

Planning and Licensing Committee

Tuesday, 24 February 2015 at 10:30

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

AGENDA

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| 3 | Declarations of Interests by Members and Officers:- (see note below)
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(b) Private Interests (pecuniary and non-pecuniary) | |
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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 20 January 2015 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

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

Roy Allan
Andrew Brown
Steve Calvert
Jim Creamer
Stan Heptinstall MBE

Rachel Madden
Andy Sissons
Keith Walker
Yvonne Woodhead

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
David Kerfoot - Solicitor
Ruth Kinsey – Planning Support Officer
Suzanne Osborne-James – Principal Planning Officer
Jonathan Smith – Principal Planning Officer

MINUTES OF LAST MEETING HELD ON 16 DECEMBER 2014

The minutes of the meeting held on 16 December 2014 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

There were no apologies for absence

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor John Wilkinson declared a Private Non pecuniary interest in agenda item, 6 Erection of a Two Storey Replacement Primary School Holgate Primary School High Leys Road Hucknall, on the grounds he is a Governor of the school. He also informed Committee that he would step down from the Chair for this item.

DECLARATIONS OF LOBBYING OF MEMBERS

There were no declarations of Lobbying

CHANGE IN ORDER OF BUSINESS

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

Following the Chairman's declaration of interest at the commencement of the meeting the Vice Chairman took the Chair for this item

ERECTION OF A TWO-STOREY REPLACEMENT PRIMARY SCHOOL ANNIE HOLGATE PRIMARY SCHOOL HIGH LEYS ROAD HUCKNALL

Mr Smith introduced the report and highlighted the proposed development is in line with the school replacement programme set by the Government. He informed members that in line with the County Councils policy regarding speed limits around schools. A Traffic Regulation Order was to be introduced by the end of March 2015. Particular reference was made to the proposed windows and scope for overlooking of a nearby property. He also informed members that the Condition 7 sent out in the appendix 3 attached to the report should read Revision P07 and not "Revision PO5".

Following the opening remarks of Mr Smith, Mr Fenson, a firefighter and local resident spoke against the application and highlighted the following.

- High Lees Road is not suitable if there are any incidents that require a Fire Engine to be in attendance as it would need to ram through the space.
- The school could reiterate to parents that there is a safety issue at peak times and consideration given to parking along High Leys Road.

In response to questions Mr Fenson responded as follows:-

- The police have been informed about the problems regarding parking in this area.
- The increase in numbers attending the school will create more traffic therefore the increase in parking spaces will not have the desired effect.
- There are schools in the area which have a similar problem however this school is by far the worst.

Mr Wilson, local resident, spoke against the development and highlighted the following:-

- The main issue is privacy as some of the school's windows overlook the garden.
- The issue of the drainage from the development will cause flooding on his property.

In response to a question Mr Wilson replied that anyone in the staffroom could stand looking into the garden and it would make it uncomfortable sitting in the garden by the fact it is overlooked.

In response to comments and questions following the objector's presentations, Mr Smith responded as follows:-

- The school's published admissions number is 420 and this will not change with the new development.
- Paragraph 64 sets out a response received from the Ambulance Service stating there had been no incidents to report in this area.
- The Fire and Rescue Service will respond under Building Regulations.
- Property Services are currently looking at the possibility of creating a second entrance to the school which, subject to funding could ease the traffic problems along High Leyes Road.
- The windows as shown on plan 6 attached to the report shows the distance from the development and the closest properties.
- The Environment Agency have not objected to the development as one of their conditions is that the new school building should not increase the flood risk to any existing property.

Mrs S Williams, representing the Children Families and Cultural Services Department, spoke in favour of the development and highlighted the following:-

- This development is in line with the Departments programme for replacing schools.
- The highway department have worked with the design team over the planning and transportation issues associated with the development.

The Vice-Chairman thanked all the speakers and moved the recommendation set out in the report, seconded by Councillor Wilkinson for discussion.

Members made the following comments:-

- 42 Metres distance is better than most people have for privacy in their gardens.
- The drainage in the area will not worsen existing flood risk
- There are no increases in the published admissions number.
- Could locals be involved in the establishment of the School Travel Plan

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

RESOLVED 2015/001

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 with the amendment to condition 7 and the addition of an Informative encouraging the involvement of local residents in the establishment of the School Travel Plan"

Councillor Wilkinson returned to the chair.

**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**

Mr Smith introduced the report and highlighted that there are sufficient facilities in the area to deal with the amount of inert waste expected. He also highlighted that Waste Core Strategy Policy WCS3 confirms that this method of disposal is the least favourable option.

Members made the following comments

- This is a Green Belt and therefore should not be used as an area for waste
- Traffic would be made worse in the surrounding area especially on the A611
- Wildlife would be disturbed if the development was to go ahead.

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

RESOLVED 2015/002

That planning permission be refused for the reasons set out in the Appendix attached to the report.

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

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

RESOLVED 2015/003

That the Local Government Ombudsman Report be noted

DEVELOPMENT MANAGEMENT PROGRESS REPORT

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

RESOLVED 2015/004

That the Development Management Report be noted.

WORK PROGRAMME

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

RESOLVED 2015/005

That the Work Programme be noted

The meeting closed at 12.05 pm.

CHAIRMAN

24th February 2015**Agenda Item:****REPORT OF SERVICE DIRECTOR HIGHWAYS****REVIEW OF DECISION-MAKING IN RELATION TO RIGHTS OF WAY
MATTERS****Purpose of the Report**

To propose changes to decision-making in relation to some Rights of Way matters in order for applications to be processed more quickly and efficiently.

Information and Advice

Planning & Licensing Committee has been responsible for the Council's Rights of Way matters since May 2014. The Committee has adopted a Code of Practice in relation to Rights of Way which includes confirmation of the matters reserved to Committee for decision.

This report proposes to undertake a change to the Code of Practice for a trial period. The purpose of the trial is to establish whether applications can be processed more quickly and efficiently, while at the same time ensuring Committee retains sufficient oversight.

The proposal relates to applications for Rights of Way Definitive Map Modification Orders. The first step in the process is for officers to undertake a pre-consultation exercise. Currently, if the relevant tests are satisfied and no objections are received, officers proceed to 'making' the order. This means that officers then carry out a formal consultation exercise before a final decision on whether to 'confirm' the order (i.e. make it permanent) is made. If any unresolved objections are received at the pre-consultation stage matters are referred to Committee to decide whether to 'make' the order and proceed to formal consultation, after which a final decision is made on whether to 'confirm' the order.

The proposal is to refer matters to Committee for decision after pre-consultation in the following circumstances only: -

- a. Where the Committee Chairman requests it
- b. Where the matter is referred by the local Councillor and the Committee's Chairman has agreed to the referral
- c. Where the Team Manager or equivalent considers the matter to be exceptionally sensitive or controversial

It is acknowledged there are benefits in taking matters to committee where there are unresolved objections; it is a transparent forum in which to take decisions and objectors have an opportunity to express their views. These issues can be addressed as follows: -

- a. If the proposal is approved officers will bring a quarterly update report on the progress of applications to ensure continued transparency; The Committee Work Programme will be amended accordingly.
- b. Officers will keep clear records of their reasons for decisions.
- c. Objectors would still have an opportunity to give their views; if objections are outstanding following formal consultation applications must be referred to the Planning Inspectorate whether or not the objections are legally relevant.

If approved, the new arrangements will be trialled until October 2015 at which time a further report will be brought to Committee; the report will include comparison data on the volume of applications processed in the period. Committee will be asked to approve the necessary updates to the Code of Practice if the trial is considered a success.

Other Options Considered

Not to change the decision-making process at this time; but it is considered preferable to streamline the process in light of pressures on officer and Committee time.

Reason/s for Recommendation/s

To ensure applications are processed quickly and effectively.

Statutory and Policy Implications

This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) For a trial period until October 2015 to delegate decision-making in relation to 'making' Definitive Map Modification Orders following pre-order consultation to Officers unless the following circumstances apply: -
 - a. Where the Committee Chairman requests it
 - b. Where the matter is referred by the local Councillor and the Committee's Chairman has agreed to the referral
 - c. Where the case officer considers the matter to be exceptionally sensitive or controversial

- 2) For the Committee Work Programme to be updated to include provision for quarterly reporting on applications for Definitive Map Modification Orders.

Andrew Warrington
Service Director Highways

For any enquiries about this report please contact:

Neil Lewis

Team Manager Countryside Access

neil.lewis@nottsc.gov.uk, 0115 9773169

Constitutional Comments (SLB 10/02/2015)

- 3) Planning & Licensing Committee is the appropriate body to consider the content of this report.

Financial Comments (SEM 02/02/15)

- 4) There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- The Rights of Way Committee Code of Best Practice (published)

Electoral Division(s) and Member(s) Affected

- All

25 February 2015**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****BASSETLAW DISTRICT REF. NO.: 1/14/01625/CDM****PROPOSAL: 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****LOCATION: HARWORTH COLLIERY SPOIL TIP, BLYTH ROAD, HARWORTH****APPLICANT: 4R GROUP LIMITED****Purpose of Report**

1. To consider a planning application for the importation and spreading of a high alkaline/organic material on exposed colliery discard at Harworth Colliery Spoil Tip No. 2 to reduce acidity levels. The key issues relate to noise, traffic and contamination. The recommendation is to grant planning permission subject to the planning conditions at Appendix 1.

The Site and Surroundings

2. Harworth Colliery Spoil Tip is located towards the northern boundary of Nottinghamshire, approximately 8km north-east of Worksop, 10km north-west of Retford and 10km south of Doncaster. The nearest residential areas are Styrrup, 80m to the west; Harworth and Bircotes, 800m to the north; and Blyth 1.3km to the south.
3. The spoil tip is located in a generally rural setting with an otherwise relatively flat topography. The surrounding area is dominated by agricultural fields, although there is urban and industrial development nearby, particularly to the north.
4. The site is bordered on the west by the A1(M), beyond which are agricultural fields apart from in the north where the village of Styrrup is located (see Plan 1). To the north the site is bordered by Serlby Road, beyond which is an industrial estate, which stretches around the north-east corner of the spoil tip. Beyond the industrial estate is Harworth Colliery itself, which is not currently operational. The spoil tip used to be connected to the colliery by a conveyor which ran in a north-east to south-west direction although this has now been largely dismantled. The villages of Harworth and Bircotes are separated by the

industrial estate and former colliery. To the east of the site is Blyth Road, beyond which are agricultural fields. To the south of the spoil tip there are also agricultural fields. Also of note, immediately to the south-east of the site is a small group of bungalows located off Blyth Road.

5. The spoil tip site is of a roughly rectangular shape and comprises an unfinished spoil tip with considerable areas of exposed spoil. In the north of the site, areas have been restored and comprise poor semi-improved acid grassland. Curving around the southern side of the spoil tip, and extending partway along the eastern and western sides is plantation broadleaved woodland. There is also an area of plantation broadleaved woodland adjacent to the A1(M) boundary in the north-western corner of the site. There are areas of plantation mixed woodland on the eastern and western edges of the site, and extending around the north-east boundary. Drainage ditches run around the toe of the spoil tip, connecting a number of ponds. There is an access track which runs around the base of the spoil tip.
6. The nearest residential receptor is an individual property located 15m to the east of the south-east corner of the site, although it is approximately 75m from any areas of bare spoil. There are bungalows located on Harworth Avenue, off Blyth Road, which are approximately 80m south-east of the site boundary (330m from any bare spoil). In addition, the nearest residential properties in Styrrup are 80m west of the application boundary, but 530m from any bare spoil.
7. Vehicular access to the spoil tip is via Blyth Road, using an existing entrance approximately half way along the eastern side of the spoil tip. Blyth Road joins the A614 to the south, just north of a junction with the A1. To the north Blyth Road passes through the western side of the village of Harworth.
8. The application site is not within any area of designation as shown on the Bassetlaw Core Strategy Proposals Map, although it is of note that the 'Development Boundary' of Harworth runs along the northern and eastern corner of the spoil tip.
9. Styrrup Quarry Site of Special Scientific Interest (SSSI), a geological exposure, is located 650m to the west of the spoil tip. There are no other internationally or nationally designated sites within 2km of the spoil tip. There are a number of nearby Local Wildlife Sites (LWS) formerly referred to as Sites of Importance for Nature Conservation (SINCs) including Ash Holt SINC, an ancient woodland supporting a characteristic flora 510m to the west; Styrrup Quarry SINC, a sand quarry of botanical interest 450m to the west; and Coronation Clump Sand Pit, a sand quarry supporting notable plant species and of faunal interest 730m to the east.
10. The most significant designated heritage assets in proximity to the spoil tip include a Grade II* Arch (1.2km to the east), Blyth Priory (Scheduled Monument 1.8km to the south), Blyth New Bridge (Scheduled Monument 2km south), Roman Villa at Oldcotes (Scheduled Monument 2.5km south-west), Malpas Hill Gateway (Grade II* 2.4km west), and Sandbeck Park and Roche Abbey (designated Park and Garden 2.35km west). In addition, there are a number of Grade II Listed Buildings located in the surrounding settlements. The nearest

conservation areas are in Blyth, approximately 2km south of the site, and at Oldcotes 2km west of the site boundary.

Proposed Development

Site History and Background

11. Harworth Colliery Spoil Tip No. 2 started receiving spoil in 1977 and ceased receiving spoil in 2006 due to Harworth Colliery being mothballed. The spoil tip has since been under a scheme of maintenance.
12. Planning permission for the spoil tip expired at the end of June 2013. A separate planning application was submitted before this date to extend the life of the spoil tip by 25 years, which would have been required if mining operations recommenced at Harworth Colliery. However, this application was formally withdrawn on 15 January 2015, because the operations will not be recommencing.
13. The applicant states that over the life of the colliery the surface of the spoil tip has become strongly acidic. This is a common feature of colliery spoil as the entrained pyrite is present in its raw reduced state and, on exposure to air, oxidises over time to produce sulphuric acid with a consequential pH reduction.
14. Chemical analysis undertaken in 2011 shows that the site has a strongly acidic pH of 3.0. One of the main issues with this is that there is a risk of significant amounts of acidic leachate for any water that percolates through the material and exits via drainage channels.
15. Previous acidity controls include surface water being fed through drainage channels and into a series of balance ponds. One of the balance ponds includes limestone blocks, which reduce the acidity of the water once it has passed through. Dilution of the water is still needed following this, which is achieved by pumping groundwater via boreholes into the run-off water prior to its discharge into the watercourse.
16. As a result of the above, a planning application was submitted in March 2013 for the importation and spreading of a liming by-product at Harworth Colliery Spoil Tip No. 2 in order to reduce acidity levels. The development was approved by Committee in September 2013 and subsequently took place between November 2013 and August 2014. The pH value was raised from around 2.2 to 4.2 at the discharge point, however dilution is still required at the discharge point to achieve the consented level of 5.
17. The applicant notes that while the previous operations have proved successful, there remains a need to import and spread further alkaline material to continue to reduce acidity levels of the spoil tip.

