EA) has raised no objection to the application subject to a condition regarding the drainage of the site, which would need to incorporate sustainable drainage techniques, limit the amount of surface water run-off to equivalent greenfield rates, and be able to deal with run-off rates during a 1:100 flooding event, taking into account climate change. The EA has also recommended a condition requiring only inert waste to be deposited on the site (a condition also recommended by Network Rail), while the County Council's Reclamation Officer has identified the need for appropriate storage of fuel on site. With these measures in place, it is considered that the proposed development would accord with Policies W3.5 and W3.6 of the WLP.
172. As highlighted by the County Council's Reclamation Officer, measures to suppress dust emissions would need to be secured through any planning permission granted. The dust impact assessment submitted with the planning application has identified a number of measures that would be implemented on site, including the use of the wheel wash; the hard surfacing of the first section of the access road; dust suppression units on the crushing and screening plant; speed limits for on-site vehicles; management of any stockpiles of materials awaiting transportation off site; HGVs being sheeted; and the dampening down of dusty activities. All these matters could be secured by condition to ensure compliance with Policy W3.10.

Historic environment

173. Policy W3.28 of the WLP does not allow for waste development which would harm the character, appearance, condition or setting of a conservation area, listed building, or historic park and garden. The NPPF also provides protection for non-designated heritage assets and the access into the site is around 50 metres from Winshaw Well which is a non-designated local heritage asset. Annesley Colliery Conservation Area is also around 750 metres south of the site.
174. The County Council's Historic Buildings and Conservation Officer has raised no objection to the application (confirmed in correspondence on the previous application) and does not consider that the proposed development would have significant adverse impacts on the historic environment. It is therefore considered that the proposed development is in accordance with Policy W3.28 of the WLP and the NPPF in this respect.

Other matters

175. Ashfield District Council's consultation response makes reference to a Section 106 agreement being required to enhance the ecological value of the site, should planning permission be granted. Should Members resolve to grant planning permission, they should be aware that all reasonable legal costs incurred by the County Council in the negotiation, preparation and execution of this legal agreement would be met by the applicant, as is the case with all legal agreements that the County Council is a party to.

Conclusions

176. This is the third planning application submitted by the applicant to deposit inert waste material at the application site, with the previous two having been refused permission. As part of this latest application, the applicant has sought to address previous concerns which led to the refusals, particularly regarding the ecological impact of the proposed development. However, it is considered that fundamental issues remain regarding the acceptability of the site in planning terms.
177. The proposed development would provide a disposal site for inert waste and so would represent the least desirable and least sustainable solution in terms of waste management, as identified in the National Planning Policy for Waste (NPPW) and the Nottinghamshire and Nottingham Replacement Waste Local Plan: Waste Core Strategy (WCS). Whilst the NPPW and WCS seek to drive waste management up the waste hierarchy, it is also recognised that adequate provision must be made for waste disposal. However, it is considered that existing inert landfill sites in the county, in addition to major reclamation schemes in the county which require significant amounts of inert waste (one which is in close proximity to the application site) provide adequate disposal capacity for non-recyclable inert waste for the short to medium term. With regards to long-term inert disposal provision, the Waste Planning Authority is in the process of identifying waste management sites, including inert disposal sites, to meet the county's waste management requirements until 2031. A number of sites have been put forward for inert disposal and initial assessments suggest that at least some of these are more sustainable options than the application site, in light of the fact that it is a greenfield site and is located in the Green Belt.
178. Given these factors, it is considered that there is no need to grant planning permission for a greenfield disposal site for non-recyclable inert waste in the Green Belt at the present time and to do so would be contrary to Policy WCS3, WCS4 and WCS5 of the WCS. In addition to this, the proposed development is considered to be a land raise scheme, not a landfill, and such a development in the Green Belt is not supported by Policy WCS7 of the WCS.
179. Whilst a number of measures have been put forward to mitigate the ecological impacts of the proposed development on an area which is not only designated as a Local Wildlife Site but is also identified by the applicant as being heathland habitat, it is considered that the lack of need for the site to be

developed as an inert disposal site results in it being contrary to Policies W3.20, W3.22 and W3.23 of the WLP.

180. As a result of the above clear policy objections, it is considered that the application should be refused planning permission.

Other Options Considered

181. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

182. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Human Rights Implications

183. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Implications for Sustainability and the Environment

184. These are considered in the Observations Section of this report.
185. There are no service user, financial, equalities, crime and disorder, safeguarding of children, or human resource implications.

Statement of Positive and Proactive Engagement

186. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion, assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been brought to the applicant's attention in a timely manner, including prior to the application's submission, affording the opportunity to consider whether such matters can be suitably resolved. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this

instance, however, it has not been possible to resolve the issues of concern and the policy objections to the proposals as set out in the reasons for refusal.

RECOMMENDATIONS

187. It is RECOMMENDED that planning permission be refused for the reasons set out below. Members need to consider the issues, including the Human Rights Act issues, set out in the report, and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments [SLB 09/01/15]

“Committee have power to decide the recommendations.”

Comments of the Service Director - Finance [SEM 02/01/15]

“The financial implications are set out in the report.”

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Kirkby-in-Ashfield South

Councillor Rachel Madden

Report Author/Case Officer

Jonathan Smith

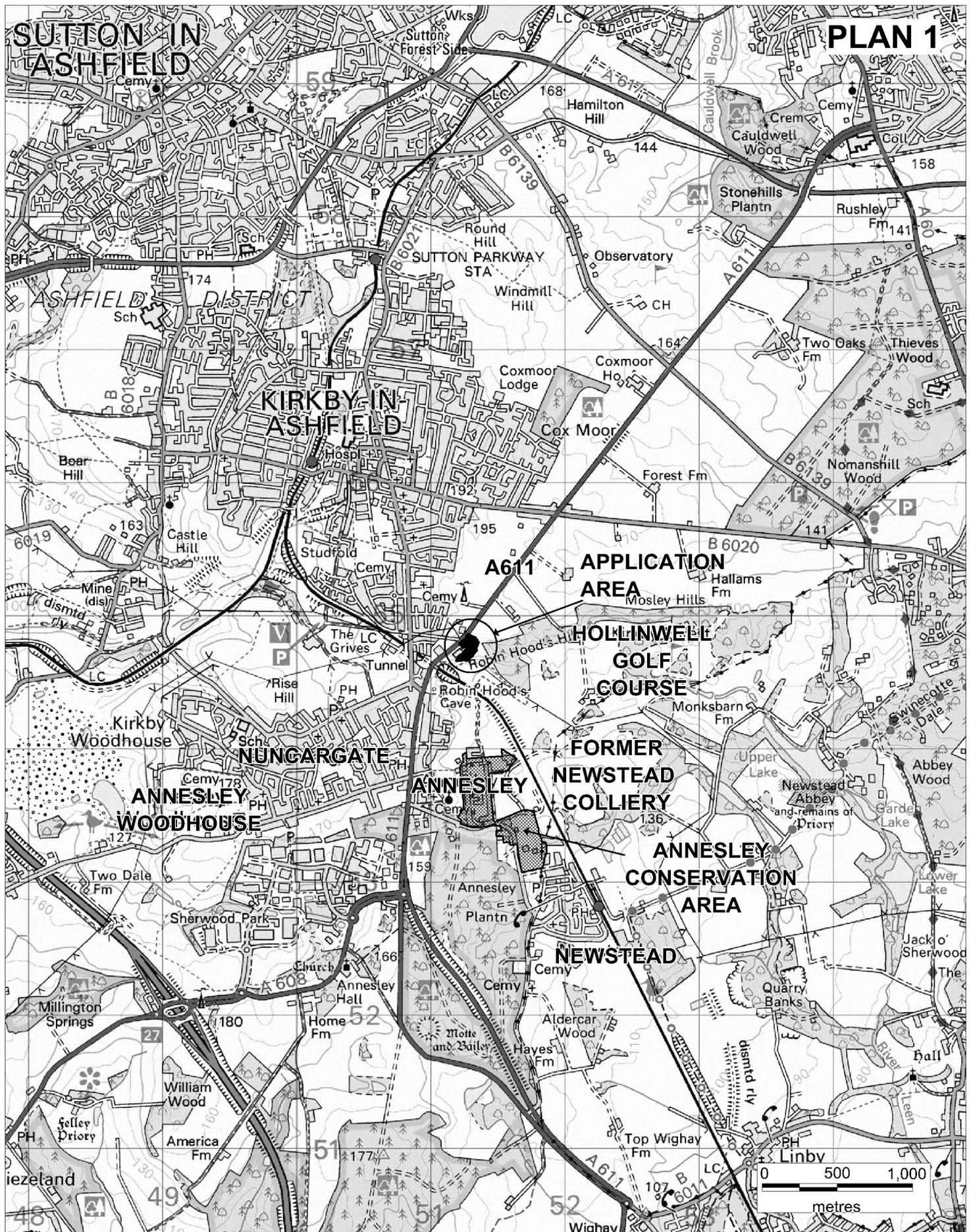
0115 9932580

For any enquiries about this report, please contact the report author.

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RECOMMENDED REASONS FOR REFUSAL

1. The site lies within a Green Belt location but, as it is not a mineral working or other derelict void, the disposal of waste is contrary to Policy W3.17 (Green Belt) in the Nottinghamshire and Nottingham Waste Local Plan.
2. It is not considered that there are very special circumstances regarding the need for the site sufficient to outweigh the harm that this inappropriate development would have on the Green Belt and so it is considered contrary to the National Planning Policy Framework, Policy WCS4 (Broad Locations for Waste Treatment Facilities) and Policy WCS5 (Disposal Site for Hazardous, Non-Hazardous and Inert Waste) of the Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy.
3. It is considered that there is sufficient capacity at existing inert landfill sites and major reclamation schemes in the county to manage existing arisings of non-recyclable construction and demolition waste in the short to medium term whilst the Nottinghamshire and Nottingham Replacement Waste Local Plan Site Allocations Document is being prepared and, therefore, in addition to being the least preferable option for inert waste disposal, the proposed development is considered contrary to Policy WCS5 (Disposal Site for Hazardous, Non-Hazardous and Inert Waste) of the Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy.
4. Proposals for land raise are not supported by Policy WCS7 of the Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy and so the proposed development is considered contrary to this policy.
5. Given that it is considered that there is sufficient capacity at existing inert landfill sites and major reclamation schemes in the county to manage existing arisings of non-recyclable construction and demolition waste in the short to medium term whilst the Nottinghamshire and Nottingham Replacement Waste Local Plan Site Allocations Document is being prepared, it is considered that the importance of the proposed development does not outweigh the nature conservation value of the designated Robin Hood Hills Local Wildlife Site, despite the mitigation measures proposed, and is therefore contrary to Policy W3.23 of the Nottinghamshire and Nottingham Waste Local Plan.
6. The proposed development would result in the loss of habitat of county importance and it is considered that the need for the proposed development does not outweigh the local conservation interest of the site and so is contrary to Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.
7. The proposed development would destroy an area defined as heathland and it is considered that the need for the proposed development does not outweigh the value of the heathland and so is contrary to Policy W3.20 of the Nottinghamshire and Nottingham Waste Local Plan.



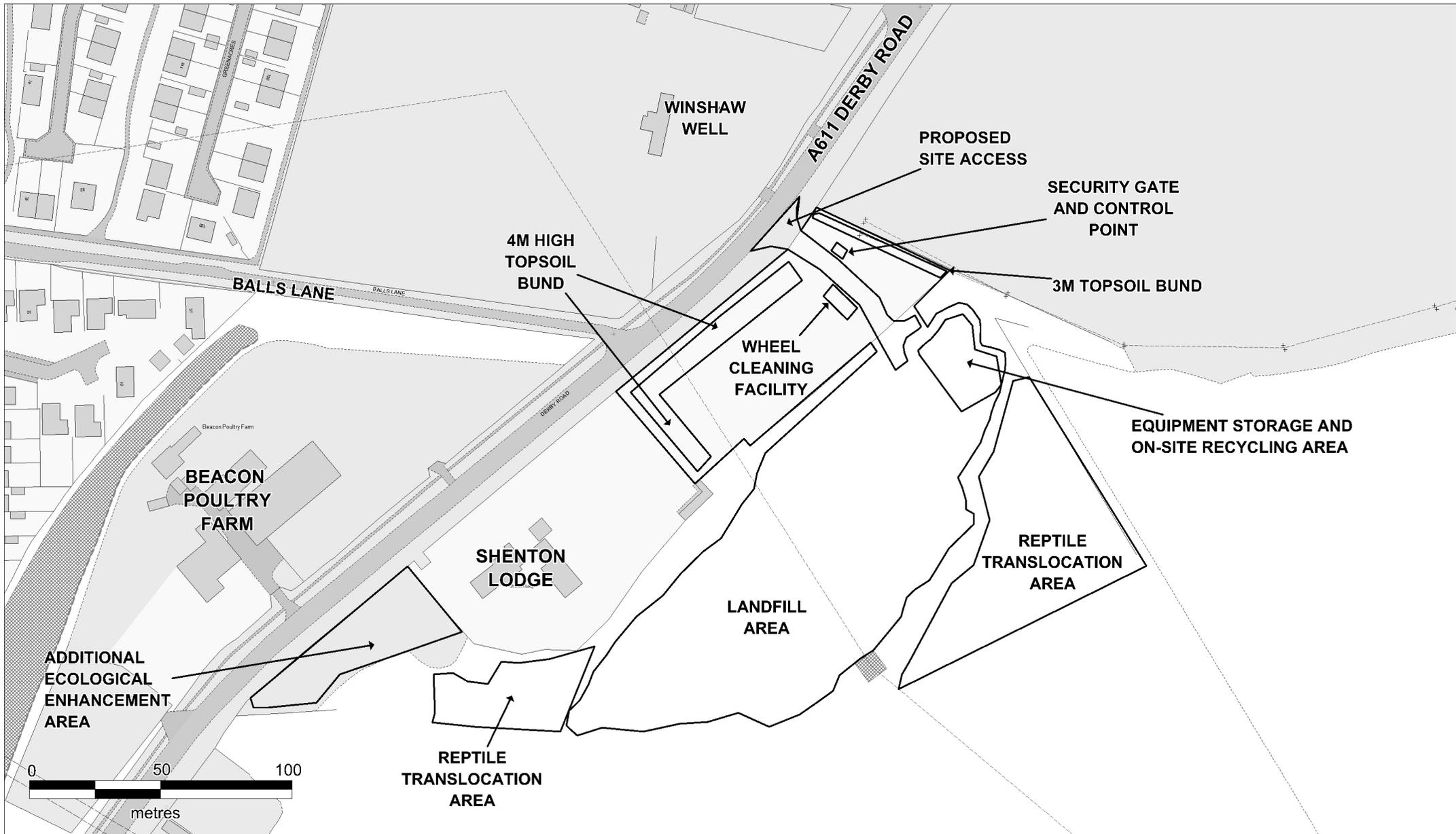
Use of derelict sandstone cutting for the disposal of inert waste material (including subsequent restoration scheme securing landscape and ecological benefits). Land adjacent to Shenton Lodge, Derby Road, Kirkby-in-Ashfield, Nottinghamshire.
 Planning Application No 4152/14/0287
 Page 63 of 159

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Scale: 1:40,000
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 Date: JAN 2015







20 January 2015

Agenda Item: X

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

ASHFIELD DISTRICT REF. NO.: 4/V/2014/0581

PROPOSAL: ERECTION OF TWO-STOREY REPLACEMENT PRIMARY SCHOOL, REPLACEMENT CAR PARKING, LIGHTING AND CCTV, ALTERATION TO PEDESTRIAN AND VEHICULAR ACCESS AND LANDSCAPING, AND RE-USE OF 2.4M HIGH WELDMESH FENCING. SPRINKLER TANK, PUMP HOUSE AND BIN STORE WITH 3.5M AND 2.5M HIGH TIMBER ENCLOSURE. RETENTION OF NURSERY BUILDING FOR USE CLASS D1 (NON-RESIDENTIAL INSTITUTION) WITH PROPOSED ASSOCIATED PARKING AND LANDSCAPING WITHIN 2.4 HIGH WELDMESH FENCING COMPOUND. DEMOLITION OF EXISTING INFANT AND JUNIOR SCHOOL BUILDINGS WITH LANDSCAPING TO CLEARED SITES.

LOCATION: HOLGATE PRIMARY SCHOOL, HIGH LEYS ROAD, HUCKNALL

APPLICANT: THE SECRETARY OF STATE, AND NCC CHILDREN, FAMILIES & CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for the erection of a replacement 420 place Primary school with 39 place nursery at Holgate Primary School, High Leys Road, Hucknall. The key issues relate to potential impact on the highway, the adequacy of proposed on-site car parking, the provision of replacement playing field, and the adequacy of proposed site drainage. The recommendation is to grant planning permission subject to the conditions set out in Appendix 3.

The Site and Surroundings

2. Holgate Primary School is a two-form entry 420 place Primary school with a 39 place nursery on a site of 6.23ha located 1.1km to the south-west of Hucknall town centre. The school is accessed from High Leys Road, a cul-de sac 220m in length to the north of Watnall Road (B6009), approximately 200m to the north-east of the roundabout junction with the A611. High Leys Road provides access to Annies Close, a residential cul-de-sac of 29 houses, and Fox Meadow, a private drive serving 5 properties. Lathkil, a detached house at the northern end of Fox Meadow, adjoins the eastern boundary of the school and

has a first floor bedroom window in the side elevation of the property facing towards the school. The main window to the room is in the front elevation and the room also has a smaller third window in the rear elevation. The private rear garden area is separated from the school by timber fence and shrub planting.