Proposed Development

18. This planning application is for the importation and spreading of a high alkaline/organic material at Harworth Colliery Spoil Tip No. 2. The purpose is to

assist in stabilising the surface of the tip area, to reduce the acidity levels in the surface water run-off from the site.

19. Table 1 below sets out the type of material proposed to be imported to the site as part of the proposal:

Table 1: Proposed Material to be Imported

Material	Description	Use	Anticipated Tonnage
Cement kiln dust	Cement kiln dust and by pass dust from the manufacture of cement.	Used for pH adjustment of the areas (flanks and roadways)	No more than 5,000 tonnes.
Filter cake	Filter cake derived from treatment of waste aggregates.	Used for soil/spoil improvement (addition of bulky organic matter to support plant growth and provide a matrix to reduce water infiltration and subsequent run off/acidic discharge).	No more than 10,000 tonnes.
Compost	Compost manufactured from source segregated wastes or non-source segregated wastes.	As above.	No more than 25,000 tonnes <u>in total</u> made up of compost/digestate/biosolids. The compost, digestate and biosolids have similar properties. Therefore if 1,000 tonnes of one material was utilised it would substitute 1,000 tonnes of another i.e. the total amount of imported material would be 25,000 tonnes.
Digestate	Digestate manufactured from source segregated wastes or non-source segregated wastes.	As above.	
Biosolids	Biosolids derived from waste water treatment works.	As above.	

20. The operations involve creating a surface layer treated with high alkaline material and organic matter to buffer the onsite acidification which is currently arising from the colliery spoil substrate. The aim is to stabilise the tip surface and buffer any potential for acid leachate production as water percolates through the mineral surface. This would reduce the acidity levels in the surface water run-off and the potential for polluting the water environment.
21. The proposal involves the importation of 40,000 tonnes of material. This figure is based on the typical rates needed to counteract acidification as being between 400 and 1,000 tonnes per hectare depending on the material and the analysis of the substrate in specific areas.
22. The material would be delivered to the site and placed in stockpiles to allow efficient application of the materials onto the tip surface. The material additions would be applied to the site in a three stage process:

- a) Application of the materials using a combination of dumper trucks to deposit the material and spreading using bulldozer or agricultural spreading operations;
 - b) Ripping and incorporation of the materials using deep tines attached to the bulldozer or using deep agricultural cultivation (i.e. heavy duty discs);
 - c) Rolling to level the surface. Planting of a temporary grass sward to encourage water infiltration and retention.
23. It is proposed that on the bowl surface of the tip the material would be mixed to a depth of 0-40cm and on the batters, the material would be mixed to a depth of 50-100cm.
24. After the material is mixed into the surface, the levelling works are undertaken and the seeding has taken place, further operations will only consist of monitoring the site to ensure the process has been successful. The applicant states that the site would then have the potential to facilitate a longer term restoration strategy.
25. The importation of the material would take place over a 12 month period and be delivered using articulated lorries via the access off Blythe Road.
26. The proposed hours of operation would correspond with those worked when the colliery spoil tip was operational. The hours proposed are 07:00 – 19:00 Mondays to Fridays; 07:00 – 13:00 on Saturdays; and no working on Sundays, Public or Bank Holidays.
27. Three full time employees would be employed at the site.

Consultations

28. **Bassetlaw District Council** – *No objection.*
29. **Styrrup with Oldcotes Parish Council** – *No objection subject to a suitable restriction being placed on activities when winds may carry material onto the A1 or homes at Pagdin Drive, Styrrup.*
30. **Environment Agency** – *No further comments to those that were made in respect of the previous application (F/2799).*
31. *The comments made by the Environment Agency in relation to the previous application to spread a high alkaline product at Harworth Colliery spoil tip raised no objections, but included a series of comments, as set out below:*
- a) *The proposed activities must not result in a breach of any conditions of the current site discharge consent;*
 - b) *The proposed development has the potential to generate significant suspended solids run-off and a scheme concurrent with any necessary mobile plant permit should address this risk;*

- c) *A scheme of sampling of surface waters on site to validate the success of the proposed activity is requested;*
- d) *The EA requests a pre-commencement site meeting.*
32. **NCC (Planning Policy)** – *There are no specific policies in the Nottinghamshire Minerals Local Plan (MLP) relating to the proposed activity and as a result there are no policy comments. This is subject to your satisfaction that the environmental and amenity impacts of the development are not unacceptable – for this comments are deferred to the relevant teams within the Council. In considering these impacts, attention is drawn to the environmental protection and reclamation policies set out in Chapters 3 and 4 of the MLP, and also the emerging development plan policies in the Preferred Approach.*
33. **NCC (Nature Conservation)** – *No ecological assessment has been carried out in support of this application. However, it is apparent that the ecological potential of the bare colliery spoil is largely negligible. However, the site may have the potential to support Little Ringed Plover (LRP), which regularly use open gravel or former colliery areas as their breeding habitat from March until July. As such, it is recommended that a targeted survey of the site is carried out for LRP in the event that works commence during the period of March to July, or if new areas of tipping are commenced in this period. The results of the survey should be submitted to the County Council in a report with recommended mitigation measures should these be required.*
34. *Concern is raised in relation to the type of material to be used during the proposed development. The existing restoration of the site is to an acid grassland and heathland habitat, which requires relatively nutrient poor ground conditions. It is therefore queried how the use of high nutrient materials may affect the success of the site restoration.*
35. *Confirmation is sought that tipping of alkaline materials would be restricted to existing bare areas of colliery shale, and no areas of established vegetation would be affected by the works.*
36. **NCC (Countryside Access)** – *There are no definitive rights of way on the proposed development site.*
37. **NCC (Highways) Bassetlaw** – *This proposal is similar to that of implemented planning permission reference 1/13/00639/CDM. However, the total tonnage of imported material has been increased from 32,000 to 40,000 tonnes, but daily vehicle movements are not materially different as the proposal is to take place over 12 months as opposed to the previously accepted 10 months.*
38. *As before, vehicles would be routed via Blyth Road and the A1. The classification of these roads is such that NCC Highways does not envisage that the proposed development would compromise the free flow of traffic along these routes. There is no objection on highway grounds.*
39. **NCC (Noise Engineer)** – *It is recommended should planning permission be granted, conditions should be attached relating to working hours, noise levels at the nearest sensitive receptors, and reversing alarms.*

40. **Anglian Water Services Limited** – *No comments.*
41. **Northern Powergrid** – *No objections.*
42. **NCC (Reclamation), Severn Trent Water Limited, Western Power Distribution and National Grid (Gas)** have not responded at the time of writing. Any response received will be reported orally.

Publicity

43. 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. No representations have been received.
44. Councillor Sheila Place has been notified of the application.

Observations

Introduction

45. Planning permission is sought to import a high alkaline material to spread on Harworth Colliery Spoil Tip No. 2. The purpose is to reduce the acidity of surface water run-off. The proposal involves the importation of 40,000 tonnes of material over a 12 month period.

Planning Policy Assessment of the Proposed Site

46. There are no policies within the Nottinghamshire Minerals Local Plan (MLP) that deal directly with the spreading of high alkaline material on a spoil tip to alter pH levels of surface water run-off. However, there are policies that relate to spoil tips.
47. Policy M12.3 (Colliery Spoil Disposal) of the MLP sets out measures that will be imposed where planning permission is granted for colliery tipping, namely:
 - a) Priority is given to early construction and reclamation of external, visible faces;
 - b) Tipping profiles avoid 'engineered' or other alien landforms;
 - c) Opportunities are taken to improve the appearance of existing adjacent tipping schemes;
 - d) Reclamation is phased to minimise visual impact and problems of surface run-off;
 - e) Opportunities are taken to reclaim sites to suitable level Biodiversity Action Plan priority habitats.

48. It is recognised that the proposed development does not strictly fall under Policy M12.3. However, as the development involves tipping material onto an existing spoil tip elements of the policy are applicable, namely the promotion of early reclamation and minimisation of problems associated with surface water run-off.
49. As mentioned above, the existing planning permission for the spoil tip has expired. An application was submitted to extend the life of the spoil tip, although this was withdrawn in January 2015 as a decision was made that colliery operations would not recommence. Due to the withdrawal of this application, the site cannot be restored in accordance with the currently approved contours. As a result an alternative restoration will need to be submitted to, and approved by, the MPA; a process which is likely to take some months. As such, this proposal for importation and spreading of a high alkaline material over a period of 12 months is unlikely to have a significant impact on restoration timescales providing that it is implemented quickly.
50. In order to ensure that the development is implemented in a timely manner it is recommended that a condition requires the development to commence within 12 months of permission being granted and lasts no longer than the 12 months stated in the application.
51. The second relevant aspect of Policy M12.3 is phasing schemes to minimise surface water run-off problems. Whilst it is acknowledged that this scheme has little to do with phasing, the purpose is to mitigate existing surface-water run-off problems. As such, the development is considered to be in line with the thrust of this section of Policy M12.3.

Contamination and the Water Environment

52. The National Planning Policy Framework (NPPF) discusses pollution in Chapter 11 'Conserving and Enhancing the Natural Environment', with paragraph 120 stating that planning decisions should ensure that new development is appropriate to its location and the effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account.
53. Policy M3.8 of the MLP states that planning permission for minerals development will only be granted where:
- a) Surface water flows are not detrimentally altered;
 - b) Groundwater levels, where critical, are not affected;
 - c) There are no risks of polluting ground or surface waters.
54. Surface water flows are currently controlled by drainage channels surrounding the spoil tip, which link balance ponds together. This method of managing surface water would not be altered. However, the development is proposed to reduce, and if possible remove, the need to abstract ground water to dilute the surface water run-off, thereby reducing the volume of water entering the local watercourse. The development is in accordance with Part a) of Policy M3.8.

55. The proposed development would reduce, or even eliminate, the need to abstract groundwater for dilution purposes. This means that groundwater levels would no longer be affected by the treatment process, fully in line with Part b) of Policy M3.8.
56. The purpose of the development is to create a surface layer on the spoil tip treated with high alkaline material. This would buffer the acidification which is presently arising from the colliery spoil substrate, preventing the potential for acid leachate production as water percolates through the mineral surface. This would reduce the acidity levels in the surface water run-off and the potential for polluting the water environment. The development is therefore fully in accordance with Part c) of Policy M3.8.
57. The Environment Agency has been consulted on the proposal and has no objection, although a number of comments have been made relating to permits and sampling. The applicant's attention will be drawn to the comments in the 'informatives' section of the decision notice should planning permission be granted.

Traffic and Access

58. The development would involve the importation, by HGV, of 40,000 tonnes of material over a period of 12 months. The applicant has submitted, as an appendix, the transport assessment that was undertaken for the previous planning application, as the applicant was of the view that the HGV numbers would be very similar to those generated by the previous proposal.
59. The previous application would allow an average of 3,200 tonnes of material to be imported to the site per month, and this application would allow an average of 3,333 tonnes per month. As such, the vehicle numbers would be very similar to the previous application. The vehicle numbers associated with the previous application are summarised in Table 2 below:

Table 2 – Monthly tonnage import and lorry movements

Month	Tonnage	Lorry Movements	
		Average 25 Tonne Load	Average 30 Tonne Load
1	820	66	54
2	1,640	132	110
3	2,465	198	164
4	4,923	394	328
5	4,923	394	328
6	4,923	394	328
7	4,923	394	328
8	4,923	394	328
9	1,640	132	110
10	820	66	54
Total	32,000	2,564	2,132

60. The transport statement assumed that each month represents 28 days (rather than 30-31) to increase the average daily traffic generation. Each working week of 5 ½ working days equals 66 working hours (264 hours over a month).

61. During the peak months, assuming a 25 tonne load, there would be 394 lorry movements per month. Based on the above assumptions this equates to 18 lorry movements per day (1.5 movements per hour). Development generated traffic would increase the 12 hour flows of traffic along Blyth Road from an observed figure of 5,241 to a forecast figure of 5,259, an increase of 0.3%.
62. The HGVs delivering material to the site would travel via junction 34 of the A1(M) (the Blyth junction) and then travel along the section of Blyth Road to the site access on the eastern side of the spoil tip.
63. The proposed development will not generate a level of traffic that would compromise the surrounding highway network. This view is supported by the NCC Highways Team, which raises no objection. In this regard, the development is in accordance with Policy M3.13 (Vehicular Movements) of the MLP.
64. It is also suggested that conditions relating to visibility and maintaining an access with a suitably bound material are attached to any planning permission granted, as was the case with the previous development. This measure is in line with Policy M3.12 of the MLP which recommends the use of measures to prevent mud and other deleterious material contaminating the public highway.

Noise

65. No noise assessment has been submitted with this application. However, a noise assessment was submitted with the previous application for spreading of a high alkaline material. The noise assessment considered the potential noise impact associated with any future short-term and operational activities on the spoil tip, including the loading of soil and spoil by wheeled loaders, transport of material around the site, and bund/tip shaping by a dozer.
66. The noise assessment was originally conducted in relation to the application to extend the life of the spoil tip, as mentioned in the site history and background of this report.
67. The noise assessment submitted in relation to the previous application undertook baseline noise monitoring at three locations, which were discussed with the NCC Noise Engineer and considered to be representative of locations most exposed to noise from the site. The noise measurement locations and levels are set out in Table 3 below.

Table 3 – Summary of Measured Daytime (07:00-19:00hrs) Noise Levels, dB(A)

Location	L _{Amax}	L _{Aeq}	L _{A90}
1: Adjacent to rear gardens on Pagdin Drive	65-88	59	56
2: Front Garden of Kirk View Kennels and Cattery	70-82	61	47
3: Rear of dwellings on Harworth Avenue	56-91	52	45

68. The previous assessment states that the main source of background noise is road traffic.
69. The predicted noise levels have been calculated during the previous noise assessment, which assessed short term operations under a number of different

scenarios to reflect worst case conditions (e.g. where items of plant will work closest to each of the nearby dwellings). Similarly, the calculated noise levels during normal operations have been carried out for a number of scenarios to reflect worst-case conditions. The predicted noise levels have been calculated using noise levels from two CAT 250E Dump Trucks, a CAT 950 Loading Shovel and a CAT D6 Dozer and it has been assumed that all fixed and mobile plant would have 100% on-time for the purpose of calculating a worst case scenario. The predicted noise levels are set out in Table 4 below.

Table 4 – Predicted Worst-Case Hourly Noise Levels (dB L_{Aeq,1hr,free-field})

70. Location	Short Term Operations					Normal Operations			
	Limit	T1	T2	T3	T4	Limit	N1	N2	N3
1: Adjacent to rear gardens on Pagdin Drive	70	53	62	62	63	55	45	43	43
2: Front Garden of Kirk View Kennels and Cattery	70	28	27	31	51	55	29	30	50
2A: Dwellings on Harworth Avenue adjacent to Blyth Lane	70	26	26	30	47	55	29	29	45
3: Dwellings on Harworth Avenue	70	26	25	30	46	55	28	29	43

71. The Technical Guidance to the NPPF provides guidance on noise levels at minerals sites. Paragraph 30 states that subject to a maximum of 55dB(A)LAeq, 1h (free field) minerals planning authorities should aim to establish a noise limit at noise sensitive properties that does not exceed the background level by more than 10dB(A). Paragraph 31 notes that mineral operations often have some particularly noisy short-term activities that cannot meet the limits set for normal operations. However, these activities can bring longer-term environmental benefits. Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer term environmental benefit to the site or its environs.
72. The noise assessment concludes that the results of the calculations, as set out in Table 4, show that noise from the site during both short-term and normal operations would meet the adopted noise criteria. The applicant considers that noise from the site can be controlled to below the adopted noise criteria without any specific noise mitigation measures other than using plant that meets the adopted source noise levels.
73. The NCC Noise Engineer has reviewed the noise assessment and notes that the existing background noise levels (L₉₀) were recorded as 56dB at Pagdin Drive, 47dB at Kirk View Kennels and 45dB at Harworth Avenue. The NPPF specifies that noise levels from normal operations should not exceed an LAeq, 1hour of L₉₀ + 10dB subject to a maximum limit of 55dB. Therefore the noise limit for normal operations will be L_{Aeq, 1 hour} 55dB at all properties. All noise levels from site operations are predicted to be equal to or less than the permitted levels in the NPPF for normal operations. Therefore, it is not anticipated that there will be any adverse noise impact from the proposals.

74. The NCC Noise Engineer has reviewed the application and is satisfied that this application would result in the same potential noise impact as the previous application for spreading of a high alkaline material at this site, and the comments and suggested conditions made in relation to the previous application remain valid. Attaching such conditions would be in line with Policy M3.5 of the MLP which seeks to attach appropriate conditions to planning permission for minerals development.
75. The NCC Noise Engineer recommends conditions relating to working hours, noise limits and reversing alarms on vehicles/mobile plant.
76. It is also worth noting that over the 10 month duration that the previous spreading operation took place, no complaints were received.

Ecology

77. The proposed development is not within any areas of ecological designation, with the nearest being Styrrup Quarry SINC approximately 450m to the west. It is not considered that the development will have any impact on this, or any other, designated area.
78. NCC Ecology highlights the potential for the site to be used by Little Ringed Plover (LRP). As such, a condition is recommended to undertake a targeted survey for LRP in the event that works commence between the period March to July, or if any material is spread in any new areas during this period.
79. NCC Ecology has raised concerns in relation to the spreading of materials which are, or may be, high in nutrients, because the restoration of this site is to an acid grassland and heathland habitat which requires relatively poor ground conditions. However, it is important to note that the restoration scheme associated with the recently expired permission for the site's use as a spoil tip cannot be achieved. As such, an alternative restoration scheme is required from the site owner.
80. Once the material is placed, and before final restoration, the applicant proposes a temporary grass sward to encourage water infiltration and retention. It is recommended that a condition be attached requiring the submission of details of the seed mix prior to use.

Other

81. The proposed activities (i.e. placing of high alkaline material and ripping activities) has the potential to generate dust, particularly during dry and windy conditions. In light of this, conditions will be attached to suppress dust generation in line with Policy M3.7 of the MLP.
82. The issue of visual impact is noted and some of the proposed material to be imported is likely to be light in colour. However, for the material to be effective it would need ploughing/ripping into the top layer of exposed colliery spoil. As such, this would not cause a lightening of the spoil surface. It is therefore considered that there would not be a material visual impact from the proposed development.

Other Options Considered

83. 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

84. 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.

Service User, Financial, Equalities, Safeguarding of Children, and Human Resources Implications

85. No implications.

Crime and Disorder Implications

86. With regard to crime and disorder there have been instances of trespass on the spoil tip, with individuals observed to be 'ferreting' for rabbits. An operational presence on site may serve to deter this type of activity.

Human Rights Implications

87. 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

88. The acidification of the surface of the spoil tip carries potential environmental risks of pollution of surrounding watercourses. Previous measures to reduce this risk include placing limestone blocks in balancing ponds, using abstracted groundwater to dilute run-off and placing alkaline material on the spoil tip surface. The proposal would reduce the potential risks of pollution to the wider environment, remove the need to abstract water for the purposes of dilution and include the use of recycled material and by products rather than a primary aggregate.

Statement of Positive and Proactive Engagement

89. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan

policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

90. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. 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

Planning and Licensing Committee is the appropriate body to consider the content of the report.

[SLB 04/02/2015]

Comments of the Service Director - Finance

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

[SEM 04/02/15]

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

Blyth and Harworth – Councillor Sheila Place

Report Author / Case Officer

Oliver Meek

0115 9932583

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

RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 12 months 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 Minerals Planning Authority (MPA) 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 development.

Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.

3. The development hereby permitted is for a temporary period only, ceasing 12 months after the commencement of development as notified under condition 2.

Reason: To ensure the development is undertaken in a timely manner and does not materially delay the restoration of the site.

Approved Plans and Documents

4. The development hereby permitted shall be carried out in accordance with the following plans and documents, unless otherwise required pursuant to other conditions of this planning permission:

- a) Drawing no. 001/HPL/HE/HTIP titled 'Site Location Plan' – received by the MPA on 21 November 2014;
- b) Drawing no. 002/HPL/HE/HTIP titled 'Planning Application Plan' – received by the MPA on 21 November 2014;
- c) Planning Application Forms – received by the MPA on 21 November 2014;
- d) Planning Supporting Statement – received by the MPA on 21 November 2014;
- e) Transport Statement – received by the MPA on 21 November 2014.

Reason: For the avoidance of doubt.

Importation of Material

5. Only materials set out in Section 3 of the Planning Application Supporting Statement, received by the MPA on 21 November 2014, shall be used as the high alkaline material in the development hereby permitted. Details of any other

similar by-products shall be submitted to, and approved in writing by, the MPA prior to their use on site.

Reason: To define the high alkaline material to be used.

6. With the exception of Condition 7, the material to be imported shall only be spread on areas of bare and exposed colliery spoil.

Reason: To ensure restored areas are not affected.

7. Prior to any material being spread on previously restored areas details shall be submitted to, and approved in writing by, the MPA. The spreading shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure restored areas are not affected.

8. The maximum amount of material to be imported to the site is 40,000 tonnes. A written record shall be kept by the site operator of the amounts of material accepted and it shall be made available to the MPA within 7 days of a written request from the MPA.

Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan (MLP).

Hours of Working

9. The development hereby permitted shall only operate between the following hours:

Operation	Area of Site	Mondays to Fridays	Saturdays	Sundays, Bank and Public Holidays
Transportation of Lime Material to Site	-	07:00 – 19:00	07:00 – 13:00	Not at all
Deposit/spreading of lime material	Within 200m of Kirk View Kennels	08:00 – 18:00	08:00 – 13:00	Not at all
	All other areas	07:00 – 19:00	07:00 – 13:00	Not at all

Reason: In the interests of the amenity of nearby occupiers and to accord with Policy M3.5 of the MLP.

Noise

10. Noise levels due to short term operations within the site shall only exceed 55dB(A) (1 hour Leq) when measured at residential receptors, for periods totalling no more than 8 weeks during the 12 month life of the development

hereby permitted. During an 8 week period the maximum noise level shall not exceed 70dB(A) (1hour Leq) when measured at residential receptors.

Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP.

11. Other than as set out in Condition 10, the noise level from the development hereby permitted shall not exceed 55dB(A) when measured as a 1 hour L_{Aeq} at any residential receptor.

Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP.

12. All vehicle and mobile plant on-site shall be fitted with smart audible alarms adjusted to background noise levels at all times.

Reason: To mitigate noise impact in accordance with Policy M3.5 of the MLP.

Dust

13. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- a) The use of water bowsters to dampen haul roads, stockpiles, exposed spoil material and other operational areas of the site;
- b) The regular regrading of internal haul roads;
- c) The fitting of all mobile plant with exhaust systems which cannot be emitted in a downward direction;
- d) The minimisation of exposed surfaces on stockpiles.
- e) Upon the request of the MPA, the temporary suspension of operations during periods of unfavourably dry or windy weather conditions.

Reason: To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 of the MLP.

14. Dust monitoring shall be carried out on site in accordance with a dust monitoring scheme which shall have been submitted to, and approved in writing by, the MPA within one month of the date of commencement of the development. The dust monitoring scheme shall include:

- a) Details of the method of dust monitoring;
- b) The location of dust monitoring points;
- c) The frequency of dust monitoring inspections;

- d) The method of analysis;
- e) The logging of dust monitoring results;
- f) The submission of dust monitoring results to the MPA; and
- g) Procedures and timescales for implementing corrective actions.

Any corrective actions considered necessary shall be implemented in accordance with the approved scheme.

Reason: To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 of the MLP.

Ecology

15. Should development commence, or spreading of material in new areas commence, between the months of March to July inclusive, a targeted survey for Little Ringed Plovers shall be submitted to, and approved by, the MPA prior to the commencement of any activities. The results of the survey shall be submitted to the MPA in the form of a report with recommended mitigation measures, if required. Development shall be carried out in accordance with any such mitigation measures.

Reason: In order to reduce potential for impact on protected species.

16. Before planting of a temporary grass sward following the spreading of material, details of seed mixes shall be submitted to, and approved in writing by, the MPA. Sowing shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the appropriate seed mix is used.

Traffic and Access

17. The area within the visibility splays, shown on drawing no 2127/1 titled 'Existing Site Access', shall be kept free of all obstructions, structures or erections exceeding 0.26 m above carriageway level for the duration of the development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.

18. No part of the development hereby permitted shall be brought into use until the access to the site has been surfaced in a bound material for a minimum distance of 15m behind the highway boundary in accordance with plans first submitted to, and approved in writing by, the MPA.

Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.

Contamination

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with Policy M3.8 of the MLP.

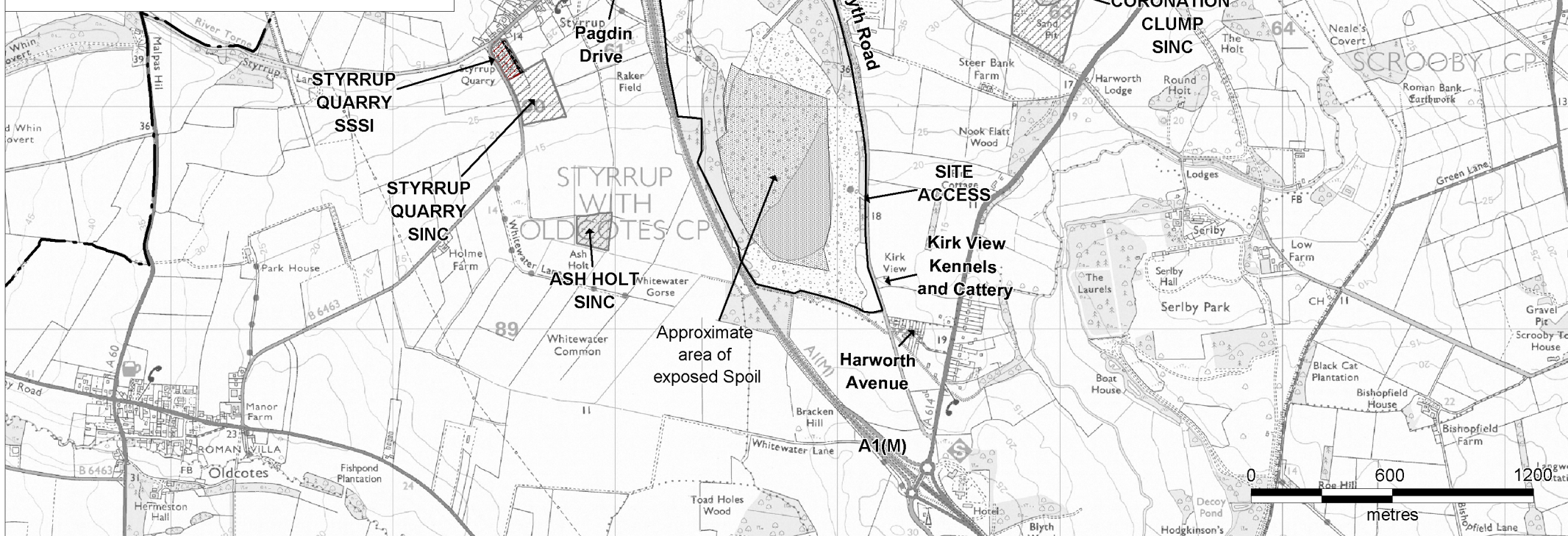
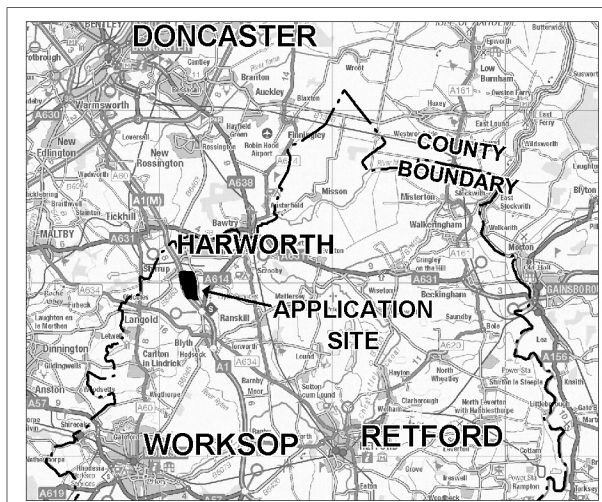
Other

20. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, as amended, no plant, buildings or machinery shall be erected on site without the prior written approved of the MPA.

Reason: In order that the effects of any proposed plant, building and machinery can be assessed by the MPA.

INFORMATIVES / NOTES TO APPLICANT

1. Attention is drawn to the letter from the Environment Agency dated 1 August 2013, a copy of which is attached to this decision notice.
2. Attention is drawn to the letter from Northern Powergrid dated 22 December 2014, a copy of which is attached to this decision notice.



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823

The importation of alkaline/lime rich material to spread on the exposed colliery discard and provide a long term solution to reducing the acidity levels of the surface water run-off from the tip. Harworth Colliery Spoil Tip, Blyth Road, Harworth, Nottinghamshire.