3. All properties on High Leys Road and Annies Close have access drives from the public highway and off-street parking. The application site is bounded on its north-eastern side by a watercourse running in open channel, with the rear gardens of houses on Long Hill Rise beyond, and to the north by allotments (Plan 1). The site generally slopes gently from west to east.
4. The A611 runs along the western boundary of the site. A bridge crosses the A611 from the application site, providing pedestrian access to unfenced playing fields at Holgate Academy to the west. Although not a public footpath, the bridge also provides pedestrian access to the application site from Salterford Road to the west of the A611.
5. A school caretaker's bungalow (for the Junior School) and a Nottinghamshire County Council (NCC) maintenance depot are sited to the east of the bridge and are accessed through the school site from High Leys Road, but do not form part of the application site.
6. Another caretaker's bungalow, originally for the Infant School, lies almost opposite the junction with Annies Close, but does not form part of the application site. Pedestrian access to the caretaker's bungalow is gained from High Leys Road, with vehicular access to a blockwork garage gained from the existing school car park.
7. The Annie Holgate Infant and Junior Schools amalgamated to create Holgate Primary School at the beginning of the 2014/15 academic year. The school site has capacity for 420 children and a 39 place nursery, although at the time of submission of the application (November 2014) the applicant has advised that there were 377 children on roll, including the nursery provision. 28 full-time and 40 part-time staff are employed. The school teaching day begins at 08:50 hours and finishes at 15:10 hours. A pre-school Breakfast Club is not presently run by the school. An after-school club operates until 16:15 hours. A Sure Start Centre on the site employs 11 staff and operates on weekdays between 08:30-17:00 hours, with the exception of Wednesday mornings when it is closed.
8. The single-storey Infant School building and Sure Start Centre building are located towards the southern end of the site. A one-way route for vehicles, circulating around the Infant School caretaker's bungalow, is in operation. Vehicles enter the site from High Leys Road, circulating in a clockwise direction before exiting onto High Leys Road. An electricity sub-station is located on the south-eastern boundary adjacent to the car park exit. Diagonally marked car parking spaces for 18 staff and visitors are marked to either side of the circulation route, with a footway leading towards the school and Sure Start Centre on its northern side. Three disability parking spaces and parking for 16 staff and visitors is also provided adjacent to the school building and Sure Start Centre. Parents are permitted to use the circulation area within the site for drop-off and pick-up (Plan 2).
9. A footway is not provided adjacent to the circulatory vehicular access road entrance and exit. Pedestrians arriving at the school along the northern footway of High Leys Road cross the exit from the school car park and walk past the caretaker's bungalow before entering the school site along a path segregated from vehicular traffic. The path crosses the internal circulation road within the

site before leading towards the car park adjacent to the school and Sure Start Centre entrance. Mature trees, mostly Category B, are established to either side of the Infant School caretaker's bungalow with principally Category C trees to the north-west of the entrance to the vehicular circulation area.

10. A drive runs past the south-west elevation of the Infant School building leading to the single-storey Junior School towards the northern end of the site, the associated caretaker's bungalow and the NCC depot. The school building has a 'H' shaped footprint with classrooms provided off long teaching corridors. An area of outdoor hard play approximately 60m x 50m lies to the north of the school building. Mature oak, ash, horse chestnut and willow trees (Category B) are established to the south-east of the southern teaching wing, with smaller cherry trees, two groups of cypress and one red oak, also Category B, established between the two teaching wings. An 11 space staff and visitor car park serving the Junior School building is accessed from the main school drive immediately to the north of a detached CLASP nursery building. Principally Category C with some Category B trees are established around the nursery building.
11. The main school playing field is provided to the north of the Infant School and to the east of the Junior School. A second area of playing field lies to the south-west of the main school drive, outside of the secure-line of the school. Security fencing is erected along the frontage to High Leys Road and extends along the north-eastern side of the drive to adjoin the Junior School building and the western site boundary.
12. Surface water from the Junior School discharges to the adjacent watercourse along the north-eastern boundary of the site. Surface water from the Infant School discharges to the surface water drainage system. The school playing fields have poor drainage characteristics and are not suitable for use after periods of sustained rainfall. Levels fall gently across the site with the lowest part of the site adjacent to Lathkil on the eastern boundary.
13. A Traffic Regulation Order has been made (TRO 4144) and will come into force before March 2015. An enforceable 'No Stopping' Order will be introduced between 08:00-15:30 hours Monday-Friday, and includes 'School Keep Clear' markings outside the school and junction protection at the junction of High Leys Road and Annies Close (Plan 3).

Proposed Development

Background

14. Nottinghamshire County Council (NCC) has been successful in bidding for funding to replace 12 schools throughout the county through the Priority Schools Building Programme in partnership with the Education Funding Agency. Background information to the programme, including details of the successful schools is attached (Appendix 1). Following the amalgamation of the Infant and Junior Schools, neither existing building is suitable to accommodate the school as a single unit. The applicant has stated that a feasibility study undertaken by the Education Funding Agency has recommended that the rebuilding the school represents the best value for money option.

Proposed development

15. Planning permission is sought to erect a 420 place two-form entry primary school (ages 3-11) with a 39 place nursery. Overall school places would not change and core teaching hours would remain as at present (08.50-15.10 hours). The number of staff employed at the school would remain unaltered.
16. A principally rectangular two-storey building with a footprint of 65m x 20m is proposed, with a total floor area of 2232m². The building would be sited on existing playing field to the north of the Infant School building. At its closest, the end elevation of the building would be sited 32.2m from the eastern site boundary and 35.2m from the side elevation of Lathkil. (Plan 4).
17. The floor level of the building would be at 94.2m AOD (as recommended by the Environment Agency), approximately 0.2m above existing ground level and also 0.2m above the level of the site at the eastern boundary. The building, 7.35m in height, would have a shallow mono-pitched roof concealed behind a parapet and faced with a red brick. Elevations would be expressed by infill grey brick panelling and aluminium louvres (Plans 5 and 6). Aluminium framed windows and doors are proposed. The entrance to the school building would be positioned centrally on the south-western elevation, identified by school signage displayed at ground floor level, and the subject of Advertisement Consent to be considered by Ashfield District Council.
18. Roof-top plant would be set back 2m from the roof edge, enclosed by a 1.1m high guardrail and partially screened by the brick parapet of the school building. A kitchen extract and three boiler flues would project above the parapet by a maximum of 0.3m and would be below the height of the guardrail.
19. Classrooms would be provided on both floors linked by a central corridor. The nursery and reception classrooms would be provided at ground floor on the south-western elevation, with four infant classrooms provided on the opposing side of the building. Eight junior classrooms would be provided at first floor level, as well as the staff room and support facilities (Plan 7). A single central stairwell with an adjacent lift would be provided. The school hall and kitchen would be provided at the south-eastern end of the building. The school staff room would be provided at first floor level with windows on both the south-west (front) and south-east (end) elevations. The distance between the staff room window and the first floor window in the side elevation of Lathkil would be 42m (Plan 4).
20. A sprinkler tank and pump housing would be provided to the south-east of the building, sited 17.7m from the boundary with Lathkil. While the design of the structures has not been specified in the application, the tank is anticipated to be 3.5m in height with an associated pump house 2.5m in height, enclosed by timber fencing of a corresponding height. It is proposed that design details are reserved by condition. A bin storage area enclosed by a 2.5m high timber enclosure would be provided to the south-west of the sprinkler tank.
21. Hard and soft play areas would be provided outside the nursery and reception classrooms. The hard play area of the existing Infant School (to the west of the proposed building) would be retained and re-used. An existing area of hard play, to the north of the Junior School building would also be retained and used as a Multi-Use Games Area (MUGA) (Plan 8). A path would be provided to link the proposed school building to the retained MUGA.
22. The school building would be sited on existing playing field. Replacement playing field would be provided on the site of existing school buildings following

demolition. New areas of playing field would be provided to a standard equivalent to the area of playing field impacted by the siting of the proposed building. An area of playing field to be provided on the site of the Junior School building would require Category B cherry trees two groups of cypress and one red oak, situated between the teaching wings of the existing building (Paragraph 10) to be removed.

23. Although the proposed final use has yet to be determined, the existing CLASP nursery building would be retained. The building may be used to accommodate a relocated Sure Start Centre. Planning permission is sought to use the building for uses within Use Class D1 Non-Residential Institution which would include use as a Sure Start Centre, education or community use where residential accommodation is not provided. The former nursery building would be provided with its own 11 space car park (presently serving the Junior School building) within a secured compound accessed as at present from the main school drive.
24. The existing one-way circulatory system would be retained, although a footway would be provided along the eastern side of the exit drive (past the sub-station) and northern side of the vehicle circulation area before leading to the school. Pedestrians approaching from Salterford Road/ A611 bridge would be able to walk along the existing footway at the side of the main school drive, turning towards the new school building before reaching the vehicular entrance point. Routes segregated from vehicular traffic would be provided within the site for pedestrians and cyclists approaching the school building.
25. A 45 space staff and visitor car park, including three disability parking spaces, would be provided at the front of the school (with car parking spaces in front of the existing Infant School building being re-used), accessed from the vehicle circulatory road. 16 parking spaces (in total) would be provided for parent drop-off and pick-up to either side of the vehicle circulatory route. A lay-by on its northern side, in addition to being used for parent drop-off/pick-up (four spaces), would be used for refuse collection and operational deliveries. A pedestrian route between High Leys Road opposite Annies Close leading to the building entrance would cross the circulatory road by means of raised crossing point giving priority to pedestrian users. A pedestrian route to the rear of the car parking spaces provided on the southern side of the circulatory area would be marked so as to provide a defined route leading to the raised crossing point. A rail would be provided to segregate pedestrians from vehicles, also serving to prevent vehicles from parking on the footway.
26. 30 cycle parking spaces, 50% of which would be covered, would be provided at the front of the school behind security fencing. An existing nursery shelter adjacent to the proposed cycle spaces would be retained.
27. Existing school perimeter security fencing would be retained. 2.4m high security fencing would be relocated to provide a secure line between the main school drive and the new school building, and between the new building and the eastern boundary. A 2.4m fence-line between the Junior School car park and the north-eastern boundary is proposed, making it easier to manage and control child movement on the 6ha site. An area of re-provided playing field and the MUGA would be secured by perimeter fencing with access to that area controlled by the school. The area of playing field to the south-west of the main school drive would remain unfenced as at present. Areas of car parking and paths leading to the school would be lit by fittings mounted on 5m high lighting columns and wall mounted fittings would be fixed to the building at a height of 3m. Two CCTV dome cameras would be installed on 6m high columns within

the car park, and one fixed CCTV camera would be fixed to the school at a height of 3m to monitor the entrance to the building.

28. As part of site landscaping works, surplus soils would be used to form mounds on the site of the Infant School, to the north of the A611 bridge access road and to the east of the new school building adjacent to the eastern site boundary. Although mounds were originally to have been formed adjacent to Lathkil, they have now been omitted.

Sustainability

29. The proposal has been assessed as capable of achieving a minimum BREEAM (Building Research Establishment Assessment Method) rating of 'Good', considering broad environmental concerns of climate change, pollution, impact on occupants and the wider community, and going beyond the requirements of the Building Regulations. The proposed development would incorporate sustainable features in its design; high levels of thermal insulation; good natural day lighting; low energy lighting; solar control; energy efficient appliances; low water use; sustainably sourced timber; locally sourced construction materials; recycling facilities; recycling facilities for construction and operational waste; and the provision of dedicated cycle storage facilities.

Drainage

30. The application as originally submitted incorporated above ground storage of surface water. However, following infiltration testing and the ground being found to have poor soakaway characteristics, the drainage strategy has been revised with surface water from the proposed development to be attenuated in underground tanks designed to accommodate the 1 in 100 year storm plus a 20% allowance for climate change, before being discharged at the greenfield run-off rate to the watercourse in the eastern corner of the site. The watercourse lies beyond the school fence and whilst NCC does not have registered title to the land between the fence and watercourse, the land formed part of the deed of transfer to NCC dating from 1949.

Phasing of development

31. Indicative phasing of construction works has been submitted in support of the application. In the initial phase of construction (approximately 10 months), the internal vehicle circulation route would be retained, with an area to the north-east stoned-up and used as a site compound and construction related parking. Deliveries to site would be made outside of school start and finish times. When deliveries by larger vehicles are made to site, a gate on the internal circulation road would be closed and the delivery under the supervision of a banksman, would be made via the exit road onto High Leys Road. The construction area would be fenced to segregate school and construction activity. Site welfare/offices within the compounded area would be single storey in height only.
32. Following completion and occupation of the new school, buildings to be demolished and associated existing areas of car parking impacted by the development would be fenced so as to allow the safe demolition and reinstatement on the site of school buildings, and the construction of new areas of car parking. This phase of work is anticipated to last six months. During the period of demolition, the construction compound used to build the school would be used as a temporary school parking area while the existing former Infant School car park is enlarged over an anticipated three month

period. The former Junior school car park would be provided for the relocated Sure Start Centre. The internal vehicle circulation route and related parking spaces would be available in its completed form at this stage of works. Following the completion of site re-instatement works the temporary car park/former construction compound would be removed and reinstated as a grass amenity area.

Consultations

33. **Ashfield District Council** – No objection in principle. However, further consideration should be given to the design of the proposed school. *The building has a utilitarian appearance and it appears the main design focus has been in providing a functional school building. The building is considered to be of limited architectural merit with limited use of innovative design or features.*
34. *Although the building is designed to surpass Part L of Building Regulations (Conservation of Fuel and Power) by 10%, innovative design goes much deeper than this. It is therefore considered that the proposal would be of limited design quality to the visual amenity of the area.*
35. Conditions are recommended to require the submission of documentary evidence that any reclaimed hardcore, sub-soil or topsoil brought to site contains no significant levels of contamination; and that an asbestos survey is carried out and submitted before the commencement of demolition works, asbestos containing material to be removed off site, and for a validation report to be submitted.
36. **NCC Highways Development Control** – No objection subject to a planning condition to require the submission of an environmental management plan to include details of lorry routing for construction; prevent debris being deposited on the highway; management of parking by persons involved in the construction; segregation of vehicle and pedestrian movements on site. Conditions are also recommended to require the timely provision of car parking and servicing areas; on-going review of the School Travel Plan; and a review of the School Zone.
37. *The development is located on an existing school site which benefits from established patterns of travel for pupils and staff. Essentially the new primary school will replace the existing 420 format school, including nursery provisions and there will be no increase in overall design capacity for the number of pupils that could potentially attend this site. The Highway Authority considers any change/increase in new traffic generation will be marginal. The school plans to maintain the maximum roll at 420 pupils plus 39 nursery places in the future, with no net increase above the existing design capacity.*
38. *The location of the school and catchment area it serves has resulted in the majority of pupils walking, cycling and travelling by bus to and from the site. This location also benefits from a footbridge link over the A611, which extends the walking and cycling catchment into the adjacent residential estate, to the west of the A611 by-pass.*
39. *The site makes good use of its proximity to local cycle routes, good pedestrian permeability of the local area and frequent bus services for public transport provision.*

40. *From recent surveys and the existing School Travel Plan, at least 74% of total pupils travel to and from the site by sustainable modes of travel. This figure is significantly higher than the national average for similar school sites of this scale. This would support the view that the location of the proposed school has well established pedestrian, cycle and public transport facilities in close proximity. The Highway Authority considers that the facility provides staff, visitors and pupils with good alternatives to car use which penetrate well into the local residential and catchment areas.*
41. *It is acknowledged that there have been local issues previously with traffic in the vicinity of the school. This is not a unique problem and is widespread at most schools throughout the country in local neighbourhoods. However, this problem only occurs over a short duration and always results from indiscriminate parking by parents on the highway in positions that are likely to cause highway safety problems or irritation to nearby residents. On street parking on the public highway is acceptable if carried out appropriately in accordance with any traffic regulation order that may exist. High Leys Road is a standard width residential highway with most adjacent residential properties having off-street parking facilities, allowing the normal capacity for considerate on-street parking.*
42. *Whilst parent parking may be an irritation to nearby residents, the Highway Authority is not aware of any recorded incidents where obstructive parking has caused difficulties with access by emergency service vehicles. From experience and previous discussions with emergency services, in most incidents, any difficulties are quickly overcome by appropriate behaviour and assistance by any highway users that may be present on the street.*
43. *Furthermore, safety concerns have been raised by residents, but the reality is that the practices of the parents/children attending a school facility at peak drop-off and pick-up times rarely result in significant injury collision problems outside schools. This has been corroborated by NCC's own accident statistics for the area (Paragraph 55).*
44. *The redevelopment of the site should not initially see any changes in the volumes of vehicles associated with the school and therefore there should be no change in overall traffic conditions. Even if the school progressively increases its roll from the existing 377 to 420 plus the 39 nursery places it has been calculated using the modal split of existing travel patterns that there will only be an additional 23 pupils travelling by car, in the worst case scenario. It is expected that the arrival and departure of this traffic will be staggered to suit individual's journey times and destinations. It is common practice for people to adjust their car travel patterns to avoid the most congested times.*
45. *Current ministerial guidance and the National Planning Policy Framework (NPPF) highlights that to consider refusal of a development on highway grounds the impact of it must be 'severe'. In light of the above, where in a worst case scenario there will only be an additional 23 vehicles, it is considered that the measure of 'severe' cannot be made in relation to the impact of any additional traffic associated with the school. It is also noted that the successful implementation of a revised School Travel Plan should have a positive impact in reducing the use of cars by those going to and from the school. It is accepted that robust management of the Travel Plan initiatives by a school can significantly reduce the number of single car occupancy generated by the facility.*
46. *Current staff parking provision on site will be consolidated and rationalised as part of the proposal. It is proposed that new car parking provision will have 45*

spaces (including 3 accessible spaces) and this should address the current issues and meet anticipated demand for part and full time staffing levels. This will also reduce the number of vehicles and potential conflicts using the single private drive leading to the west of the school complex.