Planning Application No. 1/14/01625/CDM

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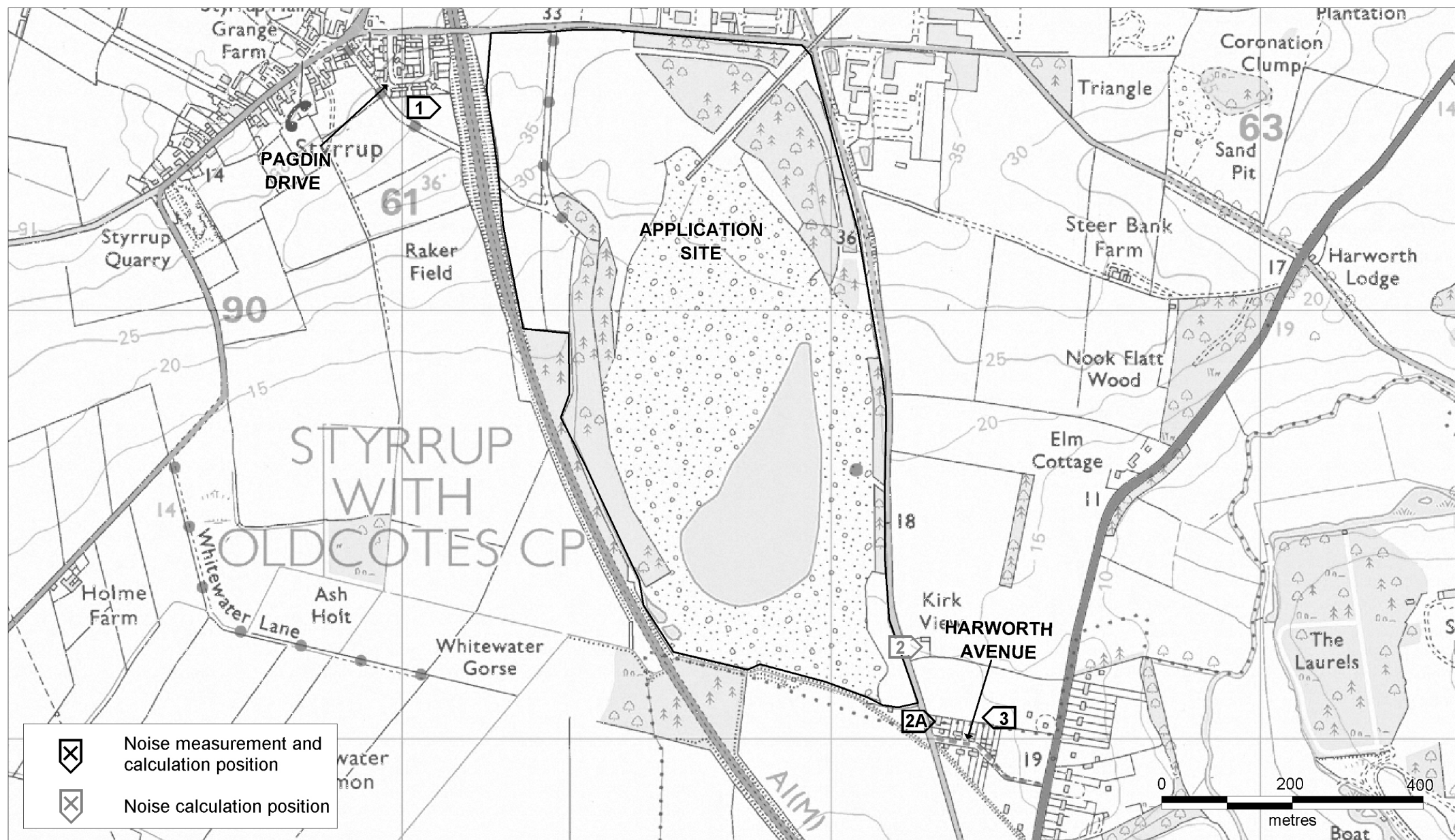


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Date: FEB 2015

PLAN 1



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823

The importation of alkaline/lime rich material to spread on the exposed colliery discard and provide a long term solution to reducing the acidity levels of the surface water run-off from the tip. Harworth Colliery Spoil Tip, Blyth Road, Harworth, Nottinghamshire.

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PLAN 2

24 February 2015**Agenda Item:7****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****MANSFIELD DISTRICT REF. NO.: 2/2014/0723/NT**

**PROPOSAL: 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**

**LOCATION: LEAS PARK JUNIOR SCHOOL, LEY LANE
MANSFIELD WOODHOUSE**

APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for the retention of a mobile classroom for a further three years, and the removal of Condition 2 of Planning Permission Ref: 2/2011/0489/NT which requires the implementation and maintenance of planting and landscaping works. The key issues relate to surface water run-off, flooding and residential amenity. It is recommended that planning permission is granted subject to the conditions at Appendix 2.

The Site and Surroundings

2. The planning application site is Leas Park Junior School, which is part of a large school campus located within the urban boundary of Mansfield Woodhouse (see Plan 1). The wider school campus also contains Yeoman Park Special School, Nettleworth Infant and Nursery School, and to the north is the Manor Academy. Leas Park lies to the south-east. The wider area is residential in character.
3. With regard to the immediate surroundings, to the south of Leas Park Junior School are residential properties and commercial premises on Ley Lane. There are also residential properties to the east and north east on Ley Lane and Rolaine Close. Nettleworth Infant and Nursery School and Yeoman Park Special School are located immediately to the west, and playing fields associated with Manor Academy are located to the north. The school is accessed to the south, off Ley Lane, and it shares the access with Nettleworth School.

4. The school site comprises a main school building, which is of a single storey CLASP construction, and the mobile classroom subject to this application. There are areas of hard surfaced playground to the north-east of the main school building, and grassed playing field area to the north. To the south of the school building is car parking and the access road off Ley Lane. There are a number of trees to the north-east and east of the main school building, on the grass and hard surfaced play areas. There is also tree planting along the access road to the south of the school building. The school site is secured by green pallas fencing. In terms of topography the site is generally flat, with a very gentle slope from west to east.
5. There are residential properties immediately bordering the site to the south, east and north-east. The properties closest to the modular classroom subject to this application are located to the north-east, with the nearest rear garden approximately 35m distant and the nearest property 41m distant. These properties are separated from the school by wooden fencing and a separate green pallas fence. At the base of the fencing within the school site there is border planting measuring between 0.5-1m in width containing low level shrub plants, some of which have failed.
6. The nearest sensitive receptors are Park Hall Lake Local Wildlife Site (LWS), a lake and drains with notable aquatic and marsh communities, approximately 1.05km to the north-east of the school site; and Sherwood Colliery LWS, a former colliery spoil heap supporting a rich assemblage of breeding birds, approximately 1km to the south-west.
7. Approximately 90m to the south east of the mobile classroom (and 50m from the boundary of the school) is the Mansfield Woodhouse Conservation Area. Within the conservation area there are a number of listed buildings, the nearest being approximate 50m east of the school access road.
8. The mobile classroom is located within an area designated as protected school/college playing field, as shown on the Mansfield Local Plan Proposals Map.
9. The site is within Flood Zone 1, having a low probability (less than 1 in 1,000 annual probability) of flooding from rivers or sea.

Proposed Development

Background

10. Leas Park Junior School was originally built as a 240 place junior school, with a Published Admission Number (PAN) of 60, which means there is an annual intake of 60 pupils. However, approximately 10 years ago the PAN was increased to 70, to bring it into line with the adjacent feeder school, Nettleworth Infant and Nursery School. This took Leas Park up to a 280 place junior school. In order to accommodate the additional pupils a mobile classroom was provided.
11. As a result of the increase in pupils, the school utilises spare space within the school, including the shared spaces such as the library, corridors, ICT room and

hall, as classroom spaces. The mobile classroom provides a small group room area; an inclusion and Special Educational Needs (SEN) space; Planning, Preparation and Assessment (PPA) space; and peripatetic teacher space. The mobile classroom is subject to a full timetable and is currently used for:

- a) Music lessons;
 - b) Teaching Assistant (TA) group work;
 - c) School Nurse 'drop in' clinic for parents;
 - d) Meetings during the school day with parents and other professionals;
 - e) Teachers' Planning, Preparation and Assessment (PPA) time.
12. Planning permission was granted (Ref: 2/2011/0489/NT) for the retention of the mobile classroom on 30th September 2011. The planning permission was subject to two conditions. The first limited the life of the permission for the classroom to 31st December 2014. The second condition required soft landscaping works adjacent to the site boundary at the rear of properties 15-21 Rolaine Close. It is noted that the most recent planning permission for the mobile classroom has now expired, although the application subject to this report was submitted prior to its expiry.
13. It is of note that the previous planning permission (among other issues) was subject to a complaint to the Local Government Ombudsman (LGO). The complaint focused on a number of issues, particularly:
- a) Failure to engage with residents when considering an application for the retention of a temporary classroom at a neighbouring school;
 - b) Failure to notify residents about an application for the retention of a temporary classroom at another neighbouring school;
 - c) Granting of planning permission contrary to planning policy;
 - d) Failure to honour a commitment to do with the maintenance of trees;
 - e) Misleading information to do with the installation of a sports facility at a third school and also about the County Council's complaints procedure.
14. In summary, the LGO concluded that there was no prospect that an investigation by the LGO would establish that the actions of the Council had resulted in any significant degree of injustice to the complainant.
15. A further complaint was raised in 2014 with the LGO in relation to the planting required by Condition 2 of the mobile classroom permission. The planting was carried out in the summer of 2012, and it was brought to the attention of NCC in 2013 that the planting had failed. The area was replanted that autumn, and again it was brought to the attention of NCC that the planting had failed. The area was replanted, but again failed. Photographs showing stretches of failed planting are attached at Appendix 1

16. A request was made that enforcement action was taken. The County Council's Monitoring and Enforcement Officers were of the view that there was no breach of condition, because the planting had been carried out and replanted as required by condition.
17. The LGO again chose not to investigate the complaint, concluding that the Council's decision not to take planning enforcement action against a planning condition requiring landscaping would not be investigated as no evidence of any fault in how it had taken its decision had been seen. The LGO also noted that the complainant had provided no evidence to indicate what injustice had been suffered. The decision that the Council had taken could not be criticised.

Proposed Development

18. This application is seeking planning permission to retain the existing mobile classroom for a further 3 years.
19. Planning Permission is also sought to vary Condition 2 of the extant planning permission, so that the planting scheme required under that condition no longer has to be maintained and the grass can be reinstated.

Consultations

20. **Mansfield District Council** – No objection.
21. **Environment Agency** – No comments.
22. **NCC (Built Heritage)** – There is no impact on the setting of any designated heritage assets.
23. **NCC (Highways) Mansfield** – No objection.
24. **National Grid (Gas)** – No objection.
25. No representation has been received from **Severn Trent Water Limited, Western Power Distribution, Police Force Architectural Liaison Officer, and NCC (Road Safety)**. Any representations received will be reported orally.

Publicity

26. The application has been publicised by means of site notices and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. A total of two letters have been received, both raise concerns with the proposed development. One of the letters has six signatories and states that the letter represents a joint view, but each signature represents an individual comment (it is for this reason that the application is referred to Committee for determination). The second letter is written by one of the signatories of the joint letter, but is supplemental to and independent from the other letter.
27. The objections made in the representations are summarised below:

- a) A number of properties share a boundary with the school and it can have an impact on the individual homes and lives of the neighbours. In an ideal situation the further children play from the fence the less the likelihood that damage to property would occur, particularly from throwing stones.
- b) Residents seek assurances that complaints about children throwing projectiles are not met with solicitor's letters from Nottinghamshire County Council seeking proof of allegations.
- c) If the classroom remains in its current position children would continue to play right up to the fence and the likelihood of items being thrown over the fence into rear gardens would remain.
- d) If the classroom remains in its current position the likelihood of potential flooding of the residents' of Rolaine Close would remain at an increased level.
- e) The wilful destruction of shrubs running parallel to the boundary fence further increases the likelihood of flooding.
- f) Objection to the cessation of maintaining the landscaping and returning it to grass. Nothing has changed since the previous planning application to alter the reason for attaching it.
- g) There is a discrepancy between the planning application forms and the supporting statement. The forms state that surface water is dealt with by a sustainable drainage system. The supporting statement states that surface water is directed into the main surface water drain.
- h) Item 15 (trees and hedges) on the planning application form has not been completed, as such, the application is incomplete.
- i) The planting adjacent to properties was expected to grow to 1-1.5m in height to provide residential amenity. Removal of the planting would remove residential amenity.
- j) The planting scheme did not fail, it was trampled by children because the Council did nothing to protect the plants. This scheme cost thousands to implement, and this has been wasted.
- k) The planting scheme has not taken away valuable playing field space, the planting area only takes up approximately 70m² which is equivalent to 5 parking bays. The school discarded large amounts of land when erecting the security fence.
- l) It is unclear why the application is seeking to cease maintaining the soft landscaping, when the current planning permission expires on the 31st December 2014 and the requirements of the planning permission will cease to have effect on the date the permission expires.
- m) The most recent planning permission was granted in August 2011 and 15 months later the planting was carried out in December 2012.

28. The suggestions made within the letters are summarised below:
- a) It is suggested that the mobile classroom is relocated to another part of the school site. This would move the activity of pupils away from the fence and allow rainwater more of an opportunity to soak into the ground.
 - b) Further tree maintenance and a reduced tree canopy would release more airborne space for school activities and indirectly free more ground space. This would allow residents to gain more sunlight on their properties and would decrease the amount of leaves that blight gardens and fill gutters.
 - c) It is suggested that the landscaping condition is reintroduced as a fresh condition attached to a new planning permission.
29. Councillors Joyce Bosnjak JP and Parry Tsimbiridis have been notified of the application.
30. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

31. The planning application is for the retention of an existing mobile classroom at Leas Park Junior School in Mansfield Woodhouse. It also seeks to remove the need to maintain landscaping along the eastern boundary of the site, at the rear of properties on Rolaine Close.

Policy

32. The relevant policies against which the development should be assessed are those that have been saved from the Mansfield District Local Plan (adopted November 1998). Particularly relevant is Policy LT7 (Protection of school / college playing fields) which states that planning permission will not be granted for development which would lead to the loss of playing fields unless they would only result in the loss of a small part of the area used for recreational purposes and meet one of a number of criteria, including being for educational use essential for the continued operation of the establishment. The classroom is being retained, so the application would not result in the actual loss of any playing field. In addition, the building only occupies a small area and is also for an essential educational purpose. As such, the development is in accordance with Policy LT7.
33. Other policies of note are summarised below:
34. Policy BE1 (Design Criteria for New Developments) promotes a high standard of design which meets a series of criteria relating to:
- a) Scale, density, massing, height, layout and access relating well to neighbouring buildings;
 - b) Materials in keeping with surroundings;
 - c) Hard and soft landscaping consistent with the type and design of the development; and

- d) The proposal should integrate well with the surrounding landscape and nature conservation features.
35. Policy ECH1 (Criteria for the development of community facilities) relates to the provision of community facilities and states that permission shall be granted for such development which is inside the urban boundary; integrates with the existing pattern of settlement and surrounding land use; and does not have a detrimental effect on the character, quality and amenity of the surrounding area; is located where there is easy access to public transport; and regard is had to safety/security and public transport.
36. Policy U5 (Water Discharge and Flooding) states that planning permission will not be granted for developments on sites where the discharge of additional surface water would exacerbate existing flooding problems or create new flooding problems, unless infrastructure improvements are provided.
37. The National Planning Policy Framework (NPPF) attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and local authorities should take a proactive, positive and collaborative approach to meeting this requirement. The mobile classroom provides a wide range of functions, from teaching space to a planning and preparation facility. The retention of the mobile classroom would allow these functions to continue and is, therefore, supported in principle by the NPPF. 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.

Design

38. The existing building is a relatively small single storey building, located within a wider school campus of similar buildings. It is of a scale, density, massing, height and layout that relates well to the surrounding buildings. Access is easily gained from within the Leas Park school site. The materials used in the mobile classroom are similar to those used in adjacent mobile classrooms. The immediate surroundings of the mobile classroom are hard surfaced access paths and playing field and are, as such, consistent with the type of surroundings expected for a mobile classroom. There are no nature conservation features for the classroom to integrate with, however, the building integrates appropriately with the surrounding school buildings. In light of this, the development complies with Policy BE1 and the NPPF's requirement for good design.
39. The proposed development meets the relevant criteria of Policy ECH1 as it is located within the urban boundary; it integrates well with the existing settlement pattern; there is no detrimental effect on the character, quality and amenity of the surrounding area. In addition, there are bus stops nearby on Albert Street and Portland Street, to the south-west, giving users easy access to public transport.
40. Notwithstanding the acceptability of the design, the exterior condition of the mobile classroom is deteriorating, which has a minor adverse visual impact. However, there is only limited visibility of the mobile classroom from outside of the

wider school campus. Some residents on the western side of Rolaine Close back onto the school and there would be some views of the building from these properties. However, it is very important to recognise that the mobile classroom is single storey and the properties on Rolaine Close are bungalows. In addition, there is wooden fencing approximately two metres high separating the properties from the school and providing substantial screening of the mobile classroom. As such, the visual impact on these properties is considered negligible.

41. Planning permission is sought to retain the mobile classroom for a temporary period limited to three years. The design of the mobile classroom is acceptable, but the condition is poor. As such, should planning permission be granted it is recommended that a condition is attached to ensure that the rendering of the building is brought up to an acceptable standard within 3 months of the planning permission being granted.
42. One of the matters raised in the public comments is an objection to the removal of the planting that runs along the rear of properties on Rolaine Close. The comments highlight that the planting was expected to grow to between 1-1.5 metres in height to provide residential amenity. Members are advised that the planting was specified in an attempt to offer some attenuation to surface water impacts cited in representations at the time of the 2011 planning permission, rather than providing any visual amenity benefits.
43. Firstly, much of the planting has not established, and that which has is not between 1-1.5m in height (see photographs at Appendix 1). It is not providing any visual amenity benefits in its current state. Secondly, even if the planting had fully established and grown to full height, the existing fencing along the rear of the properties on Rolaine Close is higher and would fully obscure the planting. From a visual perspective, the planting has no amenity benefit for the residents of Rolaine Close.

Surface Water and Flooding

44. The key issue raised in the public consultation responses is in relation to surface water flooding, as there have been instances of surface water affecting the properties of Rolaine Close in the past.
45. Firstly, an inconsistency between the planning application forms and the supporting statement is highlighted, with the supporting statement identifying surface water being directed to the school main drain, and the forms stating that it runs to a soakaway. This matter has been clarified with the applicant and surface water from the mobile classroom is directed into the main drain. The surface water that falls on the hard surfacing surrounding the mobile classroom partially drains to the main drain, and partially runs off to the adjacent playing field.
46. It is recognised that a number of the residents of Rolaine Close have experienced surface water flooding at times of extreme rainfall events. It is also apparent that the direction of flow of water is from the adjacent schools (including Manor Academy) and potentially from higher levels outside of the shared school campus. This is because the land has a slight slope from west to east, towards the properties. The central issue raised by the residents is that the mobile classroom

has an adverse impact, contributing towards the surface water flooding their properties.

47. The concern raised by the residents is understood. However, the surface area covered by the classroom is approximately 75m² and is separated from the properties by approximately 35m of grassed playing field. In the context of the wider school, the contribution that this mobile classroom would have in the wider contexts is considered minimal. This would be the case if the classroom had no drainage. However, it is fundamental to recognise that the mobile classroom does have surface water drainage, which drains immediately to the main school drainage system. The surface water that would fall on the ground and eventually run towards the properties of Rolaine Close if the classroom was not present, is actually removed to mains drainage immediately. This means, the presence of the mobile classroom actually reduces surface water runoff towards the properties on Rolaine Close, having a positive effect.
48. Policy U5 of the Mansfield District Local Plan seeks to prevent development on sites where the discharge of additional surface water would exacerbate existing flooding problems or create new flooding problems. Given the proposal would result in the retention of an existing building it would not result in any 'additional' surface water over and above existing levels. Furthermore, even if it was considered as new development, as highlighted above, the development is considered to have a positive effect on localised surface water runoff. As such, the policy is of marginal significance, and the development does not conflict with it.
49. Concern has also been raised about the removal of the need to maintain the planting along the rear gardens of Rolaine Close. This is because the planting is seen to provide some form of mitigation for surface water run-off.
50. Firstly, the planting strip in its current state with a significant proportion of it having failed (despite replanting twice having been carried out), provides no real surface water attenuation, particularly when intense periods of heavy rainfall are experienced. Secondly, it is the opinion of the officers that even if the planting had fully established, the level of surface water attenuation that would be provided is so low as to be negligible. Whilst some plant failures have been attributable to trampling by children using the adjacent soft play area, the Head Teacher has consistently opposed the erection of protective fencing in order to avoid possible risk of injury to children.
51. Paragraph 206 of the NPPF specifies that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In the knowledge that the mobile classroom actually reduces surface water run-off, and that the planting has failed after planting and twice after replanting, it is the view of planning officers that the condition is not necessary and, therefore, does not strictly meet the requirement for conditions as set out in the NPPF. Furthermore, and as referenced above, the planting does not provide any visual amenity benefit. As such, it is recommended that a planting condition is not attached to any future permission granted for the retention of the mobile classroom.

Other Issues

52. Residents have suggested that the mobile classroom is moved from its current location, to one further from residents' gardens. Whilst the planning authority can explore and suggest amendments to applications to achieve improvements or make a development acceptable, overall the role of the planning authority is to determine applications as submitted. In this case, the development is deemed acceptable in this location, so the suggestion of moving the classroom has not been further explored. As noted above, relocating the mobile classroom could marginally worsen surface water run-off impacts given the development links in to the main drain.
53. A further suggestion by residents is that tree maintenance is carried out to free up space, allow properties to benefit from more sunlight and reduce leaves affecting properties. Such a requirement has no relevance to the retention of the mobile classroom and imposing a requirement to carry out these works would not meet the tests for planning conditions set out in of the NPPF, as referenced above.
54. Residents have claimed that children throw objects and items into the rear garden of properties on Rolaine Close. Any such alleged incidents are management issues for the school, and the concerns have been directly raised with the Head Teacher, however, it is considered that the removal or relocation of the mobile classroom would not change this alleged behaviour. Any legal exchange in relation to this is not a matter for consideration in determining this application.

Conclusion

55. The existing mobile classroom serves an important function for the school, acting as a space for a range of activities including lessons, meetings, and preparation space. This is in the context of a school that has limited space.
56. The design of the building is acceptable, and whilst the fabric of the building is worn, this can be addressed by a suitable condition. The visual impact on local residents is negligible.
57. The mobile classroom does not have an adverse impact on surface water flooding, in fact it helps to divert surface water straight to drains having a small positive impact on localised surface water run-off. The existing planting to the rear of the gardens of Rolaine Close has failed despite repeated replanting and it is considered that it provides no significant mitigation effects particularly in extreme rainfall events. It is therefore not considered necessary to re-impose the condition for the maintenance of the soft landscaping.
58. In light of the above, it is recommended that planning permission is granted subject to the conditions recommended in Appendix 2.

Other Options Considered

59. 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

60. 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

61. The retention of the mobile classroom would maintain the provision of an existing facility for pupil education and associated activities.

Financial, Equalities, Safeguarding of Children, Human Resources, and Sustainability and the Environment Implications

62. No implications.

Crime and Disorder Implications

63. The mobile classroom is located within the school site and benefits from the existing security fencing of the school. There are no known crime and disorder issues associated with the building.

Human Rights Implications

64. 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.

Statement of Positive and Proactive Engagement

65. In determining this application the County 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

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 2. 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

The proposals in this report fall within the remit of this Committee.

[SMG 04/02/2015]

Comments of the Service Director - Finance

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

[SEM 04/02/15]

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

Mansfield North – Councillor Joyce Bosnjak JP

Mansfield North – Councillor Parry Tsimbirdis

Report Author / Case Officer

Oliver Meek

0115 9932583

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

W001388 – DLGS REFERENCE

APPENDIX 1

PHOTOGRAPHS SHOWING STRETCHES OF FAILED PLANTING ADJACENT THE REAR OF PROPERTIES ON ROLAINE CLOSE



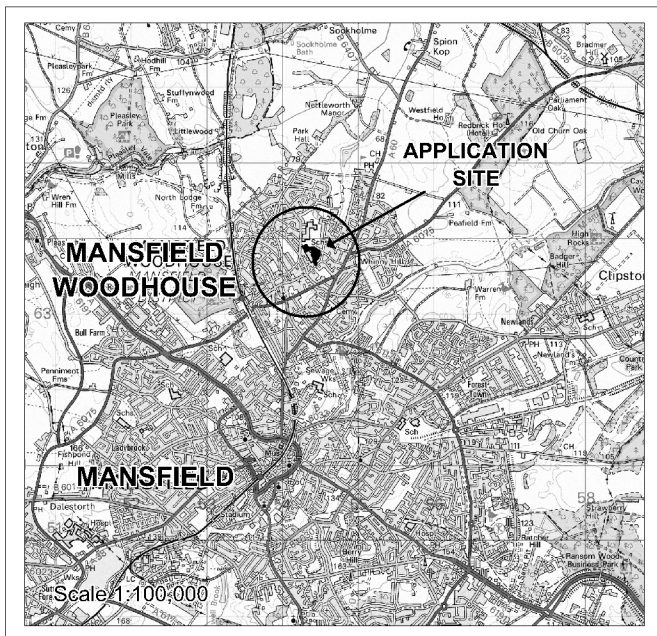
RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be for a temporary period only, expiring on 31 December 2017 by which time the building shall have been removed and the site reinstated to grass playing field unless prior written permission has been obtained from the CPA for its retention.

Reason: The development hereby permitted is not considered suitable for permanent retention by reason of its external appearance and type of construction.

2. Within three months of the commencement of the development hereby permitted, the rendered external walls of the building shall be repaired.

Reason: To maintain the condition of the mobile classroom and minimise visual impact.



**Nottinghamshire
County Council**

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, Nottinghamshire.
 Planning Application No. 2/2014/0723/NT

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Scale 1:2,500
 Produced by: JW
 Date: FEB 2015

24 February 2015**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****RUSHCLIFFE DISTRICT REF. NO.: 8/12/00856/CMA**

PROPOSAL: RESUBMISSION OF APPLICATION FOR THE CONSTRUCTION OF A LEISURE MARINA COMPRISING MARINA BASIN WITH 553 LEISURE MOORINGS AND ANCILLARY BUILDINGS, ASSOCIATED VEHICLE PARKING, LANDSCAPING AND INFRASTRUCTURE AND THE INCIDENTAL EXCAVATION AND REMOVAL OF MINERALS.

LOCATION: RED HILL MARINA, RATCLIFFE-ON-SOAR

**APPLICANT/: RED HILL MARINE LTD
APPELLANT**

Purpose of Report

1. To update Members of Planning and Licensing Committee on the outcome of an appeal relating to the extraction of minerals and construction of a marina at Red Hill Marina, Ratcliffe-on-Soar. The appeal was lodged on the grounds of non-determination of the planning application.
2. The Planning Inspector concluded that the appeal should be dismissed.

The Site and Surroundings

3. Red Hill Marina lies within the Green Belt adjacent to the River Soar at Ratcliffe-on-Soar (see Plan 1). A detailed description of the appeal site and surroundings is set out within the Appeal Decision (see Appendix 1).

Proposed Development

4. The planning application, which was accompanied by an Environmental Statement, sought permission for the construction of a leisure marina comprising marina basin with 553 moorings, ancillary buildings, parking for 244 cars and the excavation of some 860,000 tonnes of material (500,000 tonnes of sand and gravel). Plan 2 shows the layout of the proposed marina and a detailed description of the proposed development is contained within the Appeal Decision.

Background

5. A resubmitted planning application for the creation of a marina through minerals extraction was received by the County Council as Minerals Planning Authority (MPA) in April 2012. A number of issues had to be resolved preventing the application from being validated until 14th May 2012.
6. Throughout the application processing period there were significant objections from a wide range of bodies including, although not limited to, Rushcliffe Borough Council, Natural England, English Heritage, the Environment Agency and East Midlands Airport. Many of the consultees considered the level of information insufficient, inadequate, missing or out of date.
7. The responses received from consultees were passed on to the applicant to ensure that they were aware of the additional information which needed to be submitted and to give them the opportunity to prepare and submit any necessary reports or assessments. The only consultation response that the applicant responded to was from Rushcliffe Borough Council which objected to the development on the grounds that it is inappropriate development in the Green Belt.
8. On the 28th January 2013 the Government announced the initial preferred route for the High Speed 2 (HS2) rail line from the West Midlands to Leeds. It showed the preferred route running centrally through the application site.
9. The applicant submitted an appeal to the Planning Inspectorate (PINS) on 14th March 2013 for non-determination of the application.
10. The MPA was reluctant to refuse the application because of insufficient information, instead seeking to give the applicant generous opportunity to consider its response to the necessary information so that a full and proper decision could be made based on the relative merits of the development, accordance with policy, consultation responses and representations and any other material considerations. This approach is in line with the requirement to work positively and proactively with applicants, as set out in the National Planning Policy Framework (NPPF).
11. As the appeal was against non-determination, the appellant was not appealing against a refusal. However, in May 2013, Committee expressed support for the position taken by Officers in affording the applicant opportunity to address deficiencies in the application and unanimously resolved to support the recommendation that, had the planning application been presented to Committee prior to the appeal being lodged, the application would have been refused due to insufficient information.
12. The appeal was initially conducted by written representations, and submissions were exchanged in May 2013. However, in October 2013 the Planning Inspectorate decided to change the procedure and conduct the appeal as a Hearing. The Hearing took place on the 8 – 10th July, and 1st September 2014. The Appeal remained open so that further written representations could be made in relation to ownership details, Green Belt case law, and the adoption of the Rushcliffe Local Plan Part 1: Core Strategy (RCS). The Hearing was formally closed on 12th January 2015.