47. *There have been suggestions that more on-site parking should be provided to assist with on-street congestion during peak times. However, considering that there is no net increase in the size of the replacement school, this would be extremely difficult to justify in planning/highway terms, as the proposal will not make conditions significantly worse than already exists.*
48. *For those parents wishing to drop-off or pick up their children at the school there will be a rationalised access/egress with improved circulatory parent drop off/pick up facility which will assist in ensuring that any disruption to traffic in the local area is minimised.*
49. *There are proposed additional pedestrian/cyclist access routes which will be segregated from vehicular traffic in the site. This is considered to be appropriate and will enhance on-site safety measures. The Highway Authority recommends any in-site pedestrian crossing points are raised table arrangements to assist with prioritising pedestrian movements and reducing vehicle speeds.*
50. *The Highway Authority welcomes the provision of additional cycle stand facilities which should assist in encouraging staff and pupils to change travel patterns to and from the school reducing dependency on private car use.*
51. *Suggestions have been made to provide a dedicated access directly onto the A611. The Highway Authority would not support this because of constructional expense, future maintenance liability and increased interruptions to by-pass flow through additional turning manoeuvres both left and right.*
52. *The Highway Authority is aware that there is a current scheme proposed to review and formalise the school safety zone - keep clear zone immediately outside the school. This will assist significantly with vehicle management in this area.*
53. *In summary, the Highway Authority considers that the proposed measures that will be incorporated into this development will not worsen the current overall situation. Therefore, there are no substantive transport reasons that should prevent the granting of planning permission for the proposed replacement school. Guidance in NPPF Promoting Sustainable Transport Paragraph 32 has been taken into account, and advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
54. **NCC Road Safety** - Conditions are recommended to exclude construction deliveries during school start and finish times (08:00-09:15 and 14:30-15:45), the submission of details of the segregation of pedestrians from construction activities, the provision of the parent drop-off/pick-up area with appropriate directional signage, a School Travel Plan to promote sustainable travel promoting education relating to sustainable travel, provision for safe cycling, management of student drop-off and pick-up, and management of parent traffic during school evening events.
55. *The collision history on Annies Close and High Leys Road is very encouraging and there have been no reported injury collisions in the latest 3.5 year period. Account has been taken of the junction with Watnall Road (1 serious - 20:22*

hours 26.5.11) and the nearby zebra crossing (1 slight 11:04 hours 2.5.13) but neither of these appear to be attributed to school activity.

56. *Safety concerns have been raised by residents, but the reality is that the practises of the parents/children on the school run rarely result in significant injury collision problems outside schools. Safety improvements could be made (e.g. ramping the zebra or upgrading it to a light controlled crossing) but based on present collision history such improvements could not be justified.*
57. *The proposed site internal layout appears safe and sensible. The pedestrian desire line to the school is reasonably served by paths. Vegetation should be cut back to improve visibility at the pedestrian entrance to the site from High Leys Road. The ramp at the pedestrian crossing point within the site is appropriate to slow vehicle speeds.*
58. *Construction vehicle movement should be excluded from school start/finish times, and vehicle movements should be assisted by a banksman.*
59. *A School Travel Plan should promote safe and sensible travel and minimise impacts of the school run and irresponsible parking that cause issues and frustration. However any such plan needs to be managed/enforced by the school. The school could create a 'Parents Charter' educating parents and highlighting the impact of school day practices on residents/restrict of access for emergency vehicles etc., possibly linked to the school merit system whereby a parent spotted or reported by a resident for selfish practices could acquire demerits for their child.*
60. **Police Force Architectural Liaison Officer** – *The following response takes account of matters raised in the representation received from Mark Spencer MP. The provision of a new car park of 45 spaces is noted and is understood to be greater than the existing parking provision as the Sure Start Centre staff will now park in their own parking area and will not share the schools car park (as at present). However these details are difficult to ratify with the enclosed planning documents.*
61. *With reference to the issue of congestion at school drop off and pick up time, this problem is not unique to this school and only usually occurs for 10-15 minutes twice each day, although during these time periods tempers can fray. There have been only six incidents reported in the past 12 months, where conflicts between residents, persons dropping/collecting children, and local transport users have caused the Police to be called. However there are likely to be many more incidents where the Police have not been informed.*
62. *The drop/off collection area gives rise to concern. Young children are unlikely to be dropped off by their parents and allowed to make their own way into the school. They are likely to be escorted by the parent, after parking their vehicle. The issue of local congestion is still likely to continue on the local streets. It may be that increasing the number of available temporary parking spaces to this school would alleviate some of the parking and congestion issues, the use of grasscrete could be considered.*
63. *The school does not suffer greatly from crime and disorder but there have been a few significant incidents, mainly burglary of the existing school premises. Security issues will need to be discussed with the applicant. Advice is provided on issues of security requiring further discussion.*

64. **East Midlands Ambulance Service** – *There are no recorded incidents of delays around Holgate Primary School that have warranted a warning being placed on [the alert] system. East Midlands Ambulance Service has no objection to the new proposal as ambulance crews are well aware that around schools the roads tend to be very busy. Staff are very well trained and can also park near to a patient and go the rest of the way on foot should they need to.*
65. **Nottinghamshire Fire and Rescue Service** – No response received.
- [Comment: Although a consultation response has not been received, Nottinghamshire Fire and Rescue Service advise that it does not respond to planning consultations. However, the Service would respond to a consultation under the Building Regulations 2010.]
66. **NCC Countryside Access Team** - *There are no recorded definitive public rights of way in the vicinity of the school but it is always possible that public rights of way may exist which have not been registered.*
67. **NCC Design Services** - Supportive of the scheme. *The siting seems reasonable and effective, given existing constraints. The distance and height of the building is appropriate on this site. The new building would be a huge improvement on the existing facilities with the use of grey brick and the windows' detail being acceptable, which would make it visually appealing. The inclusion of rooflights should introduce some limited daylight into the heart of the building. The proposed use of red brick is appropriate in the context of the site*
68. *The entrance appears to be poorly expressed, which may be confusing for visitors. In addition the lobby area seems cramped. The hard play area near the school appears cramped with the remaining provision well away from the new school which is not ideal.*
69. **NCC Energy and Carbon Management Team** – No response received.
70. **NCC Landscape Team** - *The location of the building will probably have a neutral impact on the surrounding neighbourhood. The main school building is located to a different part of the site but neighbouring housing benefits from large gardens that act as a buffer zone.*
71. *Access to the kitchen service area is along a pedestrian access route. Whilst it is clear there is an alternative pedestrian route to the school, this shared access seems less than satisfactory.*
72. **Sport England** – No objection. The proposed replacement playing field area would meet the requirements of Sport England Planning Policy Statement, *A Sporting Future for the Playing Fields of England* in terms of quantity and quality. Conditions are recommended to require a baseline assessment of the playing field that would be lost through baseline assessment, new playing field area being to a standard replicating that lost, the submission of levels of new areas of hard play and replacement playing field.
73. Sport England has confirmed that areas identified on Plan 9 would not impact on or result in the loss of existing or proposed playing field area. Sport England would not object to the loss of any or all of these areas for car parking.
74. **Natural England** – No objection. *The proposal is unlikely to affect any statutorily protected sites or* [English Nature](#) *application has not been assessed*

for impact on protected species, covered by standing advice which should be applied.

75. *In accordance with Paragraph 118 of the National Planning Policy Framework, the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.*
76. **NCC Nature Conservation Team** - No objection subject to recommendations of the Extended Phase 1 Habitat Survey Report (October 2013), such as provision of temporary fencing, Bat Presence/Absence Survey (October 2013), and Bat Method Statement (November 2014) being secured by planning condition.
77. *A great crested newt presence/absence survey has been carried out. No great crested newts were found and no further action is required in this respect.*
78. *Two small common pipistrelle bat roosts have been identified in two existing buildings to be demolished. All species of bat are European protected species and subject to the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'). Under regulation 53 of the Habitats Regulations, activities which would otherwise contravene the strict protection regime offered to European Protected Species under regulation 41 (which includes the destruction of roost sites) can only be permitted where it has been shown that certain tests have been met. What this means is that consideration must be given (during the planning determination process) to whether or not the following three tests have been met:*
 - a) *The activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest ("IROPI");*
 - b) *There is no satisfactory alternative;*
 - c) *The favourable conservation status of the species in question is to be maintained.*
79. *An Outline Bat Method Statement has been submitted which demonstrates that the favourable conservation status of bats will be maintained during and after development. A condition is recommended to require compliance with the recommendations of the Outline Bat Method Statement, unless amended or superseded by the requirements of a European Protected Species licence (which will need to be obtained by the applicant separately).*
80. *Conditions are recommended to require the use of good practice working methods such that open trenches are covered overnight or left with a sloping ramp so that any protected species or other mammals that may fall in can escape; the control of vegetation clearance during the bird nesting season; the production of a method statement facilitating the removal of invasive non-native Japanese rose; the submission of a detailed landscaping scheme which should, where appropriate, use native species appropriate to the local area, or ornamental species of wildlife value; and the submission of a lighting scheme, designed to be bat-sensitive and generally in accordance with the Bat Conservation Trust publication, entitled "Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting" (June 2014).*

81. **Nottinghamshire Wildlife Trust** - Bats have been found roosting in one of the existing school buildings. A European Protected Species (EPS) Licence will need to be obtained from Natural England before works commence. Substantial mitigation must be provided, as part of the EPS licence.
82. Bat surveys are time limited. If the building is not demolished by March 2015, there may be a requirement to undertake additional bat surveys, in order to determine suitable mitigation.
83. The Extended Phase 1 Habitat Survey and Protected Species Survey make recommendations which should be included in proposed mitigation, including the provision of bat boxes during demolition, low intensity lighting directed away from boundary/foraging habitat, and landscaping enhancements to benefit bats. Features identified as having potential within the Protected Species Report such as hanging tiles and barge boards should be removed by hand under the supervision of a licensed ecologist.
84. **NCC Archaeology Team** - No further archaeological investigation is recommended.
85. **NCC Reclamation Team** - Further site investigation work is required. The submitted desk study recommends intrusive site investigation and chemical testing of soils and waters, and investigation of the gas regime. An interpretative report is omitted from the submitted technical summary. No assessment of ground conditions has been made and a remediation strategy has not been developed.
86. **NCC Project Engineer (Noise)** - No objection subject to conditions to control construction and operational noise from activities and fixed plant. The noise assessment submitted has considered the acoustic design requirements for the new school building to ensure optimum acoustic standards on internal spaces. It is recommended that the design incorporates the recommendations of the submitted Performance Standards for Primary School Building Programme specification report.
87. An assessment of noise impact from construction activities has not been undertaken, however BS5228-1 recommends threshold values, which if exceeded could be deemed to have a significant effect at adjacent dwellings. The threshold values are based on the existing baseline noise level at the proposed site. The baseline noise levels recorded at this site indicate that a threshold value of 65dB LAeq,1hr is applicable and it is therefore recommended that noise levels do not exceed this level. The contractor should outline what steps they will take to minimise noise impact from construction activities within a Construction Environmental Management Plan, which would be conditioned as part of any granting of permission.
88. The noise assessment has considered the potential noise impact from fixed plant on the nearest residential receptor ~40m to the east of the new school building and recommends plant noise levels do not exceed the existing background noise level (L90). To avoid unacceptable noise levels at the school building facade the report recommends that the plant is designed to ensure a maximum noise level of 50dB(A) at 3m from any façade. Assuming this level is complied with; it is unlikely that complaints will occur from residential properties due to plant noise.
89. The noise assessment has not considered noise impact from external activities such as children playing, however given these activities are of

relatively short duration and only occur during school hours in term time, it is rare for this type of transient noise to cause a strong adverse reaction. In this case, outdoor hard surfaced play areas will remain in the same location, with some redistribution of grassed play spaces over the site. Most notably a new sports pitch is indicated on an area of existing green space to the south of the site which is not currently used for outdoor activities by the school. There are residential properties to the south east which border the proposed area earmarked for a new sports pitch. While noise levels will be audible at these properties when the pitch is in use, the nature/duration/frequency of the noise is unlikely to provoke an adverse reaction from residents. There are no proposals for any part of the school to be used by outside groups/organisations outside of normal school hours.

90. *With regards to the remainder of the site there is clearly an established precedent of noise from external school activities over many years. The school currently has a capacity for 420 pupils and no increase in capacity is proposed. This will help maintain the prevailing noise climate, and should help minimise any adverse reaction from surrounding neighbouring residential properties.*
91. **Environment Agency** - No objection subject to conditions. *It is imperative that land drainage issues are not exacerbated by the proposal.* Conditions are recommended to require the submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and that development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
- a) finished floor levels shall be set no lower than 94.2 m Above Ordnance Datum
 - b) mitigation measures to be fully implemented prior to occupation and timing/phasing arrangements set out or as otherwise agreed
92. Sustainable Drainage System (SuDS) design guidance is provided.
93. A recommended condition seeks the submission of details of how suspended solids are to be removed from surface water run-off during construction works.
94. **Severn Trent Water Limited** - No response received.
95. **Western Power Distribution** – No response received.
96. **National Grid (Gas)** - Apparatus has been identified in the vicinity of the site.

Publicity

97. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

98. Mark Spencer MP has written raising the following objections:
- a) The current parking regime causes problems for local residents during school drop-off and pick-up.
 - b) Lack of adequate parking provision proposed.
 - c) A questionnaire has been completed by 24 residents of Annies Close and 12 residents of High Leys Road. The majority of respondents draw attention to difficulty in being able to access/get off drives at school times, a fire appliance or ambulance being unable to attend an emergency, a worsening in school traffic since the start of Autumn term 2014, and a need to enforce parking restrictions.
 - d) The school rebuild does not do anything to assist or improve current parking issues in the area.
 - e) The number of disability parking spaces will reduce from three to two [Comment: amended to three places in revised plans].
 - f) Although the number of parking spaces would increase there would be insufficient parking spaces for current staff levels.
 - g) The space allowed for parent parking and drop-off is insufficient to accommodate the increased number of parents coming to the Infant school when amalgamated with the Junior School.
 - h) The situation will worsen if the school increases its intake.
 - i) Concern about access for emergency vehicles due to congestion. The Fire, Police and Ambulance services should be consulted.
 - j) More parking should be provided including more space for parents to drop-off and pick-up children safely.
99. Letters have been received from three residents who do not object in principle to the replacement of the school, although raise concerns in respect of the submitted detail (summarised below). Supportive comments identify the rebuilding of the school as a positive way forward and that it is good to have new local facilities.
100. Seven letters from six properties on High Leys Road, 10 letters from residents of Annies Close, four letters from residents of Fox Meadow, and one letter from a resident of Long Hill Rise raise the following concerns.

Highway issues:

- a) Existing school parking problems causing congestion (11). There is insufficient capacity on the highway. Parking takes place on both sides of Annies Close and High Leys Road.
- b) Obstruction of the highway prevents access by emergency vehicles (15).
- c) Parking restrictions are not should be enforced (5). Disregard for zig-zag markings (3). Illegal parking is dangerous. Parking on kerbs (6). Minor

collisions from parking on corners. Poor visibility as a consequence of parking. Speeding (2). Driving along pavements.

- d) Pedestrian and child safety/obstruction of the footway forces pedestrians onto the carriageway (10). Routes are also used by secondary school children.
- e) Obstruction of residents' drives (12). Obstruction of the school bus (2) causing delays.
- f) Traffic has worsened recently (2). The proposal will make traffic worse (2).
- g) A Traffic Regulation Order will only alleviate a small part of the problem. Parking restrictions near the school may encourage parking further along High Leys Road (3), Annies Close and smaller roads. A Traffic Regulation Order will make matters worse unless better parking is provided.
- h) Parents will park as at present and not use the drop-off area.
- i) Construction traffic will make highway issues worse.
- j) Highway markings need re-marking.
- k) Abuse from parents/drivers (7).

Parking issues:

- l) The proposed 42 space staff car park is inadequate for 60+ staff (2).
- m) Insufficient parking for dropping off children/no additional parking is proposed/ increased parking provision should be made (14).
- n) Disability parking will be reduced (2) from 3 to 2 spaces. More disability parking is required. [Comment: Disability parking has increased to three places in revised plans].
- o) Obstruction of disability spaces. Disability parking spaces are not enforced.

Potential highway and parking solutions are proposed:

- p) The new build is an opportunity to address an existing highway problem (6).
- q) All of Annies Close and High Leys Road should have a parking restriction from 8:00-9:15 and 15:00-16:00 hours.
- r) There should be single sided parking on High Leys Road and Annies Close only.
- s) A larger car park should be provided within the site on the land north of Annies Close (2).
- t) A one-way system should operate at the site entrance.
- u) There should be concerted effort to encourage children to walk to school.
- v) Alternative entrance should be provided from A611.

- w) The building is too close to neighbouring property/should be sited a further 15m away from residential property.
- x) The building is unattractive. The proposed school could look more inviting i.e. painted with murals to introduce colour.
- y) Residents should have an input on finishes and landscaping. More trees should be provided to control heat and provide shade.
- z) Bats need to be relocated.

Drainage

- aa) Proposed discharge to a watercourse that already causes a flooding problem in Hucknall. Controlled run-off to the watercourse is inadequate (2).
- bb) There is an existing surface water flooding problem (4) which impacts neighbouring property. A very high risk of groundwater flooding has been identified. Improved drainage is required. Existing combined site drainage should be used.
- cc) Inadequate surface water drainage will be made worse (3). Building closer to Fox Meadow will reduce the area for surface water infiltration.
- dd) A pond is proposed close to residential property (2) and may flood. The pond will hold stagnant water during periods of low rainfall. [Comment: the pond has been omitted in the revised drainage strategy.]
- ee) Intrusive survey has affected the water table.
- ff) Future property structural issues.
- gg) The outfall from the pond will cross land in other ownership.

Operational impact

- hh) Concern raised over future expansion of the school.
- ii) Noise from plant and machinery (2).
- jj) Fumes from heating system affecting residents.
- kk) The sports field would be open to public use.

101. Councillor John Wilmott, Councillor John Wilkinson and Councillor Alice Grice have been notified of the application.

102. The issues raised are considered in the Observations Section of this report.

Observations

Strategic Education Provision

103. The proposal would replace school buildings that are reaching the end of their design life and are no longer suitable for the delivery of a modern educational curriculum. The proposed school with a design capacity of 420 pupil places and a 39 place nursery, would replicate current provision and staff numbers would remain unchanged.

104. Great importance is attached to ensuring that sufficient choice of school places is available to meet the needs of new and existing communities in NPPF *Promoting Healthy Communities* (Paragraph 72). Great weight should be given to the need to create, expand or alter schools. In a letter to Chief Planning Officers, the Secretary of State for Communities and Local Government has stated that there should be a presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community (Appendix 2).
105. In determining this application, consideration needs to be given to whether the proposed development would give rise to significant harm that could not be mitigated through the imposition of conditions.

Highway Impact, Traffic and Movement

106. NPPF *Promoting Sustainable Transport* Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposal would re-provide existing site activities (school and Sure Start Centre), but would not result in an expansion or increase the capacity of the school. Whilst concern is raised in representations (Paragraph 100hh)) about future school expansion, it is not proposed in the application presented for determination. In considering a future application, consideration would need be given to highway impacts that may arise from change or more intensive use of the site.
107. Ashfield Local Plan Review (Adopted November 2002) (ALPR) Policy ST1 *Development* will permit development (amongst other criteria) that will not adversely affect highway safety, or the capacity of the transport system.
108. Access to the school is gained from the end of a cul-de-sac and the representations received draw attention to highway issues on High Leys Road and Annies Close at the beginning and end of the school day. Whilst the concerns of local residents are acknowledged, and a planning application to replace the school appears to offer an opportunity to resolve issues, those concerns relate to existing operational use. Members are advised that it would be unreasonable to withhold planning permission for the redevelopment of the site which would not materially change the character of the existing use on highway grounds. If planning permission was not to be granted the existing school would continue to operate and existing highway issues would continue. The issue of emergency access has been the subject of consultation, as requested by Mark Spencer MP. The Police Force Architectural Liaison Officer has drawn attention to reported incidents but describes the situation as not being unique to this school and of short duration limited to the beginning and end of the school day (Paragraph 61). East Midlands Ambulance Service does not raise concern in respect of emergency access. A consultation response has not been received from Nottinghamshire Fire Service.
109. A Traffic Regulation Order is to be introduced before the end of March 2015 as part of the County-wide programme to provide 20mph zones outside schools, which includes provision of an enforceable 'No Waiting' restriction on the 'School Keep Clear' zig-zags. In addition, the same time-limited 'No Waiting' restriction is being introduced at the junction of High Leys Road and Annies Close, which may relieve some of the issues experienced by local residents. The Order has been made following separate procedure under the provisions of the Road Traffic Regulation Act 1984 and has been the subject of public consultation.

110. A new pedestrian entrance would be formed along the southern edge of the exit road onto High Leys Road. The new pedestrian access point would not be covered by Traffic Regulation Order 4144, and it would be appropriate to consider the need to modify the Order as part of a review of the School Zone following the completion of the development (Condition 29). The effect of the measures of the Traffic Regulation Order to be introduced by the end of March 2015 will be able to be considered as part of the review.
111. Whilst on-street parking can be an inconvenience to residents, parking impacts at the beginning and the end of the school day are relatively short lived. However, poor parking by parents and the obstruction of drives by parked vehicles is an understandable source of annoyance but is not one that can be remedied through a Traffic Regulation Order. The school is best positioned to influence parent behaviour. A robust School Travel Plan that is both deliverable and enforceable will be required to maximise the use of non-car modes of transport and it is recommended that education relating to sustainable travel; demand for, and future provision of additional covered cycle spaces; and management of student drop-off and pick-up both on and off the school site should be targeted (Condition 27).
112. Residents have made suggestions that they consider would help alleviate the existing highway problems. Alternative highway parking restrictions (Paragraph 100q) and 100r)) may be considered appropriate in compliance with recommended Condition 29. A one-system for traffic movement (Paragraph 100t)) is proposed and modifications to the existing site layout are proposed to better control vehicle movement, parking and provide safe routes for pedestrians. Encouraging children to walk to school (Paragraph 100u)) would be a sustainable objective of the School Travel Plan (Condition 27). The suggestion that a new access to the school is formed from the A611 (Paragraph 100v)) would not be supported by NCC Highways Development Control.
113. It is suggested at Paragraph 100s) that a larger car park for parent drop-off and pick-up could be provided on playing field within the site to the north of properties on Annies Close. This option has been explored with Sport England which has confirmed such a proposal would lead to loss of playing field contrary to Sport England's Planning Policy Statement, *A Sporting Future for the Playing Fields of England*. However there are areas which are not presently playing field which Sport England would not object if they were to be used for car parking (Plan 9).
114. Consideration has to be given to whether the provision of additional on-site car parking for parent drop-off and pick-up is necessary, and that without it the proposal would otherwise be unacceptable. At present there are in total 45 car parking spaces and three disability parking spaces available to staff and visitors to the school and Sure Start Centre. The application proposes that the potential Sure Start Centre building would be provided with its own 11 space car park which would be adequate to serve its operational requirements. A total of 58 car parking spaces and three disability parking spaces would be provided for the new school. Setting aside the parking provision for the Sure Start Centre, the number of proposed car parking spaces to be provided would increase by 13. ALPR Policy TR3 *Pedestrians and People with Limited Mobility* will permit development where suitable provision is made for safe and convenient access by pedestrians and people with limited mobility. Disability parking spaces would be provided close to the entrance to the school building. The existing number of disability parking spaces would be replicated at the new school, and is considered to be acceptable.

115. Having regard to risk, it is normal practice not to permit parents to drive on school premises. However, if parents are to be given access to the site, safety, particularly that of pedestrians, needs to be given careful consideration. The opportunity has been taken to consider safe movement on the site and modifications to the existing circulatory area are proposed. The access road would be reduced in width, a raised crossing point within the car park would reduce vehicle speeds and give priority to pedestrians; knee rail would direct pedestrian movement around the edge of the car park, segregate pedestrian and vehicular movement, and prevent vehicles from parking on the pavement; and an efficient parking layout would be provided adjacent to the vehicle circulatory area. The proposed increase in the number of car parking spaces, and provision for service vehicles and deliveries are considered to be adequate to meet the operational needs for the school. The increase in parking will help alleviate highway issues experienced on roads near the school.
116. Although there would appear to be potential to provide additional on-site parking, to do so would be contrary to sustainable travel objectives. Additional car parking may have the effect of encouraging parents to drive to school which may worsen impacts on High Leys Road immediately outside the school. The project is also constrained by a limited budget in which to deliver the replacement school and unjustified additional parking would not attract the funding needed.
117. ALPR Policy TR2 *Cycling Provision in New Developments* will permit development to which cyclists would reasonably expect to have access where provision is made for safe and convenient cycle access. The initial provision of 30 cycle parking spaces is considered to be appropriate for a 420 place school. 50% of the spaces would be covered and located in a secured area close to the school building entrance. The need for the provision of additional and covering of cycle spaces is proposed as an objective of the School Travel Plan, set out in recommended condition 27.
118. The cutting back of vegetation at the point where the new pedestrian access point emerges on to High Ley Road raised by NCC Road Safety Team (Paragraph 57), would be addressed through recommended Condition 22c).

Built Development and Landscape Impact

119. ALPR Policy ST1 *Development* will permit development (amongst other criteria) that will not adversely affect the character, quality, amenity or safety of the environment.
120. The redevelopment of the school site and replacement of the existing school with one of the same capacity on an established school site would not alter the character of the site or its impact on neighbouring properties. The impact of development on neighbouring property requires further consideration.
121. Existing single storey school buildings would be replaced by a two-storey building on a compact footprint. The orientation of the building would present the end elevation (20m in width) towards Lathkil (Plan 4) and, sited at closest 32.2m from the site boundary and a height of 7.35m, the relationship to that property is considered to be acceptable. It has been suggested in representations that the building could be sited further from the site boundary, but could impact on replacement playing field provision. The relationship between the first floor staff room window in the end elevation of the proposed school building and the first floor secondary bedroom window of Lathkil has been considered. At a distance of 42m it is advised that the relationship between the windows should not give

rise to unacceptable loss of privacy and is acceptable in compliance with ALPR Policy ST1 *Development*.

122. Whilst not objecting to the application, Ashfield District Council has commented that the functional design of the building lacks innovation and would be of limited design quality. The unattractive appearance of the building has been raised in representations (Paragraph 100x). However this is contrary to the independent design review undertaken by NCC Design Services reported at Paragraph 67. In response to representations critical of the design, the applicant has made the following statement: *The proposed compact building form complements the desired internal spacial relationships and enhanced energy performance. Brick is proposed as a robust, long lifespan, high quality and low maintenance finish, which reflects the dominant material characterising the surrounding residential properties and helps the school blend more effectively with its surroundings. The textured red brick will be broken up with abstract areas in a contrasting grey to create playful elements of visual interest. Facade detailing is kept simple to promote good security and discourage vandalism. School signage, incorporating the school colours/logo, will highlight the main entrance. Although the proposed appearance may be considered utilitarian, the design is deliberately understated in consideration of the surrounding context, minimising the visual impact on surrounding neighbours, and avoids visual statements which might date easily or require onerous maintenance to ensure a high standard of appearance can be achieved in the long term.*
123. The use of red brick, with grey infill panels and grey window frames and louvres are considered to be acceptable. The NCC Design Review comments on poor expression of the building entrance, but this would be defined adjacent school signage (subject to separate Advertisement Consent being obtained from Ashfield District Council).
124. Existing areas of outdoor hard play would be retained and re-used. Whilst the MUGA towards the northern site boundary would be in a location remote from the new school building, it would remain within the school site. The overall provision for hard play is considered to be acceptable and makes efficient use of legacy areas of outdoor play. The MUGA would lie outside of a secure fenced line and use of the area would need to be controlled and monitored by the school.
125. With reference to the representation reported at Paragraph 100kk), the unfenced area of playing field would be accessible by the public, as at present.
126. Playing field to the east of the existing Junior School and Infant School buildings and to the west of the school drive is the subject of ALPR Policy RC3Ho, which seeks to resist the development which would lead to the loss of formal open space unless (amongst other criteria) new formal open space would be provided locally.
127. Sport England Planning Policy Statement, *A Sporting Future for the Playing Fields of England*, explains that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field unless one of a number of exception criteria can be met.
128. Policy E4 would be met where *the playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or*

greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

129. ALPR Policy EV8 *Trees and Woodlands* will not permit development which would adversely affect trees worthy of retention. Where trees would be lost as a result of development, replacement or mitigating planting will be required.
130. The satisfactory re-provision of playing field would require trees to be felled. The loss of smaller tree specimens, although generally of good quality, needs to be balanced against provision of playing field. The trees that would be lost stand within a relatively remote part of the site, largely screened from the south by the Junior School building. Larger specimens to the south of the Junior School building would be retained. On balance the removal of the trees to facilitate the provision of replacement playing field is considered to be acceptable subject to the provision replacement tree planting (Condition 22). It has been suggested (Paragraph 99y)) that residents should be engaged in the details of finishes and landscape. Whilst the applicant may wish to engage with the community, landscaping would not directly impact neighbouring property, and an appropriate Informative is recommended (Note 6).
131. Replacement playing field would need to be of a quality equivalent to that lost, and recommended conditions require the submission of a baseline pitch assessment to be used as a minimum specification for the area of replacement playing field (Condition 10 and Condition 23).
132. The provision of defined paths and hard play areas, along with grassed areas marked out for sports pitches would be consistent with school design and setting. Whilst some trees would be lost, the largest trees would be retained and satisfactory replacement tree planting is proposed.

Contamination, Noise and Emissions

133. The submitted desk top study is considered to be satisfactory. The consultation response from NCC Land Reclamation Team (Paragraph 85) has identified the need for further intrusive site investigation work to be carried out and is the subject of recommended Condition 11.
134. There is the potential for asbestos containing materials to be encountered when the existing school buildings are demolished. The two existing school buildings would be demolished separately and recommended Condition 25 would require a pre-commencement asbestos survey and validation report for each building to be submitted to confirm that the post-demolition footprint does not contain asbestos containing materials.
135. With reference to the conditions recommended by Ashfield District Council (Paragraph 35), it is not anticipated that reclaimed materials will need to be brought to site. If required, the import of materials to the site would require Waste Management Licence exemption from the Environment Agency and, controlled by other legislation, does not need to be a condition of a grant of planning permission. An Informative is recommended (Note 4).
136. Construction work has the potential to generate significant levels of noise and construction activities and deliveries to site should be controlled through planning condition (Condition 8 and Condition 9e)). The movement of construction traffic during periods at the beginning and end of the school day should also be restricted (Condition 8b)). In addition, the demolition of the

existing school buildings should be controlled and is the subject of recommended Condition 26.

137. The consultation response from NCC Project Engineer (Noise) considers the potential noise impact from operational outdoor activity but does not anticipate that use of areas of playing field would provoke an adverse reaction from residents. The consultation response also identifies an established precedent of noise from external school activities on the site. The existing school capacity would remain unaltered and would maintain the prevailing noise climate, minimising any adverse reaction from surrounding neighbouring residential properties.
138. Whilst it is considered unlikely that fixed plant will give rise to adverse noise impacts at neighbouring properties, a precautionary condition is recommended (Condition 32).
139. Concern is raised at Paragraph 100jj) that emissions will impact neighbouring properties. The school would be heated by gas and the installed boiler and emissions would need to comply with requirements of the Building Regulations.

Sustainability

140. Sustainable features set out at Paragraph 29 of the report are appropriate and are considered to be acceptable.

Security & Lighting

141. The site would be secured by a combination of existing perimeter fencing and relocation of existing fencing to form secured areas within the site and is considered to be acceptable. Although the Police Force Architectural Liaison Officer wishes to discuss security issues with the applicant, they do not relate to matters which would require planning permission.
142. The precise details of the height and design of the sprinkler tank and associated pump housing is not yet known, and the detail of the design and height of the surrounding enclosure would be reserved by recommended Conditions 3f) and 17a).
143. CCTV will provide suitable supervision of the car park and building entrance. The submitted lux plot demonstrates that proposed lighting will not give rise to significant impacts outside the site and is considered to be acceptable.

Ecology

144. Habitat during construction would be safeguarded through the erection of fencing as recommended in the Extended Phase 1 Habitat Survey Report (Condition 6).
145. Ecology issues, particularly potential impact on bats have been satisfactorily addressed, and mitigation and compensation measures set out in the Bat Method Statement are the subject of recommended Condition 21.
146. The recommendations of NCC Nature Conservation Team are incorporated in recommended planning conditions to *require the use of good practice working methods in respect of protected species or other mammals on the construction site* (Condition 9h)); *the control of vegetation clearance during the bird nesting season* (Condition 4); *the production of a method statement facilitating the removal of invasive non-native Japanese rose* (Condition 9i)) ; *the submission of*

a landscaping scheme to include a Landscape Management Plan to guide ongoing management of created and retained habitats (Condition 22 and Note 7); and the submission of a bat-sensitive lighting scheme (Condition 20).

Site Drainage

147. NPPF Paragraph 103 advises that when determining planning applications, it should be ensured that flood risk is not increased elsewhere. Existing surface water drainage issues and concern that development may worsen drainage problems has been raised in representations received from residents of Fox Meadow and reported at Paragraphs 100aa)-gg). The proposed drainage strategy for the development, which includes discharge to the watercourse at the Greenfield run-off rate, is acceptable to the Environment Agency subject to development being carried out in accordance with the Flood Risk Assessment supporting the application (Condition 13). The detailed drainage proposals will be expected to demonstrate that flood risk to adjoining property is not exacerbated (Note 5).
148. Site investigation has established that there is a high water table locally and may be the source of the existing problems experienced at Lathkil. The issue of water from the school site impacting neighbouring property and impact of site investigation work is the subject of a separate enquiry being considered by NCC Property, but is not material to the determination of this planning application.
149. Although the surface water outfall to the watercourse would not be formed across land within the red line of the application site (Paragraph 100gg)), the CPA is satisfied that the area of land in question is in the control of the applicant by virtue of the 1949 deed (Paragraph 30) and can be the subject of relevant planning conditions. There is no evidence to suggest that the action referred to in Condition 13 could not be performed within the time limit imposed by the condition.

Construction

150. The proposed site compound would be of a size suitable to accommodate parked construction vehicles, although there may be periods during the build when a greater number of vehicles would be at the site. Recommended Condition 9c) requires the submission of how parking associated with construction of the school would be managed.
151. Proposed measures for the management of deliveries to site are acceptable in principle, although further detail of aspects of the construction would be required by recommended Condition 9. Restrictions on the timing of deliveries to site, permissible hours of construction, and noise generated by construction activities are the subject of recommended Condition 8.
152. The stoned-up site compound would need to be provided with temporary drainage and the submission of drainage proposals for the period of construction is the subject of recommended Condition 9f).

Other Options Considered

153. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

154. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

155. The new school would bring benefits to all users, both staff and pupils, through the provision of a new school building which has been designed to meet modern educational needs.

Financial Implications

156. A recommended condition, should planning permission be granted, requires the review of a Traffic Regulation Order and may require Order T4144 to be revoked and re-made. The applicant has confirmed that the costs associated with such an Order would be met by the applicant department.

Crime and Disorder Implications

157. The school site would be secured through existing and additional security fencing. An Informative is recommended advising the applicant to discuss school security issues with the Police Force Architectural Liaison Officer (Note 9).

Human Rights Implications

158. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to traffic impacts associated with the school. The proposals have the potential to introduce impacts such as noise and disturbance on the amenity of residents living close to the school, particularly at the beginning and end of the school day. However, it is considered that these impacts would be no greater than those experienced at present and may improve through the provision of additional on-site car parking. These impacts need to be balanced against the wider benefits the proposals would provide through the provision of a replacement school on an existing school site. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Safeguarding of Children Implications

159. The proposed development includes the retention of existing security measures and the provision of additional fencing to adequately safeguard children at the school.