Appeal Decision Summary

13. The proposed development was found to be inappropriate in the Green Belt. Furthermore it was at odds with one of the purposes of the Green Belt and would erode its openness, therefore harming the Green Belt.
14. Overall the development was found to have an adverse impact on the character and appearance of the area, assessed as being of moderate significance.
15. During the excavation and construction phases there would likely be substantial harm to wildlife of local importance. The completed marina would provide opportunities for colonisation by flora and fauna, but would offer very different habitats to those that currently exist. In time, this is something that could be managed to benefit nature conservation. The overall effect on biodiversity of the scheme is a difficult matter to balance. There are uncertainties about how successful new habitats created would be in providing for wildlife, especially as the site would primarily function as a large marina, with all the associated activities and impacts on the local surroundings. Overall, the proposal was considered to have a neutral effect on biodiversity by the Inspector.
16. It was concluded that the proposed development would not result in an unacceptable risk to aviation safety, subject to the imposition of appropriate conditions.
17. It was acknowledged that the marina design, construction and management could all contribute to minimising the risk to property and safety from flooding. However, a net increase of 433 berths, along with the associated movement of cars and people, would make flood safety and evacuation a considerably more complex task, and increase the potential for things to go wrong in an emergency. Putting more boats, cars and people at risk in a flood zone is a consideration which weighs against the proposal. On balance the overall scheme was found to have a neutral effect in terms of flood risk and safety.
18. The appeal site has potential for archaeological remains by reason of its proximity to the Roman Shrine at Red Hill, and to the nearby site of second to fourth century Romano-British occupation, and also because it lies close to the confluence of the Soar and Trent Rivers. The proposed excavation and dewatering could harm any archaeological remains on the appeal site. Whilst the risk is difficult to quantify, given the nature of the works the risk is considered to be significant, because the possible existence of remains that would require *in situ* preservation cannot be ruled out. The risk to archaeological remains is a factor that, to some extent, weighs against the proposal.
19. It was considered unlikely that the quantity of sand and gravel to be extracted would justify investment in rail or water transport. It was also concluded that there would be no unacceptable impact on the local highway network.
20. The proposal was seen to gain support from local and national policies which encourage tourism and leisure, sport and recreation, and growth in the rural economy. The additional employment opportunities the scheme would provide would also benefit the local economy.
21. Noise from mineral extraction and construction of the marina was a matter that could be dealt with by condition, as could air quality and land contamination matters.

22. The appeal site is a suggested route for the second phase of High Speed 2 (HS2). In the absence of a safeguarding direction this is a matter that should not be decisive in dealing with the application on its planning merits.
23. Nottinghamshire County Council (at the time of the Hearing) had a sand and gravel landbank of less than the required 7 years, and the proposed development would result in the extraction of approximately 500,000 tonnes of sand and gravel, which would add approximately 9 weeks to the landbank. Notwithstanding the limited quantity of sand and gravel, the benefits of mineral extraction weigh significantly in favour of allowing the appeal, in line with the provisions of the National Planning Policy Framework.
24. There was evidence of demand for additional berths, but no evidence of an unmet need that would amount to a consideration that would weigh significantly in favour of allowing the appeal. There was also no compelling evidence of an oversupply of berths that would indicate a likelihood of harm were the facility to be constructed. The supply/demand situation was neither a consideration for, or against allowing the appeal, and it was found that it would have a neutral effect and should not weigh significantly either way in the planning balance.
25. With regard to the very special circumstances balancing exercise, the Inspector considered that the outdoor sport and recreation, along with economic benefits and employment opportunities should be given moderate weight in support of the scheme. The need for further and better marina facilities was a neutral consideration, which should be given negligible weight. The contribution to the supply of sand and gravel weighs significantly in favour of the proposals. The improved visual amenity along the river would be beneficial, but overall the scheme has an adverse effect on the character and appearance of the area. The effects on flood risk and biodiversity are neutral considerations in the balancing exercise.
26. However, in the overall balancing exercise substantial weight was given to the Green Belt. The openness of the Green Belt is already impacted by important infrastructure (Ratcliffe on Soar power station and East Midlands Parkway). In this context the Inspector accepted the County Council's view that the remaining open areas of Green Belt take on a greater significance and importance. The existing development in the Green Belt in the vicinity of the appeal site is not an argument in favour of further erosion of its openness. The impact of the proposed development on the Green Belt significantly and demonstrably outweighs the benefits of the scheme. The harm identified to the character and appearance of the area, and the risk to any archaeological remains tip the balance even further against the proposal.
27. Based on the above, the Inspector concluded that the appeal should be dismissed.

RECOMMENDATIONS

28. It is RECOMMENDED that the contents of this report are noted.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

This report is for noting only.

[SLB 02/02/2015]

Comments of the Service Director - Finance

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

[SEM 02/02/2015]

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

Soar Valley – Councillor Andrew Brown

Report Author / Case Officer

Oliver Meek

0115 9932583

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

offrep.doc – W001389

APPEAL DECISION – APPEAL REF: APP/L3055/A/13/2194755

Appeal Decision

Hearing held on 8 to 10 July and 1 September 2014

Site visit made on 10 July 2014

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2015

Appeal Ref: APP/L3055/A/13/2194755

Red Hill Marina, Ratcliffe-on-Soar, Nottingham, Nottinghamshire NG11 0EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Richard Morley against Nottinghamshire County Council (NCC).
 - The application Ref 12/00856/CMA, is dated 18 April 2012.
 - The development proposed is the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals.
-

Decision

1. I dismiss the appeal, and refuse to grant planning permission for the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals.

Preliminary matters

2. The appeal site comprises 20.14 ha of agricultural land (classified as Grade 4), in three open fields, adjacent to the River Soar. The existing Redhill marina lies to the north of the site. This provides for up to 200 moored boats as well as buildings, plant and equipment associated with the marina, along with large areas of open storage for boats.¹ Ancillary uses include agricultural barns used for light industrial purposes, along with holiday cottages. The eastern bank of the River Soar adjacent to the appeal site is used for moorings licensed by Redhill marina. To the east of the appeal site beyond an open field is the main east coast rail line and East Midlands Parkway Station and car park. Network Rail acquired the nearby semi-detached property Mason's Barn/the Bungalow, which is currently vacant. On the other side of the railway line is Ratcliffe-on-Soar power station, with large buildings and cooling towers. Access to the appeal site is from a roundabout that serves the railway station and links via a signalled junction to the recently upgraded A453. There is also a vehicular link via a gated access under the A453 to the village of Ratcliffe-on-Soar. East Midlands airport lies some 3.5 km to the south-west. The appeal site lies within the Green Belt as designated by Policy ENV15 of the Rushcliffe Borough

¹ At the time of my site visit there were 179 boats on the site; 66 on the river, 34 within 'the parlour', which is a small inlet off the River Soar, and 79 on the land.

Local Plan 1996 (LP), which is a saved policy in the Rushcliffe Local Plan Part 1: Core Strategy, adopted in December 2014 (CS). The existing marina, the railway station and the power station are also within the Green Belt. The application was accompanied by an Environmental Statement (ES), and I have taken into account the Environmental Information in determining this appeal.

3. NCC failed to make a decision on the planning application in the required amount of time. However, had it been able to do so, NCC would have refused the application. The reason for refusal would have made reference to:
 - (a) The development of a marina in the Green Belt is inappropriate development and there is no demonstrable need for new marina berths within the local area. There are no very special circumstances to justify the harm to the openness of the Green Belt that would be caused by the proposed development. As such, it is contrary to the National Planning Policy Framework (NPPF) and Policy ENV14 (Protecting the Green Belt) of the Rushcliffe Borough Non-Statutory replacement local plan.
 - (b) The proposed development is 3.5 km from East Midlands Airport. The design of the proposed marina would create new habitat suitable for birds that are a birdstrike risk to aircraft. The development would have an unacceptable risk to aviation safety which is contrary to the NPPF.
 - (c) The excavation of sand and gravel and the construction of the marina would generate noise levels at nearby sensitive receptors that exceed the maximum noise levels for minerals development as set out in the Technical Guidance to the NPPF. As such, the development would have an unacceptable noise impact contrary to the NPPF and Policy M3.5 (noise) of the Nottinghamshire Minerals Local Plan (MLP).
 - (d) The site contains archaeology of at least regional importance, and potentially contains elements of national importance. Given the lack of need for the proposed marina, the importance of the development is not considered to outweigh the importance of the remains. Therefore, the development is contrary to the NPPF and Policy M3.24 (Archaeology) of the MLP.
 - (e) There is insufficient information for the planning application to be fully assessed against policies M3.3 (Visual Intrusion), M3.9 (Flooding), M3.15 (Bulk Transport of Minerals), M3.16 (Protection of Best and Most Versatile Agricultural Land), M3.17 (Biodiversity) and M3.27 (Cumulative Impact) of the MLP; and policies EN11 (Features of Nature Conservation Interest), EN21 (Loss of Agricultural Land) and WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. As such, the development is contrary to Policy M3.1 (Information in support of Planning Applications) of the MLP which seeks to ensure that sufficient information is submitted to enable a balanced assessment of all relevant factors.
4. An inconsistency between the Illustrative Construction Plan² and the Indicative Layout of Habitat Creation Area³ was addressed at the Hearing by the submission of an amended phasing plan⁴. This deleted land in the western part of the appeal site from excavation, so as to be consistent with the proposed habitat creation area. The title of the revised drawing states that it is

² Drawing No.0523/CP/1.

³ Hearing Document 3.

⁴ Hearing Document 18.

illustrative, but it was clarified at the Hearing that it is intended to be an application drawing and is cited in the suggested conditions. The height of the road serving parking areas adjacent to moorings was also clarified at the Hearing in sections I-I and J-J.⁵ Minor changes to access roads in relation to the red line boundary are a matter that could be addressed by a condition requiring a revised master plan. So too could the provision of a land bridge to the proposed island within the marina.

5. The judgment of the High Court in *Redhill Aerodrome Ltd and SoS CLG* was discussed at the resumed Hearing. Comment was subsequently invited on the Court of Appeal's judgment which overturned the High Court's decision, and I have taken these written representations into account in determining this appeal.⁶ I have also had regard to representations about the adopted CS.⁷
6. The red line depicting the appeal site includes land owned by the Canal and River Trust. NCC raised this in an email dated 26 August 2014, and the matter was discussed at the Hearing. The Hearing was left open so as to enable written submissions about section 327A of the 1990 Act to be submitted, and for the requisite notice to be given.⁸ The Hearing was closed in writing on 12 January 2015.
7. A draft agreement was submitted by the appellant on 1 July 2014, and a signed unilateral planning obligation was submitted on 9 July 2014.⁹ A revised obligation, dated 29 August 2014, was submitted at the resumed Hearing.¹⁰ This provides that the landowners would undertake three obligations on commencement of the development that is the subject of this appeal. Firstly, to transfer on-line moorings to the marina. The obligation provides that on-line residential and leisure moorings along the bank of the River Soar for the length of the appeal site (shown as A to B on the plan attached to the obligation), including the inlet known as 'the parlour', would be offered an equivalent off-line mooring within the proposed development under rental terms commensurate with those in place for their mooring on the River Soar. That all new moorings in the proposed development would be leisure moorings save only for transferred residential moorings, which would be limited personally to existing licensees. After the completion of the proposed marina no boats would be permitted to moor along the River Soar from A to B. Secondly, heavy goods vehicles for the extraction and/or removal of minerals and aggregate would only access the site via the A453, so as to avoid passing through the villages of Ratcliffe-on-Soar or Kegworth. Thirdly, to use reasonable endeavours to recruit residents of Nottinghamshire in the construction and operation of the development.
8. There was some debate at the Hearing about the provisions of the obligation that relate to land owned by the Canal and River Trust. However, I am satisfied that the practical realities here are that the provisions of the obligation could be achieved, notwithstanding the land ownership issue, as vehicular access to this land would involve use of the appellant's land. Furthermore, NCC notes that the removal of moorings and related paraphernalia is a matter that could be addressed by the imposition of an appropriate planning condition.

⁵ Hearing Document 19.

⁶ Hearing Documents 31 and 32.

⁷ Hearing Documents 33.

⁸ Hearing document 30.

⁹ Hearing Document 13.

¹⁰ Hearing Document 24.

Main issues

9. The main issues in this appeal are:

- (a) Whether the development conflicts with policy to protect the Green Belt and the effects of the proposed development on the openness of the Green Belt and upon the purposes of including land within it.
- (b) The effects of the proposed development on the character and appearance of the area.
- (c) The effects of the proposed development on biodiversity.
- (d) The effects of the proposed development on aviation safety.
- (e) The effects of the proposed development on flood risk and safety.
- (f) The effects of the proposed development on heritage assets.
- (g) The need for the proposed development, including mineral extraction and marina berths.
- (h) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Planning policy

10. In addition to the LP and CS the development plan for the area includes the Nottinghamshire Minerals Local Plan adopted 2005 (MLP). Policy M14.1 provides that planning permission for the extraction of minerals as a necessary element of any other development proposal on the same site would be granted provided, amongst other things, that there would be no unacceptable environmental impact. MLP Policy M6.2 endeavours to maintain a landbank of reserves for sand and gravel sufficient for at least 7 years extraction. MLP Policy M3.24 provides, amongst other things, that planning permission would only be granted for development which affected archaeological remains of less than national importance where it was demonstrated that the importance of the development outweighs the significance of the remains.
11. CS Policy 1 refers to the presumption in favour of sustainable development in the *National Planning Policy Framework* (hereinafter the *Framework*). CS Policy 4 carries forward the principle of the Green Belt, but Appendix B of the CS states that LP Policy ENV15 will not be fully replaced until after the Local Plan Part 2: Land and Planning Policies Development Plan Document is finalised. Given the current position in the development plan regarding Green Belt policies, the *Framework* is an important consideration in determining this appeal. CS Policy 5 aims to strengthen and diversify the economy. CS Policy 10 concerns design and local identity. CS Policy 11 states that planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives. CS Policy 12 promotes healthy lifestyles, and Policy 13 encourages facilities for tourism and sport. The banks of the River Soar lie within an area designated as Green Infrastructure on the CS Key Diagram. CS Policy 16 provides for a strategic approach to the delivery, protection and enhancement of Green Infrastructure. This approach requires, amongst other things, that

landscape character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment. CS Policy 17 aims to increase biodiversity. Limited weight should be given to the Rushcliffe Borough Non-statutory Replacement Local Plan 2006, given the adoption of the CS.

Reasons

Green Belt

12. The mineral extraction and engineering works proposed, where these did not conflict with the purposes of the Green Belt and preserved its openness, would not be inappropriate in the Green Belt. There is some dispute about how the exception for facilities for outdoor sport and recreation should be applied in this case. The appellant argues that the use of the land as a marina is a beneficial use enhancing access and opportunities for outdoor sport and recreation under paragraph 81 of the *Framework*, but accepts on the current state of authorities that the change of use of parts of the appeal site from pasture to marina mean that the scheme amounts (at least in part) to inappropriate development as a matter of policy and so very special circumstances need to be shown.
13. Even if the requirements for the exception for facilities for outdoor sport and recreation were met, namely that the facilities would preserve the openness of the Green Belt and not conflict with the purposes of including land within it, this would apply only to the construction of new buildings. The appeal scheme involves extensive areas for the mooring of boats and the parking of up to 375 cars. The scheme would involve a change of use that is not included in the exceptions set out in paragraph 89 of the *Framework*. I find, therefore, that the proposal would be inappropriate development in the Green Belt.
14. The *Framework* states that when located in the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The *Framework* provides that substantial weight should be given to any harm to the Green Belt, and 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.
15. The proposed buildings include a large structure measuring some 48 m long by 14 m wide and 15 m high. There would also be extensive areas of car parking, up to 553 moored vessels, along with associated infrastructure. Such development would have a significant adverse effect on the openness of the Green Belt. The scheme would have many urbanising features, such as extensive parking and lighting, which would affect the countryside, even if controlled by condition. The resultant encroachment into the countryside would be at odds with one of the purposes of the Green Belt. This would be particularly so as the appeal scheme would be seen in association with the existing marina development.
16. On the first main issue, I find that the proposal would be inappropriate development in the Green Belt. Furthermore, it would be at odds with one of the purposes of the Green Belt, and would erode its openness. The proposed development would, therefore, harm the Green Belt. I next consider whether the proposal would result in any other harm, and then have regard to other considerations, so as to undertake the balancing exercise outlined above.

Character and appearance

17. For landscape appraisal the site lies within the Soar Valley Farmlands TSV02 of the Trent Valley. In the Greater Nottingham Landscape Character Assessment (LCA) the area is described as a low-lying flood plain bordering the River Soar. Characteristic features of the area include the River Soar, with a meandering channel and gentle grassed meadow banks and riparian tree planting and pockets of vegetation. Fields are bounded mostly by hawthorn hedgerows with frequent trees. There is little built form on low ground, but urban elements are more frequent in views towards the north of the zone, in which the appeal site lies, with Ratcliffe power station and adjacent quarrying prominent. The railway is also identified as a prominent man-made element set on a raised embankment. Landscape condition in the LCA is described as moderate, and character strength as moderate to strong.
18. The scheme would introduce a large scale development with buildings and extensive areas of moored boats and parking into an open area of countryside close to the river. The power station and rail infrastructure are set back from the river. The proposal would not conserve areas of permanent pastoral farming or river meadows along the river floodplain. The nature and scale of the proposed development would harm the character of the area. I consider that this area has medium sensitivity to the type of development proposed. With a medium magnitude of effect, the proposal would have an adverse effect on the landscape resource of moderate significance.
19. I deal next with visual effects. Sand and gravel extraction and activity associated with it, would be harmful to the appearance of the area. In particular, the proposed soil bunds and stockpiles, even with controls on their height, would be visually intrusive from public vantage points. Excavation would inevitably result in a scar in the countryside that would detract from the attraction of this low-lying riparian landscape. This part of the development would be for a limited duration. Nevertheless, the harm would be considerable and would endure for a considerable time during the proposed phasing. Furthermore, once mineral extraction had been completed and the marina constructed, the appearance of the area would be substantially altered.
20. I acknowledge that moored vessels and associated paraphernalia on the bank along this part of the River Soar detract from the visual amenity of the river, and that their removal would be beneficial to the appearance of the area.¹¹ However, the proposed marina, with extensive areas of moored boats and large areas of car parking, would by reason of the overall scale of the facility, have an adverse visual effect. With appropriate landscaping some adverse impacts could be minimised in time, but the scheme would be visually intrusive in this part of the open countryside. This would have a harmful visual effect because the open rural landscape here serves as a useful foil to the nearby built forms of the railway station and electricity generating infrastructure. I consider that receptors here, particularly those using the local footpaths, would have a high sensitivity to the type of development proposed, and with a medium magnitude of effect, I find that the scheme would have an adverse visual effect of moderate/major significance.

¹¹ It was estimated that up to 120 on-line moorings would be removed as part of the appeal scheme.

21. Taking all these factors into account, I consider that overall the proposed development would have an adverse effect on the character and appearance of the area of moderate significance. I find that the proposal would be at odds with the aims of CS Policy 16.

Biodiversity

22. The open fields that comprise the appeal site are separated by hedgerows. There is also a ditch across the site, and numerous trees on field boundaries. NCC was critical of some of the wildlife surveys undertaken, but I am satisfied that there is sufficient information available for me to be able to properly consider this matter in the context of determining the appeal on its planning merits. The experts dispute the overall effects of the scheme on biodiversity. The scheme would result in the loss of some features of value to local wildlife, but would, in time, create others.
23. During the mineral extraction and marina construction stages the effects on local wildlife would be considerable. It would result in the loss of some riverside vegetation, existing ponds, wet and dry ditches, hedgerows and seasonally wet grassland. However, on completion of the marina, considerable wildlife benefits would result from the removal of moorings and bankside clutter from this part of the River Soar, including 'the parlour'. The creation of a new habitat area of about 2.75 ha would also be beneficial. How best to maximise the biodiversity of this area could be a matter addressed by planning conditions. An approved management scheme for landscaped areas within the proposed marina could also provide some useful habitat for wildlife.
24. During the extraction and construction phases there would be likely to be substantial harm to wildlife of local importance. The completed marina would provide opportunities for colonisation by flora and fauna, but would offer very different habitats to those that currently exist. In time, this is something that could be managed to benefit nature conservation. The overall effect on biodiversity of the scheme is therefore a difficult matter to balance. There are uncertainties about how successful new habitats created would be in providing for wildlife, especially as the site would primarily function as a large marina, with all the associated activities and impacts on its local surroundings. Overall, on the evidence adduced, I consider that the proposal would have a neutral effect on biodiversity.

Aviation safety

25. East Midlands Airport is concerned about habitat created at the marina attracting birds, particularly geese and starlings, which could pose a risk to aircraft using the airport because of bird strike. Air safety is an important consideration and the risk of bird strike a matter that should be taken seriously given the proximity of the airport. The airport is particularly concerned about local populations of birds being attracted to islands created within the marina, where predation was not a significant deterrent to occupation by birds. However, measures could be taken to control birds using these sites. These could include dense planting, the use of fences, and providing land bridges for predators. I am satisfied that reasonable and effective measures could be taken to deter birds from using the site, such that any risk of bird strike was so low as to be negligible.

26. Subject to the imposition of appropriate planning conditions, I do not consider that the proposed development would be likely to result in an unacceptable risk to air safety. I do not accept that this could only be achieved by a redesign of the marina, as appropriate measures could be taken to control birds on the site that might pose a risk to aircraft. I find no conflict with that part of paragraph 144 of the *Framework* which provides that mineral development should have no unacceptable adverse impact on aviation safety.

Flood risk and safety

27. The appeal site lies within Flood Zone 3B and is functional flood plain. The scheme would result in a minor increase in flood storage capacity. Boats moored on-line within the river are at particular risk during times of flood. Boats have been damaged and sunk in the past. Flooding would, at times, provide a risk to both property and lives. The permanent removal of up to 120 on-line moorings from this part of the river would be beneficial to safety in terms of both flood risk and navigation. This, along with the increased flood storage, is a consideration which weighs in favour of the proposed development. But the scheme would substantially increase the overall number of berths, parked cars and people visiting the area. This could potentially expose many more people and much more property to risk at times of flooding. I acknowledge that the marina's design, construction and management could all contribute to minimising the risk to property and safety from flooding. However, a net increase of 433 berths, along with the associated movement of cars and people, would make flood safety and evacuation considerably more complex tasks, and increase the potential for things to go wrong in an emergency.¹² Putting many more boats, cars and people at risk in a flood zone is a consideration which weighs against the proposal. On balance, I find that overall the appeal scheme would have a neutral effect in terms of flood risk/safety.

Heritage assets

28. The proposal would not have an adverse impact on any designated heritage assets. I have had regard to the submitted archaeological evaluation, which included trial pits. The site has been selected to avoid areas of known archaeological importance. However, it seems to me that the appeal site has potential for archaeological remains by reason of its proximity to the Roman shine at Red Hill, and to the nearby site of second to fourth century Romano-British occupation, and also because it lies close to the confluence of the Soar and Trent rivers. Notwithstanding suggested planning Condition 33, which would require a written scheme of investigation incorporating the mitigation measures set out in the ES, the proposed excavation and dewatering could harm any archaeological remains on the appeal site. The risk is difficult to quantify. However, given the nature of the works proposed, I consider that the risk would be significant, because the possible existence of remains that would require *in situ* preservation cannot be ruled out. I find that the risk to archaeological remains is a factor that, to some extent, weighs against the proposal. This is a consideration which should be given some weight in accordance with paragraph 135 of the *Framework*.

¹² The proposed 553 berths minus the existing 120 proposed to be removed would give a net increase of 433 berths.

Other matters

29. It seems to be that the quantity of sand and gravel to be extracted would be unlikely to justify investment in rail or water transport, and that it would, in the circumstances, be appropriate to use road transport. There is some local concern about HGVs accessing the site via the local village. I am satisfied that the obligation and planning conditions could provide for appropriate access to the A453, which did not materially affect the village. The transport evidence adduced demonstrates that there would be no unacceptable impact on the local highway network. Public rights of way across the site could be adequately protected by planning conditions.
30. The site is in an accessible location close to large urban areas. The proposal would gain some support from local and national policies which encourage tourism and leisure, sport and recreation, and growth in the rural economy. The additional employment opportunities the scheme would provide, both during the excavation and construction period, along with up to 14 full time jobs in the marina, would be of benefit to the local economy.
31. Noise from mineral extraction and construction of the marina is a matter that could be adequately addressed by the imposition of appropriate planning conditions. Appropriate measures could be taken to safeguard the residential amenity of the occupiers of Mason's Barn/The Bungalow were the building to become reoccupied.
32. The appeal site has been suggested as a route for the second phase of HS2. However, in the absence of a safeguarding direction this is a matter that should not be decisive in dealing with this appeal on its planning merits.
33. The effects of the proposed development on other environmental matters regarding air quality and land contamination are matters that could be addressed by the imposition of conditions.
34. Mr Barnham raised a query at the Hearing about disputed land ownership in the vicinity of the roundabout to the east of the appeal site, which affects access to his property. This has arisen because of procedural matters concerning land acquisition by Network Rail for the construction of the Parkway. However, appropriate notice about the marina application and the appeal was served on National Rail. Any disputed land ownership is a private matter for the parties involved, and has no bearing on my consideration of the appeal on its planning merits.

Need for mineral extraction

35. NCC has a landbank of less than 7 years for sand and gravel. The proposed extraction of about 500,000 tonnes of sand and gravel would make a modest contribution to meeting this need. In accordance with the provisions in the *Framework*, great weight should be given to the benefits of mineral extraction, including to the economy. Notwithstanding the limited quantity of sand and gravel involved here, which would add approximately 9 weeks to the landbank, the benefits of mineral extraction weigh significantly in favour of allowing the appeal. The fact that the mineral extraction is incidental to the construction of the marina does not diminish the weight that should be given to this factor.

Need for marina berths

36. There was dispute at the Hearing about the demand for additional berths, and no consistent evidence about the existing supply. Furthermore, there is no recognised and accepted methodology for assessing the future need for berths. A number of factors are relevant and were discussed at the Hearing. These include; surveys undertaken by NCC, the British Marine Federation and the appellant, data and statements from British Waterways Marinas Ltd, representations in support of the proposal, and the number of licences issued.¹³ I note that the Canal and River Trust's policy is to increase the use and value of the waterways. I have also had regard to the fact that Redhill marina can accommodate boats with a wide beam that are unable to navigate narrower canals. As noted above, the removal of on-line moorings would have navigational benefits for those using this part of the river. However, it is difficult from all this information to come to any meaningful conclusions about the overall need for the proposed facility. There is evidence of demand. But no convincing evidence of an unmet need for berths that would amount to a consideration that would weigh significantly in favour of allowing the appeal. On the other hand, there is no compelling evidence of any oversupply of berths that would indicate a likelihood of any harm were the facility to be constructed. This was a matter that took up considerable time at the Hearing, but on balance, it seems to me that the supply/demand situation is neither a consideration for, or against, allowing the appeal. I find here that it would have a neutral effect and should not weigh significantly either way in the planning balance.

Very special circumstances

37. The appellant argues that there are seven other considerations to weigh against the harm I have identified above:¹⁴
- (i) The provision of an appropriate recreational facility in the countryside that would provide opportunities for outdoor sport and recreation.
 - (ii) The economic benefit of a large marina with appropriate facilities and employment opportunities.
 - (iii) The need for further and better marina facilities in the area.
 - (iv) The demonstrable need for sand and gravel reserves.
 - (v) The enhancement of the stretch of the River Soar visually by moving boats moored along the river and within the 'parlour' into the new marina.
 - (vi) The benefits to navigation, safety and flood risk by moving existing boats along the river into the marina, through the additional flood storage capacity and provision of a quality flood management regime within the marina itself.
 - (vii) The net biodiversity benefits from new habitat creation and giving the river banks back to nature in accordance with a habitat management plan.
38. The recreational facility would provide opportunities for outdoor sport and recreation, along with economic benefits and employment opportunities, which in my view should be given moderate weight in support of scheme [(i) and (ii)]. The need for further and better marina facilities in the area is a neutral consideration, which should be given negligible weight [(iii)]. The contribution

¹³ Including Hearing Documents 2, 8 and 11.

¹⁴ Hearing Document 16.

to the supply of sand and gravel reserves weighs significantly in favour of the proposal, particularly given the support for mineral development in the *Framework* [(iv)]. The improved visual amenity along the river would be beneficial, but overall I have found that the scheme would have a moderate adverse effect on the character and appearance of the area [(v)]. For the reasons set out above, I have found that the effects on flood risk/safety and biodiversity are neutral considerations in this balancing exercise [(vi) and (vii)].