Implications for Sustainability and the Environment

160. These are set out and considered at Paragraphs 29 and 140 of the report.
161. There are no implications arising for Human Resources or Equalities as a consequence of the development.

Statement of Positive and Proactive Engagement

162. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts of traffic; parking; site landscape; and privacy, which have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

163. It is RECOMMENDED 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 3. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Page 84 of 158
Planning & Licensing Committee is the appropriate body to consider the content of this report.

[SLB 08.01.2015]

Comments of the Service Director - Finance

The financial implications are set out in the report.

[SEM 08/01/15]

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Hucknall	Councillor John Wilmott
	Councillor John Wilkinson
	Councillor Alice Grice

Report Author / Case Officer

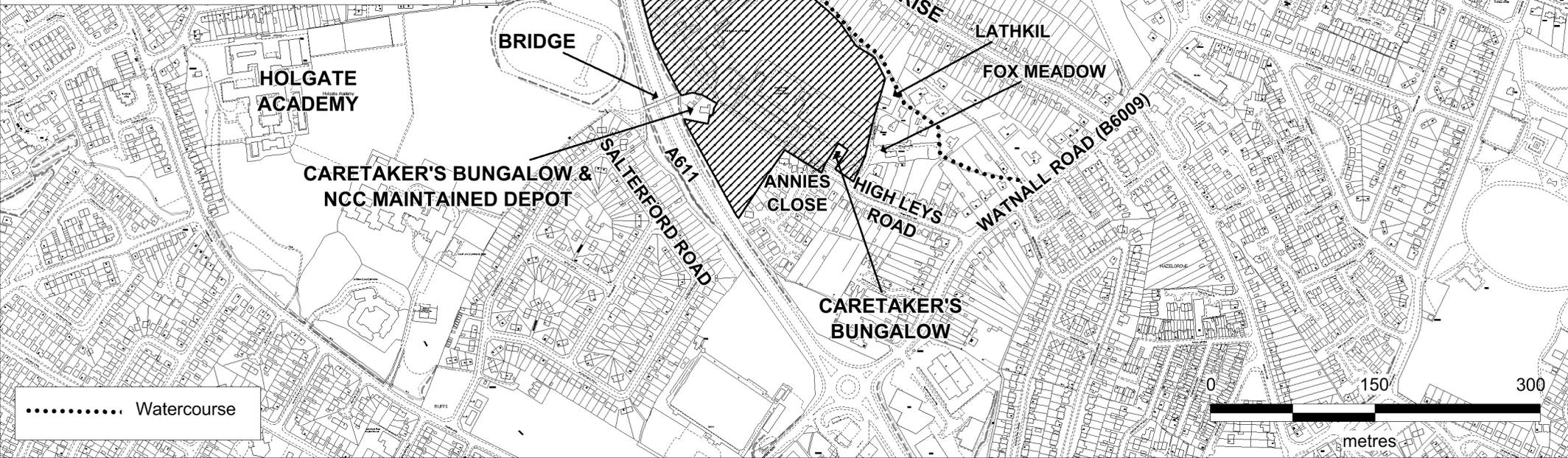
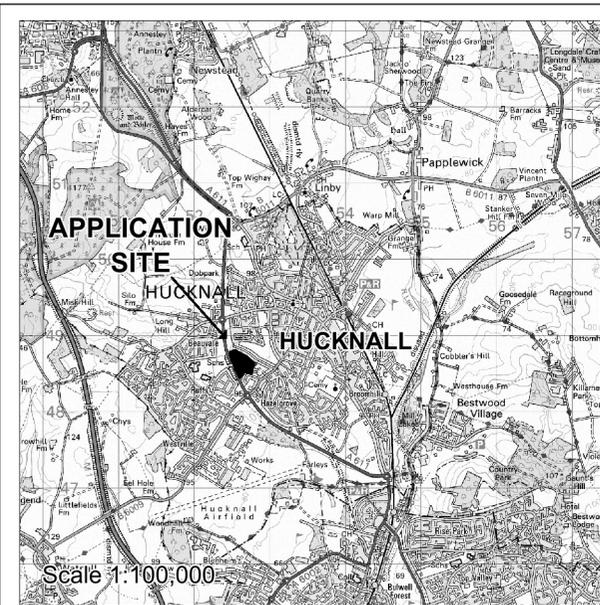
David Marsh

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For any enquiries about this report, please contact the report author.

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12 January 2015






**Nottinghamshire
County Council**

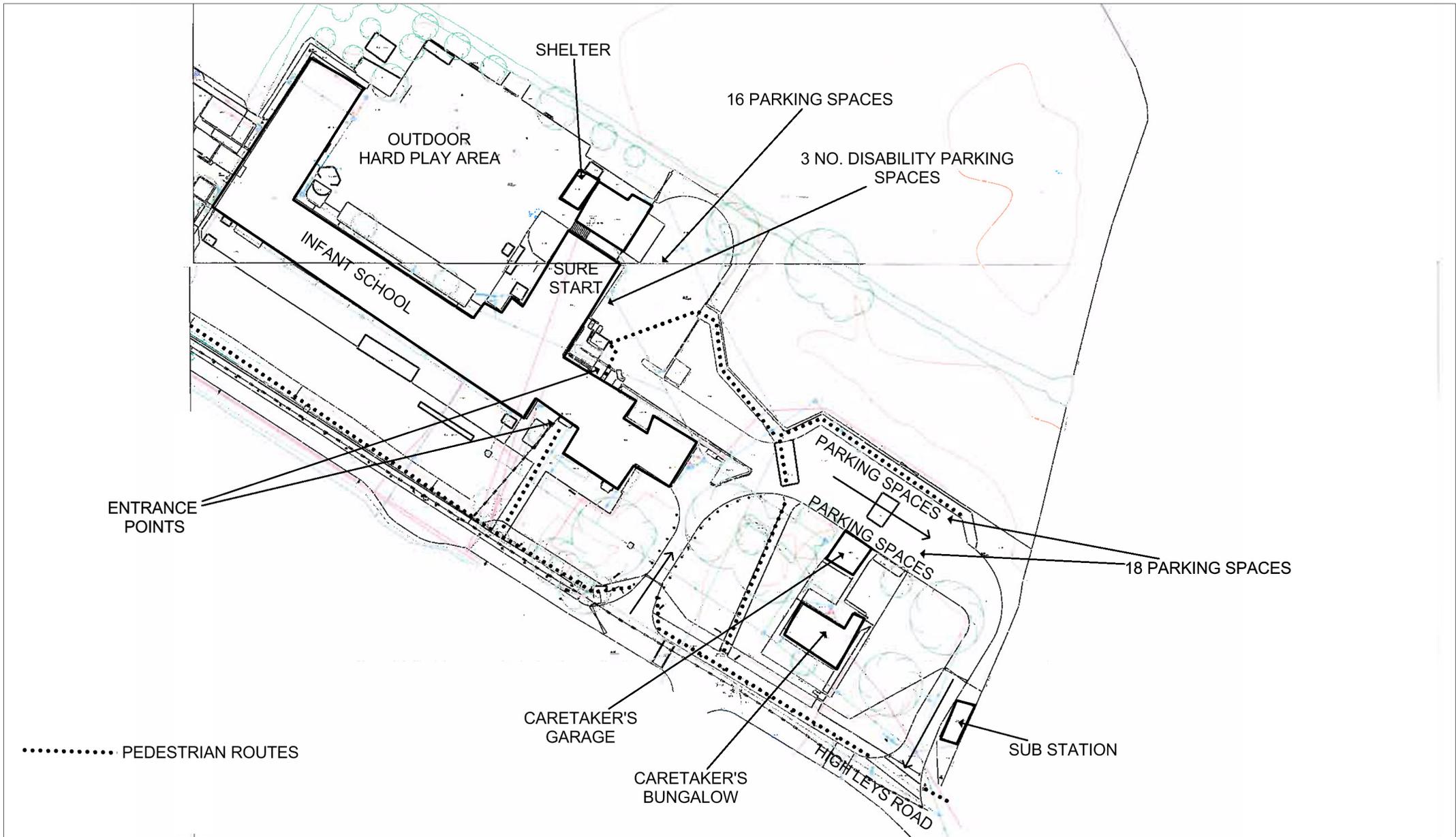
Erection of two-storey replacement primary school, replacement car parking, lighting and CCTV, alteration to pedestrian and vehicular access and landscaping, and re-use of 2.4m high weldmesh fencing. Sprinkler tank, pump house and bin store with 3.5m and 2.5m high timber enclosure. Retention of nursery building for Use Class D1 (non-residential institution) with proposed associated parking and landscaping within 2.4 high weldmesh fencing compound. Demolition of existing Infant and Junior school buildings with landscaping to cleared sites.
 Annie Holgate Primary School, High Leys Road, Hucknall.
 Planning Application No. 4/V/2014/0581

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PLAN 1



**Nottinghamshire
County Council**

Erection of two-storey replacement primary school, replacement car parking, lighting and CCTV, alteration to pedestrian and vehicular access and landscaping, and re-use of 2.4m high weldmesh fencing. Sprinkler tank, pump house and bin store with 3.5m and 2.5m high timber enclosure. Retention of nursery building for Use Class D1 (non-residential institution) with proposed associated parking and landscaping within 2.4 high weldmesh fencing compound. Demolition of existing Infant and Junior school buildings with landscaping to cleared sites.

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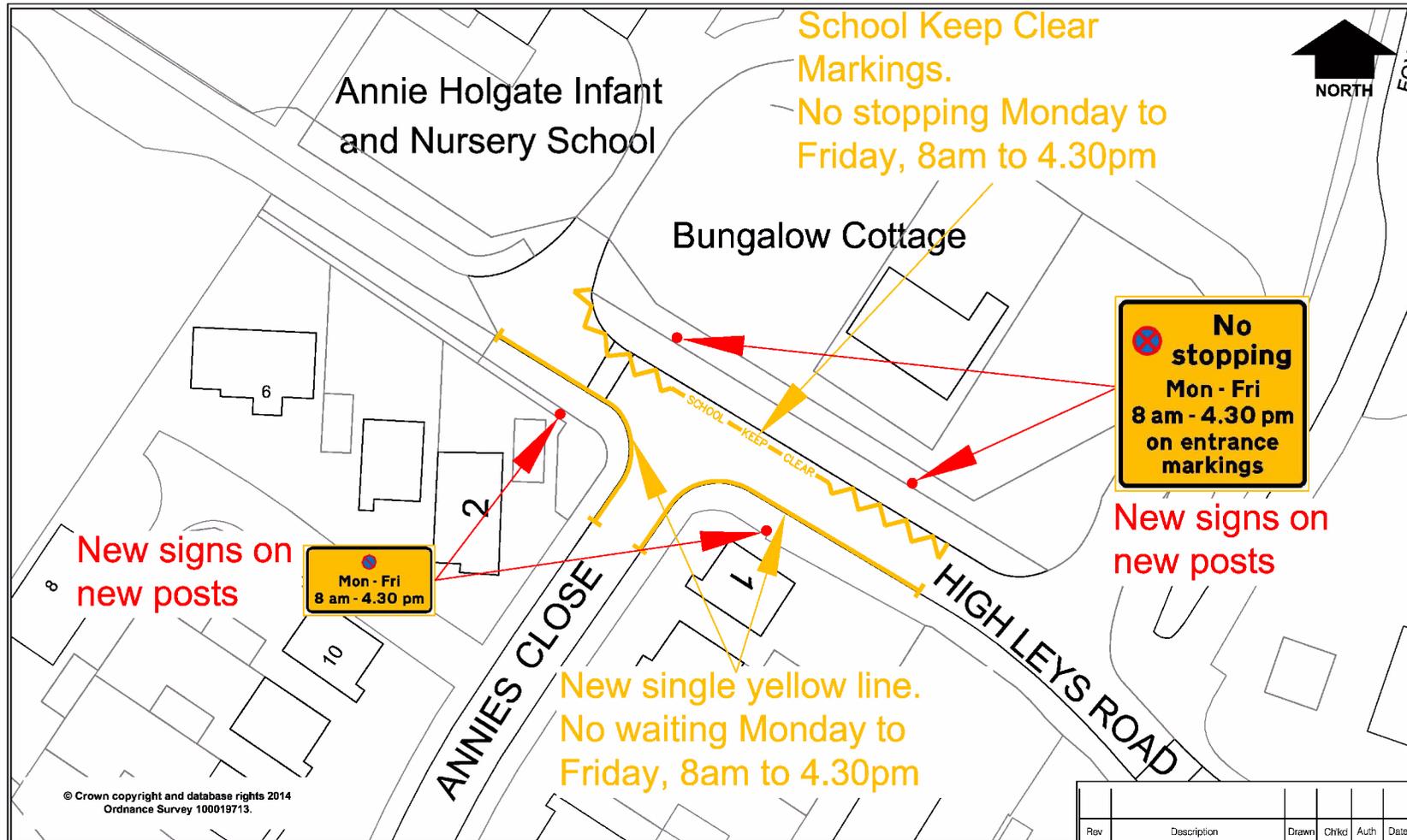


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PLAN 2



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Nottinghamshire County Council
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West Bridgford, Nottingham, NG2 6BJ
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Project		School Keep Clear Markings		Hucknall Area	
Property No.	Project No.	TRO 4144		Drawn	Date
				RV	27/06/14
Title	High Leys Road, Hucknall		Ch'kd	Date	
			JAB	27/06/14	
Drawing No.	H/04078/2000/04		Auth	Traced	
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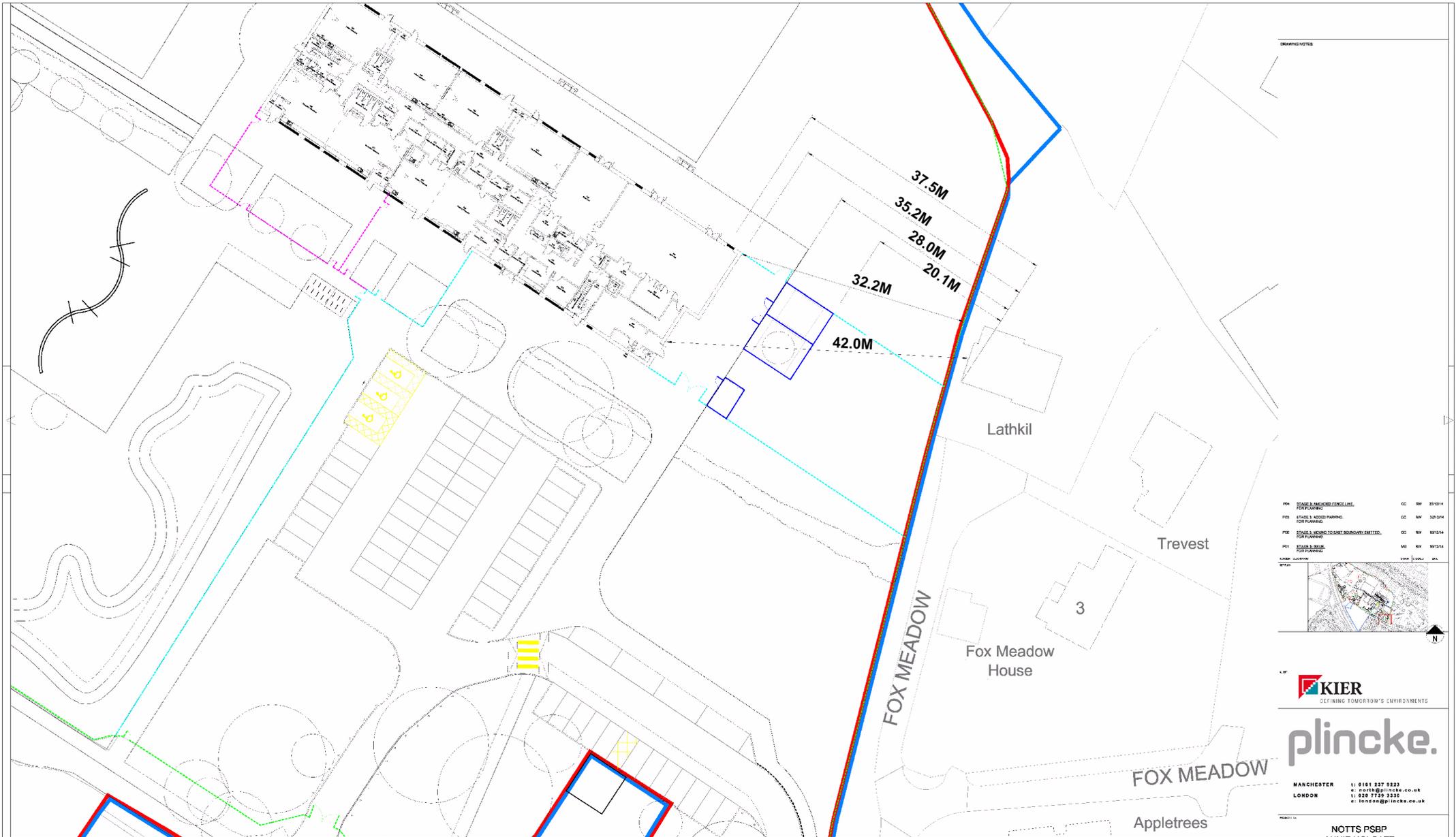
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PLAN 3



DRAWING NOTES

PO4	STAGE 3, PAVED FENCE LINE FOR JOBS	CC	RFV	01/10/14
PO5	STAGE 3, MOVED PARKING FOR PLANNING	CC	RFV	02/10/14
PO6	STAGE 3, MOVED FENCE BOUNDARY ENDED FOR PLANNING	CC	RFV	03/10/14
PO7	STAGE 3, BLUE FOR JOBS	MS	RFV	05/10/14
APP	APPLETREES	APP	LOC	04/14



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Erection of two-storey replacement primary school, replacement car parking, lighting and CCTV, alteration to pedestrian and vehicular access and landscaping, and re-use of 2.4m high weldmesh fencing. Sprinkler tank, pump house and bin store with 3.5m and 2.5m high timber enclosure. Retention of nursery building for Use Class D1 (non-residential institution) with proposed associated parking and landscaping within 2.4 high weldmesh fencing compound. Demolition of existing Infant and Junior school buildings with landscaping to cleared sites.
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 Date: JAN 2015

PLAN 4



1 PL North Elevation
1:100



2 PL South Elevation
1:100







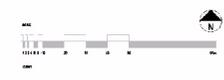
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- Key:
- ① New footpath link
 - ② New footpath link
 - ③ Parent drop off / deliveries / refuse collection
 - ④ Staff / visitor parking / accessible bays
 - ⑤ Existing trees retained for green campus feel
 - ⑥ Cycle parking for 30 cycles (proportion to be sheltered)
 - ⑦ Soft informal KS1
 - ⑧ Existing retained Macadam (hard informal KS1)
 - ⑨ Existing retained Macadam (hard informal KS1)
 - ⑩ Retained nursery / reception shelter
 - ⑪ Nursery break out secure garden (Macadam & grass)
 - ⑫ Reception break out secure garden (Macadam & grass)
 - ⑬ Nursery drop off collection zone with enlarged waiting area to accommodate buggy pram parking
 - ⑭ Main entrance
 - ⑮ Retained trees / green approach / mature landscape
 - ⑯ Existing Council depot retained (outside redline boundary / scope of works)
 - ⑰ Existing caretakers houses retained (outside redline boundary / scope of works)
 - ⑱ Bin store
 - ⑲ Screened service area / sprinkler tank / pump house
 - ⑳ Controlled access to habitat curriculum area / buffer between school and residential properties
 - ㉑ Habitat area for school to develop
 - ㉒ Mounding (less than 1m high)
 - ㉓ Circulation and seating / quiet spaces
 - ㉔ Sports mini soccer U7/8 (x1) U9/10 (x3) U11/12 (x1)
 - ㉕ Hard surface extended to accommodate students gathering outside the main stair for key stage 2 access
 - ㉖ Playing fields / soft play key stage 2
 - ㉗ New bark mulch path to hard courts avoiding the playing fields
 - ㉘ Building housing a nursery to be retained during construction in this location - phasing of car park to be programmed by contractor.
 - ㉙ Existing nursery retained for Use Class D1 (non residential institution)
 - ㉚ Retained MUGA



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Annie Holgate Primary School
 PSBP

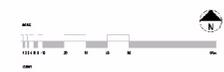
Landscape Core Site Plan
 Scale: 1:500

STATUS: PLANNING
 DATE: OCT 14

PROJECT: 6232
 DRAWING: APL_P1_00_003



- Key:
- ① New footpath link
 - ② New footpath link
 - ③ Parent drop off / deliveries / refuse collection
 - ④ Staff / visitor parking / accessible bays
 - ⑤ Existing trees retained for green campus feel
 - ⑥ Cycle parking for 30 cycles (proportion to be sheltered)
 - ⑦ Soft informal KS1
 - ⑧ Existing retained Macadam (hard informal KS1)
 - ⑨ Existing retained Macadam (hard informal KS1)
 - ⑩ Retained nursery / reception shelter
 - ⑪ Nursery break out secure garden (Macadam & grass)
 - ⑫ Reception break out secure garden (Macadam & grass)
 - ⑬ Nursery drop off collection zone with enlarged waiting area to accommodate buggy pram parking
 - ⑭ Main entrance
 - ⑮ Retained trees / green approach / mature landscape
 - ⑯ Existing Council depot retained (outside redline boundary / scope of works)
 - ⑰ Existing caretakers houses retained (outside redline boundary / scope of works)
 - ⑱ Bin store
 - ⑲ Screened service area / sprinkler tank / pump house
 - ⑳ Controlled access to habitat curriculum area / buffer between school and residential properties
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Annie Holgate Primary School
PSBP

Landscape Core Site Plan
STATUS: PLANNING
DATE: 02/12

Scale: 1:500
Date: OCT 14
Page: 108

**AREAS OF POTENTIAL CAR PARKING
TO WHICH SPORTS ENGLAND WOULD NOT OBJECT**

PRIORITY SCHOOLS BUILDING PROGRAMME

The Priority Schools Building Programme (PSBP) was launched by the Coalition government following the abolition of the previous government's Building Schools for the Future Programme. It focusses on replacing the country's worst school buildings and bids were invited from Local Authorities and Academy Trusts in October 2011. The County Council submitted strong bids and were the most successful authority with 12 schools and academies to be replaced. Separate bids made by the South Nottinghamshire Academy and Serlby Park Academy (where NCC remains the freeholder) were also successful.

PSBP is being delivered by the capital arm of the DfE's agency The Education Funding Agency (EFA), and the County Council are working closely with the EFA and their design team to support NCC schools and ensure that all the projects progress smoothly with the least disruption possible. The projects have been split into 3 batches.

Midlands 2	East Midlands 2	Nottinghamshire
Fountaindale Special School	Brierley Forest Primary	Abbey Primary
	John Davies Primary	Annie Holgate Infant & Junior (new single Primary)
	Leamington Primary Academy	Flying High Academy at Ladybrook
	Lynncroft Primary	The Newark Academy
	Sunnyside Primary	The Wainwright Primary Academy
	South Nottinghamshire Academy	Serlby Park Academy

The project to replace Fountaindale Special School is partially complete; the new building was handed over in October this year, the existing school is currently being demolished and external works and landscaping will follow.

The other two batches are running concurrently. The Newark Academy is the sample school for the Nottinghamshire batch and has recently been granted planning permission. The EFA has selected two contractors from their Framework for each batch, Kier for the Nottinghamshire batch, and Bowmer & Kirkland for the East Midlands 2 batch.

Sara Williams, Property; Environment & Resources



Policy statement – planning for schools development

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) wish to set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. This statement supersedes the Statement of 26 July 2010.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- **There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.**
- **Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their**

planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school.

The Government is today publishing a summary of the responses to its consultation, *Planning for Schools Development*, and will continue to explore whether there is further scope and need for the planning system to do more to support state-funded schools, and in particular, free schools in the future.

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RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:

- (a) Location Plan (Drawing AH_PL_00_001 Revision P05) received by the CPA on 24 December 2014;
- (b) Landscape Site Plan (Drawing AH_PL_00_002 Revision P09) received by the CPA on 24 December 2014;
- (c) Landscape Core Site Plan (Drawing AH_PL_00_003 Revision P09) received by the CPA on 24 December 2014;
- (d) Site Sections (Drawing AH_PL_00_004 Revision P07) received by the CPA on 24 December 2014;
- (e) Tree Retention and Removal Plan (Drawing AH_PL_00_005 Revision P07) received by the CPA on 24 December 2014;
- (f) Fencing Strategy (Drawing AH_PL_00_006 Revision P07) received by the CPA on 24 December 2014 (with the exception of the height of the sprinkler tank and associated pump house enclosure subject of Condition 17a));
- (g) Substation Location, Access and Easement (Drawing AH_PL_00_007 Revision P04) received by the CPA on 24 December 2014;
- (h) Dimensions to Neighbouring Property (Drawing AH_PL_00_008 Revision P04) received by the CPA on 24 December 2014;

- (i) Ground Floor Plan (Drawing AH_PL_20_000) received by the CPA on 20 October 2014;
- (j) First Floor Plan (Drawing AH_PL_20_001) received by the CPA on 20 October 2014;
- (k) Roof Plan (Drawing AH_PL_20_002) received by the CPA on 20 October 2014;
- (l) North and South Elevations (Drawing AH_PL_20_100) received by the CPA on 20 October 2014;
- (m) East and West Elevations (Drawing AH_PL_20_101) received by the CPA on 20 October 2014;
- (n) Lighting Lux Plot (Drawing BSXX(60)4004-CP Issue B) received by the CPA on 5 January 2015 (as may be modified so as to comply with Condition 20). Approval of this drawing relates to lighting details only and not the site layout overlaid.
- (o) Phased Construction Site Layout Phase 1 and Phase 2 received by the CPA on 7 January 2015.

Reason: For the avoidance of doubt as to the development that is permitted.

- 4. Unless otherwise agreed by the CPA in writing, no tree, shrub, scrub or other vegetation clearance works shall be carried out between the months of February to August inclusive.

Reason: To avoid disturbance to birds during the breeding season.

- 5. No development shall commence before a pre-construction survey for protected species has been carried out and the results submitted to the CPA for its written approval. In the event that development does not commence (in accordance with Condition 2) within 6 weeks of the survey, the site shall be re-surveyed and the results submitted to the CPA for its written approval. Should the pre-construction survey identify any features of ecological interest, the survey results shall include mitigation measures designed to protect these features from any adverse impacts resulting from the development. Mitigation measures shall be implemented in accordance with the approved details.

Reason: To ensure the favourable conservation status of protected species in accordance with the National Planning Policy Framework.

- 6. Prior to the commencement of development, the means of protection of trees to be retained during the period of construction which shall be sited so as not to encroach within root protection areas identified on Drawing AH_PL_00_005 Revision P07, shall be submitted to and approved by the CPA in writing. The

approved scheme shall be completed as part of site enabling works, and prior to the commencement of main site works, to the written satisfaction of the CPA.

Reason: In order to safeguard the health of trees on the site during the period of construction in the interest of the visual amenity and ecology of the site.

7. Notwithstanding Condition 6, where works need to be carried out within root protection areas identified on Drawing AH_PL_00_005 Revision P05, the work shall be carried out in accordance with a methodology which shall first be submitted to and approved in writing by the CPA.

Reason: In order to safeguard the health of trees on the site during the period of construction and in the interest of the visual amenity of the site in accordance with Ashfield Local Plan Review Policy EV8 Trees and Woodlands.

8. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA;
- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
 - b) no construction deliveries to site shall take place on any school day between 08:00-09:15 hours and 14:30-15:45 hours;
 - c) no construction deliveries to site shall take place on any non-school day other than between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;
 - d) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;
 - e) noise generated by construction activities on the site shall not exceed 65dB ($L_{Aeq, 1hr}$) measured at the boundary of any nearby receptor.

Reason: To safeguard the amenity of nearby residents and to minimise risk of pedestrian/cycle conflict with HGV/construction traffic when Holgate Primary School is in use.

9. Prior to the commencement of development, details of the method of working during the construction phase, in the form of an environmental management plan, to include:
- (a) lorry routing for construction traffic and
 - (b) measures to prevent the deposit of debris on the public highway;
 - (c) management of parking by persons involved in the construction of the development;
 - (d) the segregation of construction vehicle and pedestrian movements on site;

- (e) measures for the control of noise (to comply with Condition 8e)), vibration and dust emissions (including mitigation measures in the event of a complaint);
- (f) details of construction site drainage during the period of construction;
- (g) a scheme for the recycling/disposal of surplus soils and waste resulting from construction;
- (h) construction site management practice to safeguard against risk to mammals (protected species) throughout the period of construction, in accordance with Paragraph 4.3.1 of the Extended Phase 1 Habitat Survey Report.
- (i) the production of a method statement relating to the removal and disposal of invasive non-native *Japanese rose* in accordance with Paragraph 4.3.7 of the Extended Phase 1 Habitat Survey Report.

shall be submitted to and approved in writing by the CPA. All construction shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the CPA.

Reason: In the interest of highway safety, to safeguard against flooding during construction, the ecology of the site, and to protect the amenities at present enjoyed by the occupiers of nearby properties.

10. Prior to the commencement of development, an assessment of the quality of the existing grass playing field identified on attached drawing 4/V/2014/0581/1 shall be submitted to and approved in writing by the CPA.

Reason: To provide an appropriate baseline assessment of playing pitch quality that would be impacted by the development.

11. Notwithstanding details submitted in support of the application, prior to the commencement of development approved by this planning permission, or such other time as may first be agreed in writing with the CPA, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the CPA:

- (a) a site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including off-site receptors; and if required
- (b) an options appraisal and remediation strategy based on the site investigation results and detailed risk assessment, giving full details of the remediation measures required, and how they are to be undertaken; and
- (c) a verification plan, providing details of the data to be collected in order to demonstrate that the works set out in b) will be complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The written consent of the CPA shall be obtained prior to any change being made to components a) – c). The scheme shall be implemented as approved.

Reason: To ensure that the site is remediated to an appropriate standard.

12. Prior to the commencement of main site works, a scheme of foul water drainage works shall be submitted to and approved by the CPA in writing. The foul drainage works shall be completed prior to the development hereby approved first being brought in to use, in accordance with the approved details.

Reason: To prevent the increased risk of flooding and minimise pollution by ensuring the provision of a satisfactory means of foul water disposal.

13. Prior to the commencement of main site works a scheme of surface water drainage works in accordance with the approved Flood Risk Assessment reference 1010294-RPT-CL-00001 Revision A (dated 5 December 2014), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the CPA. The scheme shall subsequently be implemented in accordance with the approved details and shall be completed prior to the development hereby approved first being brought into use.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

14. Prior to the commencement of main site works, a scheme to treat and remove suspended solids from surface water run-off during construction works shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of surface water contamination.

15. The floor level of the building shall be set no lower than 94.2m AOD.

Reason: To safeguard against risk of flooding.

16. Prior to their use on site, samples and/or a schedule of all proposed facing materials and finishes, including paving, shall be submitted to and approved by the CPA in writing. Development shall be carried out in accordance with the approved details, other than with the prior written consent of the CPA.

Reason: In the interest of visual amenity and to accord with Ashfield Local Plan Review Policy ST1 Development.

17. Prior to being installed, design details including height and appearance of the:

- (a) Sprinkler tank, associated pump house, and related enclosure;
- (b) Bin storage area;
- (c) Covered cycle storage;
- (d) Knee-rail fencing segregating pedestrians from vehicular traffic;
and
- (e) Bollards preventing kerb parking;

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

18. Prior to installation, design details of:

- a) the raised crossing point within the site, designed to give priority to pedestrians over vehicular traffic; and
- b) the designated route for pedestrians within the car park to the north-east of parking spaces to the rear of the caretaker's bungalow;

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: In the interest of pedestrian and cyclist safety.

19. Prior to being installed, design details of external light fittings shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt as to the development permitted in the interest of the visual amenity of the development.

20. Notwithstanding submitted details, all external lighting to be installed shall comply with the recommendations of the Bat Method Statement - Appendix 6 received by the CPA on 1 December 2014.

Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species.

21. Development shall be carried out in compliance with the Bat Method Statement supporting the application, received by the CPA on 1 December

2014, unless superseded by the requirements of a Natural England European Protected Species Licence. Within 3 months of the commencement of development, details including timescale of proposed:

- a) provision for roosting bats in the development (in accordance with the requirements of the European Protected Species licence issued by Natural England); and
- b) provision of bird nest boxes on the building and/or retained trees;

shall be submitted to and approved by the CPA in writing. Provision for roosting bats and nest boxes shall be made in accordance with the approved details.

Reason: To enhance the ecology of the site.

22. Within 6 months of the commencement of development a scheme, including a programme for the provision of landscaping to include

- a) species, locations, planting size and planting density;
- b) establishment methods (including tree pit detail); and
- c) schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats, and the maintenance of planting adjacent to the new pedestrian access point formed to High Leys Road at a height suitable to provide appropriate visibility for pedestrians;

shall be submitted to and approved in writing by the CPA. Other than as may be agreed in the programme for the provision of landscaping and planting, the approved landscaping and planting scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

Reason: In the interest of visual amenity.

23. Within 6 months of the commencement of development, design details of;

- a) replacement playing field construction (which shall be to a standard at least equivalent to the baseline assessment provided in compliance with Condition 10);

- b) construction specification for new hard play areas;
- c) drainage of new areas used for outdoor play; and
- d) a grid of replacement playing field levels and new areas of hard play;

shall be submitted to and approved in writing by the CPA.

Replacement playing field and new areas of hard play shall be provided in accordance with the approved details prior to the development first being brought into use or in accordance with a timetable that shall first be agreed in writing with the CPA.

Reason: To ensure the provision of a replacement playing field and outdoor facilities to a standard fit for purpose.

24. Car parking areas and service areas approved by this permission shall be provided in accordance with a timescale that shall be submitted to and approved in writing by the CPA. All service/car parking and associated circulation areas shall be constructed, drained through trapped gullies with an overall capacity compatible with the site being drained, surfaced and marked out to the satisfaction of the CPA.

Reason: To ensure the timely provision of car parking and surface areas in the interest of highway safety and to safeguard against increased risk of flooding and pollution of the water environment.

25. Prior to demolition of each building on the site, a Pre-Demolition Asbestos Survey of the building to be demolished shall be submitted to and approved in writing by the CPA. Development shall not be carried out other than in accordance with the approved details. Within one month of the completion of demolition works (or each stage thereof) a validation report shall be submitted to the CPA to confirm that the demolition footprint does not contain Asbestos Containing Materials.

Reason: To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

26. No demolition of existing school buildings shall take place until a scheme indicating the method of demolition, the hours of operation, the method of removal and the length of time required for demolition has been submitted to and approved in writing by the CPA. Demolition shall then proceed in accordance with the agreed scheme.

Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.

27. The Head Teacher of Holgate Primary School, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the draft Holgate Primary School Travel Plan (received by the CPA on 20 October 2014) and within 3 months of the completion of development (the demolition of existing buildings and substantive restoration of the site) provide a completed Holgate Primary School Travel Plan aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school. The Holgate Primary School Travel Plan shall be implemented in accordance with the approved timetable and shall be updated consistent with future Holgate Primary School Travel Plan initiatives (to include education relating to sustainable travel; demand for, and future provision of additional covered cycle spaces; and management of student drop-off and pick-up both on and off the school site), including implementation dates, to the satisfaction of the CPA.

Reason: In the interest of highway safety and to promote sustainable travel.

28. The Travel Plan Coordinator shall first submit a report to the CPA within 6 months following the completion of development (as defined in Condition 28), and thereafter submit annual reports for a minimum period of 5 years and until Travel Plan targets have been met. The monitoring reports shall summarise the data collected over the monitoring period and propose revised initiatives and measures where Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA.

Reason: In the interest of highway safety and to promote sustainable travel.

29. Within 6 months following the completion of development (as defined in Condition 28), a review of Holgate Primary School Traffic Regulation Order (TRO 4144), school zone signage and guardrail on High Leys Road shall be carried out, and a report with recommendations shall be submitted to the CPA. Recommendations for the modification of the school zone shall be implemented within 3 months of the date of submission of the report.

Reason: In the interest of highway safety.

30. Following the completion of the development, noise levels generated by the development or activities on site shall not exceed 55dB $L_{Aeq,1hr}$ between 18:00-23:00 hours on school days, and 07:00-23:00 hours on non-school days, measured in the garden of any property adjoining the site boundary.

Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.

31. Following the completion of the development, noise levels from any activity on the site between 23:00–07:00 hours shall not exceed the existing night-time background La90 noise level, measured in the garden of any property adjoining the site boundary.

Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.

32. Following the completion of the development, the combined fixed plant noise level shall not exceed the background noise level (L₉₀) at any time of the day/night at the nearest boundary of any residential receptor. In the event of a complaint, which the CPA considers may be justifiable, the applicant shall undertake a noise assessment in accordance with the procedure set out in BS4142 to determine compliance with background noise level (L₉₀). In the event that the noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.

Informatives/Notes to applicant

1. Conditions 6, 12, 13 and 14 refer to 'main site works'. For the avoidance of doubt 'main site works' are works expressly approved by this grant of planning permission, not works, typically site set up works, which are permitted by The Town and Country Planning (General Permitted Development) Order 1995 (as amended) Schedule 2: Part 4 *Temporary Buildings and Uses*.
2. With reference to Condition 5, the applicant is advised to contact the CPA to agree the scope of the protected species survey to be undertaken.
3. With reference to Condition 11, the sensitivity of the end-user should be considered. It is considered that an appropriate target is residential end-use without plant uptake considering the age of children at the school (3-11).
4. It is advised that any reclaimed hardcore, subsoil or topsoil imported to the site will require Waste Management Licence exemption from the Environment Agency. Imported materials will need to be certified as being appropriate for the end use as a school.
5. With reference to Condition 9f) and Condition 13, the drainage scheme will be expected to demonstrate that flood risk to neighbouring property will not be exacerbated. With reference to Condition 13, the Environment Agency advises that:
 - a) The surface water drainage system should be designed in accordance with CIRIA C697 and C687 or the National SuDS Standards (should the latter be

in force when the detailed design of the surface water drainage system is undertaken).

- b) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 20% (allowance for climate change) critical rain storm to ideally the Greenfield run-off rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
 - c) The drainage scheme should demonstrate surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
 - d) The detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements should be submitted. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - e) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters should be provided.
 - f) The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
6. With reference to Conditions 16 and 22, the applicant may wish to engage with local residents before finalising suitable finishes and landscape details.
 7. With reference to Condition 22 it is advised that the detailed landscaping scheme should include wildlife-friendly native and ornamental species.
 8. The applicant is advised that a European Protected Species licence for handling bats will be required from Natural England.
 9. The applicant is advised to consult with the Police Force Architectural Liaison Officer (0115 9670999 ext. 800 3038) to discuss window and door security; glazing to meet PAS24:2012 standards as a minimum; site lighting and CCTV proposals; intruder alarm systems; separation of the school from areas of after-hours public use in order to ensure that security is maintained; security of internal devices such as IT equipment and security of personal property.
 10. National Grid has identified apparatus in the vicinity of the site. Attention is drawn to the consultation response from National Grid dated 14 November 2014, a copy of which is enclosed.



20th January 2015

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY , PLANNING AND
CORPORATE SERVICES**

**LOCAL GOVERNMENT OMBUDSMAN REPORT: LEARNING LESSONS FROM
COMPLAINTS**

Purpose of the Report

1. To advise Members of the publication of a recent report by the Local Government Ombudsman (LGO) that highlights lessons learned from complaints it receives in relation to planning and development. The report is for noting.

Introduction

2. On 11 December 2014 the LGO published a report entitled '*Not in my back yard: Local People and the planning process*'. It refers to experience from recent cases referred to the LGO with the aim of highlighting some of the common areas where the LGO finds fault. It has been prepared in an effort to help people understand more about the LGO's role in subjecting planning decisions to independent scrutiny and putting things right where a fault has been identified.
3. In highlighting some areas of good practice, the report suggests ways in which councils can increase transparency in the way they reach decisions. Information is also included to assist local councillors in supporting constituents in lodging complaints to the LGO and help in their role of scrutinising council practice.
4. In the first year of the LGO, 1974, more complaints were received about planning than any other area. Forty years on it remains one of the most complained about topics and the report has been prepared to help share information arising from the LGO's investigations.
5. Most planning related complaints are from objectors who disagree with a council's decision to grant planning permission and generally arise where people are unable to understand how the planning process works and how their objections have been considered. The LGO recognises, however, that decision makers are limited in what they can consider and cannot take account of the strength of local opposition to a proposal. This can leave objectors feeling their voices have not been heard and can put

councillors in a difficult position when asked to make decisions on controversial developments.

Legal Background

6. The first section of the report sets out the legal background for councils and the roles of the public, local councillors and the LGO in the planning process. Reference is made to the applications normally being determined in line with the local plan, taking account of emerging policy documents and government policy such as the National Planning Policy Framework.
7. The report notes that councils are not under any duty to 'consult' local people, rather they are legally required to publicise applications in the local area to inform people how to make comments. Councils must consider any comments received.
8. Councils generally publicise applications through one or more of the following:
 - a) Writing to people in neighbouring properties;
 - b) Putting up a notice near the application site;
 - c) Placing an advertisement in a local newspaper.
9. The report comments that councils are not required to write to people in neighbouring properties in every case unless their own policies require them to do so. The point is made that it is important that people pay attention to site notices and press notices in their local area, although NCC's practice is to write to those people most directly affected in line with the County Council's Adopted Statement of Community Involvement.
10. Commenting on applications can help people contribute to decisions although it is recognised that councils are unable to give weight to some of the common issues raised by objectors. Councils can only take account of material planning considerations and Members will recall receiving recent advice circulated on this subject. Controversial applications can generate organised campaigns, petitions and pro-forma letters of objection. However, the volume of local opposition is not a material planning consideration and the report advises that local people are more likely to be heard if their objections target material considerations.
11. Objectors regularly say officers have warned councillors on planning committee that the council will incur costs if a decision to refuse planning permission is overturned at appeal. The LGO comments that this is a relevant consideration for officers and councillors as defending decisions not based on material planning considerations is not a good use of public money.
12. The report notes that as objectors have no right of appeal, in terms of planning the LGO is often the only route of redress with court action

being a costly option. The role of the LGO is to offer free and independent adjudication on unresolved complaints about councils. There is some misunderstanding that the LGO acts as an appeal body whereas it is confined to investigating complaints about fault causing personal injustice. The LGO investigates whether there is any fault in the way the council reached a decision and, if so, whether it is likely that a different decision would have been reached if there was no fault.

13. In 2013/14 councils in England dealt with over 400,000 planning applications and the number of complaints received by the LGO represented less than 1%.
14. The report refers to the role of councillors noting that most constitutions allow local councillors to 'call in' applications for determination at committee that would otherwise be delegated to officers. It notes that decisions on planning applications are administrative rather than political requiring them to be made in line with the law and not on political affiliations or public pressure.
15. Reference is made to instances where decisions are made contrary to an officer's recommendation and highlights that reasons must be provided taking account of material planning considerations. Failure by committee or officers to give adequate reasons exposes the council to the costs of defending a decision that may not be defensible. The report refers to advice produced by the Local Government Association exploring the complementary roles of officers and councillors in the planning process entitled '*Probity in Planning*' which can be viewed through the following link:
<http://www.pas.gov.uk/documents/332612/6482760/Probity+guide+for+cilrs+revised/25ed9243-0850-49fa-8e1a-4eb3935084a2>
16. Fault in the planning process can lead to the LGO recommending councils pay significant financial remedies in addition to incurring legal costs in correcting their mistakes. Where fault is identified, only very exceptionally would a revocation order be made to overturn the decision. This is because injustice can usually be remedied at much lower cost to the public purse and it would be unfair to penalise applicants for council mistakes.
17. Scope may exist for informally negotiating an amendment to a permission such as installation of obscured glazing or appropriate boundary treatment. Where it is not possible to reduce the effects of a development, the LGO may recommend the council pays the complainant the loss of value to their property. This usually entails a 'before' and 'after' valuation carried out by the District Valuer.

Common Faults

18. The majority of the complaints the LGO receive about planning are from people who object to a council's decision to grant planning permission. The next section of the report highlights some of the more common faults

and includes a series of case studies demonstrating the impact of poor planning decisions. These case studies highlight issues such as:

- a) Failure to check the validity of an application;
 - b) Errors in advertising applications;
 - c) Failure to consider objections;
 - d) Failure to explain reasons for decisions properly;
 - e) Failure to consider the impact on neighbouring properties;
 - f) Allegations of bias; and
 - g) Failure to take enforcement action.
19. Particular reference is made to the failure of councils to consider their own policies and procedures. A case study cites an example of a council failing to apply to itself for permission for works at a council-run school and therefore failing to apply the same standards it requires of external developers.

Getting Things Right

20. The final part of the report includes a check list of good practice based on the LGO's experience of good administration from councils. Much of this content is already standard practice for officers within NCC's Planning Group and includes the following recommendations:
- a) Photographing Site Notices to provide evidence of their posting and compliance with statutory requirements;
 - b) Issuing neighbour notification letters using a variety of tools including checking on site;
 - c) Keeping a clear record of site visits, again with photographs;
 - d) Summarising objections in officer reports;
 - e) Making reports easy to find on council websites;
 - f) Maintaining a good understanding of the council's constitution and code of conduct;
 - g) Develop a policy for dealing with amendments to planning applications and decisions; and
 - h) Develop an Enforcement Plan to manage enforcement proactively.
21. Members are advised that work is currently being undertaken to review NCC's Enforcement Plan.
22. The report then lists a series of key questions which elected members may wish to ask officers locally. These include:
- a) Does the council conform with the good practice check list?
 - b) What type of applications are currently decided by officers and should this be reviewed?
 - c) How does the 'call in' procedure work and how often is it used?
 - d) How many of the council's decisions are overturned by the Planning Inspectorate?

- e) How many complaints does the council receive about decisions on planning applications, what are the outcomes and how has the council used them to improve its services?
23. The report concludes by confirming that if the LGO finds something wrong, it can ask the council to take action to put it right. What is recommended depends on the particular complaint, seriousness of the fault and how the complainant was affected. The LGO has no legal power to force councils to follow its recommendations but they invariably do so. Such recommendations may include apologise, pay a financial remedy and/or improve its procedures so similar problems do not recur.
24. Further information is available at www.lgo.org.uk where a copy of the report in full can be viewed along with other information.

Conclusions

25. This report is to be welcomed as providing some useful lessons which have emerged from the LGO's experience in dealing with complaints related to planning and development. It is encouraging to note that the good practice recommendations suggested within the report are already standard practice for officers dealing with planning applications and enforcement matters.

Statutory and Policy Implications

27. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Human Rights Act Implications

28. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property), and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles. Issue arising out of consideration of the Human Rights Act are assessed as part of the planning process.

RECOMMENDATIONS

- 1) It is RECOMMENDED that Members note the report.

JAYNE FRANCIS-WARD
Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

This report is for noting only. [SSR 24.12.14]

Financial Comments

There are no specific financial implications arising directly from this report. [SEM 2.01.15]

Background Papers

None

Electoral Divisions and Member(s) Affected

All

For any enquiries about this report please contact: Jerry Smith
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20 January 2015

Agenda Item:8

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Purpose of Report

1. To report on planning applications received in the Department between 3rd November and 31st December 2014 and to confirm the decisions made on planning applications since the last report to Members on 18 November 2014. The Site and Surroundings

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks for the quarter between 01 June 2014 and 30 September 2014. Appendix C sets out Matters of interest to Committee.
3. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Statutory and Policy Implications

4. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

5. It is RECOMMENDED that the report and accompanying appendices be noted.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

6. "The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report. [HD

Comments of the Service Director - Finance

7. The contents of this report are duly noted – there are no direct financial implications. [SM

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

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For any enquiries about this report, please contact the report author.

offrep.doc – DLGS REFERENCE

PSP.JS/RH/ep5185 – COMMITTEE REPORT FOLDER REFERENCE

22 June 2009 – Date Report Completed by WP Operators

Planning Applications Received and Determined
From 3rd November to 31st December 2014

Division	Member	Received	Determined
BASSETLAW			
Blyth & Harworth	Cllr Sheila Place		Erection of a three storey replacement school, replacement external sports provision including relocated tennis courts, car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing. Serlby Park Academy, White House Road, Bircotes. Granted 19/11/2014 (Committee)
Blyth & Harworth	Cllr Sheila Place	Proposed change of use from B1, B2 and B8 to sui generis use for a waste metal recycling facility with external storage for plant and machinery. Development Plot C6, Land off Snape Lane, Harworth. Received 20/11/2014	
Blyth & Harworth	Cllr Sheila Place	The importation and spreading of high alkaline/organic material on exposed colliery discard to reduce the acidity level of surface water run-off from the tip. Harworth Colliery Spoil Tip, Blyth Road, Harworth. Received 24/11/2014	

APPENDIX A

Division	Member	Received	Determined
Tuxford	Cllr John Ogle	To vary condition 2 of planning permission 1/38/11/00004 to extend the timescales associated with the final restoration to 31/12/2015 for completion of earthwork restorations and 31/03/2016 for final restoration and landscaping. Rampton Quarry, Torksey Ferry Road, Rampton. Received 23/12/2014	
Tuxford	Cllr John Ogle	To vary conditions 2 and 25 of planning permission 14/00906/CDM to extend timescales associated with final restoration to 31/12/2015 for completion of earthwork operations and 31/03/2016 for final restoration and landscaping. Rampton Quarry, Torksey Ferry Road, Rampton. Received 23/12/2014	
MANSFIELD			
Mansfield West	Cllr Darren Langton Cllr Diana Meale		Retention of existing temporary classroom, Farmilo Primary School, Woburn Road, Pleasley. Granted 10/11/2014
Mansfield East	Cllr Alan Bell Cllr Colleen Harwood	New 26m2 extension to existing school building for use as parent and pupil support room, Heathlands Primary School & Nursery, Ransom Road, Rainworth. Received 11/11/2014	

APPENDIX A

Division	Member	Received	Determined
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimibiridis	To retain existing temporary classroom and to vary condition 2 of planning permission 2/2011/0489/Nt to cease maintaining the soft landscaping and allow the grass to grow. Leas Park Junior School, Ley Lane Mansfield Woodhouse. Received 14/11/2014	
Mansfield West	Cllr Darren Langton Cllr Diana Meale	Erection of a two-storey replacement 420 place primary school and 39 place nursery , re-provision of playing field, additional car parking, lighting and CCTV, alteration to pedestrian and vehicular access and landscaping, and reuse of 2.4m high weldmesh fencing. Sprinkler tank, pump house and bin store with 3.5m and 2.5m high timber enclosure. Demolition of the existing school buildings, landscaping to cleared sites, and existing infants external play canopy to be retained. Wainwright Primary Academy, Harrop White Road, Mansfield. Received 04/12/2014	

APPENDIX A

Division	Member	Received	Determined
Mansfield West	Cllr Darren Langton Cllr Diana Meale		Erection of a two storey replacement primary school, replacement car parking, provision of new parent drop-off/pick-up facility, lighting and CCTV, alteration to pedestrian and vehicular access and landscaping along with fencing, additionally with demolition of the existing school buildings Flying High Academy (formerly Rosebrook Primary School), and site of former Ladybrook Primary School, Townroe Drive, Mansfield. Granted 19/12/2014 (Committee)
NEWARK & SHERWOOD			
Farnsfield & Lowdham	Cllr Roger Jackson		Variation of conditions 16 and 19 of planning permission 3/11/00035/CMA, Whip Ridding Farm, Eakring Road, Kirklington. Granted 18/11/2014

APPENDIX A

Division	Member	Received	Determined
Blidworth	Cllr Yvonne Woodhead	Variation of condition 11 and 12 of planning permission 3/13/01702/CMM to allow an extension of time of quarrying operations until 30/11/2015. To allow for completion of extraction of 35,000 tonnes of sand to ensure the final restoration contours detailed on plan RF5/3 final land form are achieved. Variation of condition 11 and 12 of planning permission 3/13/01702/CMM to allow an extension of time of quarrying operations until 30/11/2015. To allow for completion of extraction of 35,000 tonnes of sand to ensure the final restoration contours detailed on plan RF5/3 final land form are achieved. Rufford Sand Quarry, Rufford Colliery Lane, Rainworth. Received 27/11/2014	
Collingham	Cllr Maureen Dobson	Variation of condition 3 of planning permission 3/02/2402CMA to enable temporary retention of the conveyor infrastructure until 31 December 2023 or for 12 months following the cessation of sand and gravel extraction (whichever is the sooner). Besthorpe Quarry, Collingham Road, Collingham. Received 02/12/2014	

APPENDIX A

Division	Member	Received	Determined
Collingham	Cllr Maureen Dobson	To vary conditions 2, 4, 24 and 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 December 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter and also amendment of the approved restoration and working plans. Besthorpe Quarry, Collingham Road, Collingham. Received 02/12/2014	
Rufford	Cllr John Peck		Variation of Condition 1 and 2 of planning permission 3/13/00493/FULR3N to retain marquee. Rufford Abbey, Old Rufford Road, Ollerton. Returned 02/12/2014
Newark West	Cllr Tony Roberts		Construction of a new single storey building to provide a nursery as part of the early years and early intervention service. Bowbridge Primary School, Bailey Road, Newark. Granted 03/12/2014
Rufford	Cllr John Peck	Variation of Condition 1 and 2 of planning permission 3/13/00493/FULR3N to retain sand-based carpet with associated concrete apron and ground fixings until 31 December 2015 and erection of 20m x 20m marquee from April-October 2015 inclusive. Rufford Abbey, Rufford Country Park, Ollerton Road, Rufford. Received 04/12/2014	

APPENDIX A

Division	Member	Received	Determined
Rufford	Cllr John Peck		Creation of a new main entrance extension, to provide an improved main entrance and to allow for internal alterations to include a new nursery provision and improved childcare as part of the Early Years and Early Intervention Service. Crompton View Primary School, Crompton Road, Bilsthorpe. Granted 08/12/2014
Southwell & Caunton	Cllr Bruce Laughton	Retain existing mobile classroom, Lowes Wong Junior School, Queen Street, Southwell. Received 16/12/2014	
Ollerton	Cllr Mike Pringle	Fenced compound to be used to store and process construction and demolition waste to produce soil and construction aggregates using mobile plant. Land adjacent to Unit 71, Road A, Boughton Industrial Estate, Boughton. Received 17/12/2014	

APPENDIX A

Division	Member	Received	Determined
Farnsfield & Lowdham	Cllr Roger Jackson		Variation of planning conditions 4, 5, 6 & 22 of Planning Permission 3/11/00286/CMW to permit the importation of additional soils to complete restoration works and retention of site infrastructure adjacent to the entrance including gas compound, leachate tank, storage building, compressor housing and site office. Bilsthorpe Landfill, Brailswood Road, Bilsthorpe. Granted 23/12/2014
ASHFIELD			
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Use of site off Wigwam Lane for the recycling of inert materials (retrospective) and the construction of a 5 metre high sound attenuation wall, Plots 10, 11, 12, 13, 14 and 16, Wigwam Lane, Hucknall. Received 18/11/2014	
Sutton in Ashfield West	Cllr Tom Hollis	To retain existing mobile classroom, Mapplewells Primary School, Henning Lane, Sutton in Ashfield. Received 27/11/2014	
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot		Retention of existing mobile classroom (Building 4), Leen Mills Primary School, Leen Mills Lane, Hucknall. Granted 19/12/2014
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot		Retention of existing mobile classroom (Building 5), Leen Mills Primary School, Leen Mills Lane, Hucknall. Granted 19/12/2014

APPENDIX A

Division	Member	Received	Determined
BROXTOWE			
Chilwell & Toton	Cllr Dr John Doddy Cllr Richard Jackson		To retain existing temporary classroom as per planning permission 5/11/00568/CCR which expires on 30th September 2014, Bispham Drive Junior School, Bispham Drive, Toton. Granted 21/11/2014
GEDLING			
Newstead	Cllr Chris Barnfather		Small single storey extension, Hawthorne Primary School, School Walk, Bestwood Village. Granted 17/11/2014
Newstead	Cllr Chris Barnfather	Vary conditions 2 and 18 of the discontinuance order to allow the continuation of mineral extraction until 2035 and to amend the limit on transport movements from a daily to weekly figure. Yellowstone Quarry, Quarry Lane, Quarry Banks, Linby. Received 26/11/2014	
Carlton East	Cllr Nicki Brooks Cllr John Clarke	To retain existing mobile classroom, All Hallows C of E Primary School, Priory Road, Gedling. Received 27/11/2014	

APPENDIX A

Division	Member	Received	Determined
Carlton East	Cllr Nicki Brooks Cllr John Clarke	Amendment to processing capacity of site to increase permitted inputs to 150,000 tonnes annual capacity, installation of additional CHP Engine together with minor modifications to site boundary and siting of secondary digester tank. Bio Dynamic (UK) Limited, Private Road 4, Colwick Industrial Estate. Received 27/11/2014	
Carlton East	Cllr Nicki Brooks Cllr John Clarke		Small modular classroom with KS1 nurture provision and therapy rooms. Netherfield Primary School, Chandos Street, Netherfield. Granted 09/12/2014
Newstead	Cllr Chris Barnfather	To retain existing temporary classroom, Hawthorne Primary School, School Walk, Bestwood Village. Received 09/12/2014	
Newstead	Cllr Chris Barnfather		Variation of conditions and consolidation of planning permissions 7/99/0553; 7/2007/0557; 7/97/0249 and consolidation 7/97/1338 to extend time to work remaining consented mineral reserves until 31 December 2023 and completion of site by 31 December 2025. Bestwood II Quarry, Mansfield Road, Papplewick. Granted 22/12/2014

APPENDIX A

Division	Member	Received	Determined
RUSHCLIFFE			
Ruddington	Cllr Reg Adair	Extension to the existing time limit as defined in Condition 1 of planning permission reference 8/13/01494/CMA from 1 March 2015 until 31 August 2015. Bunny Materials Recycling Facility, Loughborough Road, Bunny. Received 26/11/2014	
Ruddington	Cllr Reg Adair	Demolition of Existing Disused Mobile, Erection of New freestanding Modular Classroom and staffroom Extension with associated external works. Costock Church of England Primary School, Main Street, Costock. Received 08/12/2014	
Soar Valley	Cllr Andrew Brown	Retain existing temporary classroom, Lantern Lane Primary School, Lantern Lane, East Leake. Received 17/12/2014	

Applications outstanding over 17 weeks at 31st December 2014

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Blyth & Harworth	Cllr Sheila Place	Planning application to vary conditions 7,12,13,14 and 16 of planning permission 1/66/02/00015. Variation of condition 7 to refer to updated plant and machinery details. Condition 12 to allow for an amended restoration scheme, condition 13 to refer to a surface run-off scheme. Condition 14 to refer to foul and surface water details. Condition 16 to extend the time for deposit of waste to 31 December 2017. Styrrup Quarry, Main Street, Styrrup	90	Resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 12/11/2013. Negotiations on legal agreement still ongoing
Blyth & Harworth	Cllr Sheila Place	Variation of condition 5 of planning permission 1/66/96/16 to allow for the continuation of spoil disposal operation at Harworth Colliery No 2 spoil heap, Harworth Colliery Spoil Tip, Blyth Road, Harworth	80	A time extension has been agreed to provide the applicant with time to produce a bird survey over the summer. Consultation will be required

APPENDIX B

Division	Member	Description	Weeks Out Standing	Comments
Worksop West	Cllr Kevin Greaves	Installation of an additional dust house; five bulk blending / storage silos and associated pipe bridge; hard surfacing and 3 propane vessels. MBA Polymers UK Limited, Sandy Lane, Worksop	44	New noise assessment requested
Misterton	Cllr Liz Yates	Planning application for a 56 Hectare extension to and re phasing of existing sand and gravel extraction, including use of existing processing plant with restoration to a mixture of agriculture and woodland. Finningley Quarry, Croft Road, Finningley, Doncaster.	42	Resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 16/12/2014.
Misterton	Cllr Liz Yates	Variation of conditions 6 and 7 of planning permission 1/32/02/00017 for an extension of time to allow the remaining sand and gravel reserves to be extracted. Finningley Quarry, Croft Road, Finningley, Doncaster	22	Applicant to produce ecology survey

Division	Member	Description	Weeks Out Standing	Comments
Blyth & Harworth	Cllr Sheila Place	Excavation of 40,000 cubic meters of colliery waste material from phase 1A residential development site and disposal upon Harworth Colliery spoil tip (area Tip 2). Excavation of colliery spoil from colliery tip (40,000 cubic metres from Area B and 10,000 cubic metres from Area A) and its replacement within Phase 1A residential development site to form a development platform to enable the development to be constructed to agreed finished levels. Restoration and greening over/aftercare of disturbed areas at Harworth Colliery. Land at Scrooby Road, Harworth	23	Delegated report being prepared
MANSFIELD				
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbirdis	Variation of condition 2 of planning permission 2/2010/0227/WT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years. Cast Quarry, Vale Road, Mansfield Woodhouse.	81	Resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 16/12/2014.

Division	Member	Description	Weeks Out Standing	Comments
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbirdis	Continuation of restoration of former limestone quarry by landfilling with inert waste and i) amendments to the final restoration scheme so as to increase the overall volume and duration of the landfilling and ii) retain the mobile plant storage facility until no longer required for the operation and restoration of the site. Vale Road Quarry, Vale Road, Mansfield Woodhouse.	20	Resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 16/12/2014.
NEWARK				
Newark West	Cllr Tony Roberts	Regularisation of use of additional land in connection with scrapyard, Briggs Metals Limited, Great North Road, Newark	206	Still awaiting response to EA's flood issues from the applicant.
Rufford	Cllr John Peck	Proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure. Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe	58	Resolved to grant permission at 18/11/2014 Planning & Licensing committee. Called In by Secretary of State 19/12/2014

Division	Member	Description	Weeks Out Standing	Comments
Collingham	Cllr Maureen Dobson	Proposed extension to existing quarry with restoration to water amenity, together with revised restoration for creation of an enlarged nature reserve and retention of existing plant site and site access. Land at Langford Quarry, Newark Road, Near Collingham	55	Resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 15/07/2014. Negotiations on legal agreement ongoing

Division	Member	Description	Weeks Out Standing	Comments
Ollerton		<p>Installation of a wood drying plant, storage silo for dried sawdust, green waste picking station and associated fixed trommel screen. Variation of Condition 3b and 3c (site layout) 7 (controls relating to storage), 9 (controls relating to green waste handling), 10 (controls relating to green waste handling), 12 (plant and machinery), removal of condition 18 (parking) and discharge of condition 21 (development within extension land) attached to planning permission 3/10/01533/CMA. Retrospective permission for the retention of timber processing picking station and associated static shredder; water storage tank; plus retention of shredder, conveyor and feed hopper between units 92 and 93. RM Right Wood Recycle, Unit 89B, Boughton Industrial Estate, Boughton.</p>	50	<p>Awaiting a dust emissions management plan.</p> <p>Negotiations ongoing between applicant and EA to secure suitable dust management</p>

Division	Member	Description	Weeks Out Standing	Comments
Farndon & Muskham Balderton	Cllr Mrs Sue Saddington Cllr Keith Walker	Erection of a steel framed building for the use as a materials recycling facility (MRF), Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark	41	Revised noise assessment received. Re-consultation process underway
Farnsfield & Lowdham Rufford	Cllr Roger Jackson Cllr John Peck	Removal and temporary storage 75,000cu.m of colliery spoil from lagoon 4 prior to the removal off site of approximately 40,000 cu.m of coal material; and any red shale arising from the works to be either used on site or exported. Bilsthorpe disused colliery, Eaking Road, Bilsthorpe	33	Awaiting submission of further information concerning an ecological survey
ASHFIELD				
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	125	Awaiting traffic impact assessment from the applicant

Division	Member	Description	Weeks Out Standing	Comments
Kirkby in Ashfield South	Cllr Rachel Madden	Use of derelict sandstone cutting for the disposal of inert waste material (including subsequent restoration scheme securing landscape and ecological benefits) Land adjacent to Shenton Lodge, Derby Road, Kirkby in Ashfield	31	Can be found elsewhere on the agenda
BROXTOWE				
Beeston South & Attenborough	Cllr Kate Foale	Variation of condition 3 of planning ref 5/06/01039/CCR to amend the alignment of the weir, associated bridge structure and reduce distance of the diversion to footpath No 69, Land southwest of Attenborough Nature Reserve, Barton Lane, Attenborough	303	Report written but conditions to be finalised
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	102	Noise issues still be resolved. Under government guidance new green belt issues raised concerning landscape
GEDLING				

Division	Member	Description	Weeks Out Standing	Comments
Newstead	Cllr Chris Barnfather	Improvement works to the country park involving the remodelling and partial in-filling of lake 2 for development as a fishery, and wider landscape improvement works and path upgrades, in total requiring the importation of circa 17,000m ³ of inert materials and soils. Newstead and Annesley Country Park, Newstead Village	109	Resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 25/02/2014
RUSHCLIFFE				
Keyworth	Cllr John Cottee	The Erection of 2 New Industrial Buildings and Installation of 7MW (approximate) Wood Fuelled Renewable Energy Biomass Plant, retaining existing wood recycling and composting operations. John Brooke (Sawmills) Limited, The Sawmill, Fosse Way, Widmerpool	65	Resolved to grant permission at 22/04/2014 Committee upon agreeing and signing of S106 Legal Agreement
Soar Valley	Cllr Andrew Brown	Request for none compliance of condition 6 of planning permission 8/12/01488/CMA to extend the time period necessary to restore land. East Leake Quarry, Rempstone Road, East Leake	35	Revised restoration scheme received and consulted upon, which has raised landscaping and bird strikes issues, which need to be resolved. Held in abeyance by the applicant to run with the Extension application

Division	Member	Description	Weeks Out Standing	Comments
Cotgrave	Cllr Richard Butler	Land reclamation of former mineral workings through the importation of inert waste with restoration to notable native and alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site, Canalside Industrial Park, Kinoulton Road, Cropwell Bishop	22	Awaiting transport assessment to be produced by applicant
Soar Valley	Cllr Andrew Brown	Application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake	20	Awaiting Reg 22 further information on ecology, bird strike and landscaping. Will require further consultation
Bingham	Cllr Martin Suthers	Erection of one kiosk and associated installation of new fencing and gates following the lawful demolition of the existing building. And installation of a swing jib under permitted development rights. Cogley Lane, Bingham,	20	Negotiating an acceptable fencing scheme

In the Autumn Statement it was announced that the Government intends to keep the speed in which local planning authorities reach decisions on major applications under review with the performance threshold rising to 50% from the current level of 40%. No timescale has yet been indicated for when this increased threshold may apply but the announcement refers to the threshold rising 'as performance continues to improve'. It is intended to advise Committee more fully as further details emerge.



20 January 2015

Agenda Item: 8

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

WORK PROGRAMME

Purpose of the Report

1. To consider the Committee's work programme for 2015.

Information and Advice

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

Other Options Considered

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

Reason/s for Recommendation/s

5. To keep Members of the Committee informed about future business of the Committee.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward
Corporate Director- Policy, Planning and Corporate Services

For any enquiries about this report please contact: David Forster, Democratic Services Officer

Constitutional Comments (HD)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

8. There are no financial implications arising directly from this report.

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
24 Feb 2015		Plots 10,11,12,13,14 and 16 Wigwam Lane, Hucknall	Use of site off Wigwam Lane for the recycling of inert materials (retrospective) and the construction of a 5m high sound attenuation wall
24 Feb 2015		Leas Park Junior School, Ley Lane, Mansfield Woodhouse	Retention of existing temporary classroom and vary Condition 2 of Plg Ref 2.2011/0489 to cease maintaining the soft landscaping and allow the grass to grow
24 Feb 2015			Review of Decision-Making in relation to Rights of Way Matters.
24 Feb 2015		Parish of Annesley and Greasley	An application to upgrade two footpaths to bridleway in the parishes of Annesley and Greasley
24 Mar 2015		Abbey Primary School, Stuart Avenue, Mansfield	Replacement School
24 Mar 2015	8/14/01550	Canalside Industrial Park, Kinoulton Road, Cropwell Bishop	Land reclamation of former mineral workings through the importation of inert waste with restoration to notable native and alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site.
24 Mar 2015	4/V/2014/0644	Central Waste Wigwam Lane, Hucknall	Construction of a new waste transfer station building to reduce dust and noise, including an overflow picking station plus the consolidation of the site into a single waste transfer station
24 Mar 2015	3/14/02198/CMA	Besthorpe Quarry, Collingham Road, Collingham, Newark	Variation of Cond 3 of Plg Ref 3/02/2402CMA to enable temporary retention of the conveyor infrastructure until 31 Dec 2023 or for 12 months following cessation of sand & gravel extraction (whichever is the sooner).
24 Mar 2015	3/14/02200/CMA	Besthorpe Quarry, Collingham Road, Collingham, Newark	Variation of Conds 2, 4, 24 & 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 Dec 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter & also amendment of the approved restoration & working plans.
24 Mar 2015	3/14/00976/CMA	Bilsthorpe disused colliery, Eaking Road, Bilsthorpe	Removal and temporary storage of 75,000 cu.m. of colliery spoil from lagoon 4 prior to the removal off site of approximately 40,000 cu.m of coal material and any red shale arising from the works to be either used on

			site or exported.
24 Mar 2015		Harworth Colliery Spoil Tip, Blyth Road, Harworth	The importation and spreading of high alkaline/organic material on exposed colliery discard to reduce the acidity level of surface water run-off from the tip.

Other Key Applications/Submissions in system but not timetabled to be reported to Planning & Licensing Committee before April 2015:-

Reference	Location	Brief Description
3/14/00614/CMA	Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark	Erection of a steel framed building for the use as a materials recycling facility (MRF)
1/13/00809/CDM	Harworth Colliery Spoil Tip, Blyth Road, Harworth	Variation of condition 5 of planning permission 1/66/96/16 to allow for the continuation of spoil disposal operation at Harworth Colliery No 2 spoil heap
5/13/00070/CM	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings
8/14/01781/CMA	East Leake Quarry, Rempstone Road, East Leake	Extension to existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoons and access haul road
7/2014/1025NCC	Land at Gedling Colliery, Off Arnold Lane, Gedling	Construction & operation of an Anaerobic Digestion Plant incorporating associated buildings, plant, equipment & access off Arnold Lane
7/2014/1382NCC	Yellowstone Quarry, Quarry Lane, Linby	Continuation of mineral extraction until 2035 and amend condition controlling traffic.
	Total Reclaims, Wigwam Lane, Hucknall	Continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates
3/14/01995/CMA	Cromwell Quarry, Land east of the A1, Slip Road A1, Cromwell, Newark	Re-submitted with new access – Application for new permission to replace extant planning permission 3/03/02626CMA in order to extend the time limit for implementation