39. However, in the overall balancing exercise which applies here, substantial weight should be given to the harm to the Green Belt. The openness of the Green Belt in this area is already impacted by important infrastructure, such as the power station and railway line/station. The existing marina, with large areas of open storage, also has an impact. In this context, the remaining open areas take on a greater significance and importance. Openness within the Green Belt is a finite resource. The existing development in the Green Belt in the vicinity of the appeal site is not an argument in favour of further erosion of its openness. The impact of the proposed development on the Green Belt is a matter that in my judgement significantly and demonstrably outweighs the benefits of the scheme. The harm I have identified to the character and appearance of the area, and the risk to any archaeological remains, tip the balance even further against the proposal. Taking all the above into account, I find that the 'other considerations' in this case do not clearly outweigh the harm I have identified, and the very special circumstances necessary to justify the development do not exist. I have taken into account all other matters raised in evidence, but have found nothing to outweigh the main considerations that lead to my conclusions.

Conclusions

40. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. The proposal would gain some support from MLP Policy M6.2 concerning a landbank of reserves for sand and gravel. However, I have found that the proposal would result in an unacceptable environmental impact, and so would conflict with MLP Policy M14.1. Furthermore, I am unable to find compliance with MLP Policy M3.24 concerning any archaeological remains. The proposal would gain some support from CS Policies 5, 12 and 13, but would be at odds with the aims of CS Policies 1 and 16. I find that the proposal would conflict with the development plan, when taken as a whole. The conflict with national policy concerning the Green Belt weighs heavily against allowing the appeal. I do not consider that the proposal would accord with the requirements for sustainable development set out in the *Framework*. There are no material considerations here which would indicate that a determination other than in accordance with the development plan was justified.
41. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Woolcock
Inspector

APPEARANCES

FOR NOTTINGHAMSHIRE COUNTY COUNCIL (NCC):

Oliver Meek BSc(Hons) MPlan MRTPI	Senior Planning Officer NCC.
Alison Stuart BA(Hons)Landscape Architecture CMLI	Landscape architect.
Ursilla Spence BA(Hons) in Archaeology	Senior Practitioner Archaeology.
Nick Crouch BSc(Hons) MSc MCIEEM	County Ecologist.
David Collins BEng AMIOA	Project Engineer (Acoustics).

FOR THE APPELLANT:

Ned Westaway	Of counsel.
Christopher Whitehouse MRICS BSc(Hons)	Managing Director/Chartered Planning and Development Surveyor, NextPhase Development Ltd.
Paul Beswick BA(Hons) Dip LA	Technical Director, Enzygo Ltd.
Ian Wickett HNC Civil Engineering MCIHT	Associate Director, SCP Ltd.
Chris Leake BSc MSc FGS	Director/Senior Hydrologist, Hafren Water Ltd.
Dr Mark Webb PhD CIEEM	Director, Peak Ecology Ltd.
Richard Morley	Appellant.

INTERESTED PERSONS:

Janice Bradley CEnv MCIEEM	Head of Conservation Policy and Planning, Nottinghamshire Wildlife Trust.
Will Fuller BEng(Hons) MSc(Hons) MEIT	Aerodrome Safeguarding and Bird Control Officer, East Midlands Airport.
Tim Coghlan	Managing Director, Braunston Marina.
June Wheatman	Local resident.
Wendy Gibson	Local resident.
Chris Barnham	Local resident.

DOCUMENTS SUBMITTED AT AND AFTER THE HEARING

Document	1	Agricultural use and quality of land at Redhill Farm, Ratcliffe-on-Soar, Nottingham, Fox Bennett Chartered Surveyors, 26 June 2014. [Submitted by the appellant]
Document	2	Appellant's survey report of marina capacity 4 July 2014. [Submitted by the appellant]
Document	3	Figure 1 Indicative Layout of Habitat Creation Area, July 2014, Peakecology. [Submitted by the appellant]
Document	4	Supplementary Visual Impact Submission, Enzygo. [Submitted by the appellant]
Document	5	Extract from Circular Conservation of Species Protected by Law.
Document	6	<i>Birdstrike Risk Management for Aerodromes</i> CAP 772 Civil Aviation Authority.
Document	7	Extract from the <i>Planning Practice Guidance</i> Natural Environment.
Document	8	<i>Shaping our future Strategic priorities</i> Canal & River Trust.
Document	9	Response to the proposed habitat creation area by Nottinghamshire Wildlife Trust and NCC.
Document	10	Note from Mr Leake concerning flood storage.
Document	11.1	Financial Statements British Waterways Marinas Limited year ended March 2013.
	11.2	Financial Statements British Waterways Marinas Limited year ended March 2012.
Document	12	Example of licence issued by Red Hill Marine Ltd.
Document	13	Unilateral planning obligation 9 July 2014.
Document	14	Revised and supplementary planning conditions.
Document	15	Recommended planning conditions and condition topics.
Document	16	Response to Inspector's questions by appellant dated 4 August 2014.
Document	17	Revised draft unilateral planning obligation.
Document	18	Updated Illustrative Construction Management Plan Drawing No.0128-01/01.
Document	19	Cross Sections J-J and I-I Drawing No.0128-01/02.
Document	20	Response to Inspector's questions by NCC dated 8 August 2014.
Document	21	Correspondence from Euan Corrie dated 8 June 2011 and 21 June 2014.
Document	22.1	Appeal Ref:APP/H1840/A/13/2199085.
	22.2	Appeal Ref:APP/G1630/A/13/2209001.
Document	23	NCC note on Redhill judgment.
Document	24	Unilateral Planning Obligation dated 29 August 2014.
Document	25	Plan showing land owned by Canal and River Trust. [submitted by NCC]
Document	26	Section 327A of the Town and Country Planning Act 1990. [submitted by NCC]
Document	27	Closing statement notes by NCC.
Document	28	Closing statement on behalf of the appellant.
Document	29	Revised suggested conditions.
Document	30	Appellant's note on Section 327A of the Town and Country Planning Act 1990.
Document	31	Appellant's comments on Redhill Court of Appeal Judgment.
Document	32	NCC Redhill Court of Appeal Judgment.
Document	33	Comments on adopted Core Strategy.

COURT JUDGMENTS

Fordent Holdings Ltd v SoS CLG [2013] EWHC 2844 (Admin)

Europa Oil and Gas Ltd v SoS CLG [2013] EWHC 2643 (Admin)

Mrs Jean Timmins and AW Lymn and Gedling Borough Council [2014] EWHC 654 (Admin)

Redhill Aerodrome Ltd and SoS CLG [2014] EWHC 2476 (Admin)

Dartford BC v SoS CLG [2014] EWHC 2636 (Admin)

Cherkley Campaign Ltd and Mole Valley DC [2014] EWCA Civ 567

Michael Jonathan Parker and SoSCLG Rother DC [2009] EWHC 2330 (Admin)

Bizzy B v Stockton-on-Tees BC [2011] EWHC 2325 (Admin)

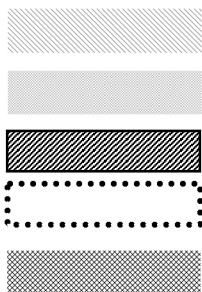
SCHEDULE OF PLANS

- a) Figure 1.1 titled *Site Location Plan*.
- b) Redhill Marina Proposals Site Plan – March 2012.
- c) Redhill Marina Proposals Masterplan – Option 1 Rev D – dated 16.03.12.
- d) Drawing No. 08.003.030A titled *Existing Road Access*.
- e) Drawing No: 08.003.003H titled *Facilities block schematic*.
- f) Drawing No: 08.003.006D titled *Cross Sections*.
- g) Drawing No: 08.003.011c titled *Boat House and Secondary Facilities*.
- h) Drawing No: 08.003.014B titled *Bridge and Causeway*.
- i) Drawing No: 0128/01/05 titled *Proposed Development Cross Sections*.
- j) Drawing No.0128-01/01 Revised illustrative construction plan.¹⁵
- k) Drawing No.0128-01/02 Cross Sections J-J and I-I.¹⁶

¹⁵ Hearing Document 18.

¹⁶ Hearing Document 19.

Key



Green Belt

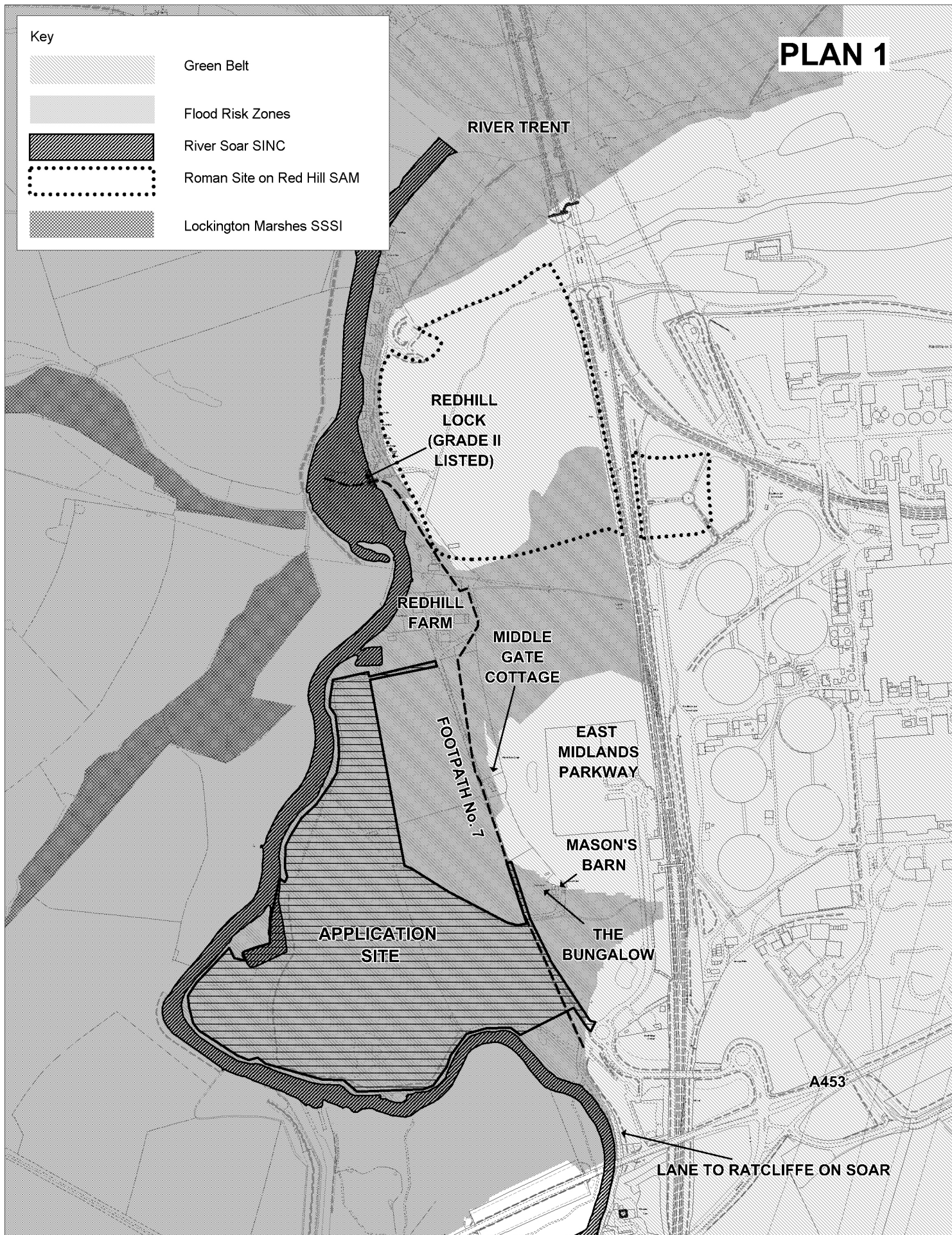
Flood Risk Zones

River Soar SINC

Roman Site on Red Hill SAM

Lockington Marshes SSSI

PLAN 1



Resubmission of application for the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals.

Red Hill Marina, Ratcliffe-on-Soar, Notts.
Planning Application No. 8/12/00856/CMA

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Scale 1:15,000

Produced by: JW

Date: FEB 2015



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
Nottinghamshire County Council Tel: 0115 982 3823

PLAN 2



SCALE:
0 50 100 200

REDHILL MARINA PROPOSALS
Site Plan - March 2012
1:1250 at A1

 **LAND & WATER**
Services



24 February 2015**Agenda Item:****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****DEVELOPMENT MANAGEMENT PROGRESS REPORT**

1. To report on planning applications received in the Department between 01 January and 06 February 2015, confirm the decisions made on planning applications since the last report to Members on 20 January 2015.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B sets out any relevant updates.
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, 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.

RECOMMENDATIONS

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

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

Constitutional Comments

"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 – 09/02/2015]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [SM – 09/02/2015]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Ruth Kinsey
0115 9932584

Planning Applications Received and Determined
From 1st January 2015 to 6th February 2015

Division	Member	Received	Determined
BASSETLAW			
Blyth & Harworth	Cllr Sheila Place	Erect a prefabricated pre school nursery, Land Adjacent to Thoresby Close, Harworth. Received 09/01/2015	
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. Withdrawn 15/01/2015
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. Variation of Condition 22 of Planning Permission 1/02/11/00122 to allow for the periodic external storage of raw material. MBA Polymers UK Limited, Sandy Lane, Worksop. Granted 30/01/2015

Division	Member	Received	Determined
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. Granted 30/01/2015
Worksop East	Cllr Glynn Gilfoyle	Erection of a single storey mono pitched roof linked classroom with associated minor landscaping works. Sir Edmund Hillary Primary School, Kingsway, Worksop. Received 02/02/2015	
MANSFIELD			

Division	Member	Received	Determined
Mansfield East	Cllr Alan Bell Cllr Colleen Harwood	Erection of a two storey replacement 420 place primary and 26 place nursery school, with additional single storey 13 place private nursery, additional car parking, lighting and CCTV, and landscaping. Alteration to pedestrian and vehicular access including widening of junction with Stuart Avenue and school gates. New 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. Demolition of concrete shelter, removal of former school building foundations, replaced by new building, hardstanding play areas and landscaping. Former Sherwood Hall School site Stuart Avenue, Forest Town, Mansfield. Received 14/01/2015	
Mansfield South	Cllr Stephen Garner Cllr Andy Sissons		
Mansfield East	Cllr Alan Bell Cllr Colleen Harwood	Creation of new three classroom teaching block plus additional staff car parking. Heatherley Primary School, Heatherley Drive, Forest Town. Received 23/01/2015	
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. Granted 26/01/2015
Mansfield West	Cllr Darren Langton Cllr Diana Meale	Levelling off land to create training/football pitches, North Woburn Lane, Pleasley. Received 30/01/2015	

Division	Member	Received	Determined
Warsop	Cllr John Allin		Retention of a temporary mobile classroom, Church Vale Primary School, Laurel Avenue, Church Warsop. Granted 05/02/2015
NEWARK & SHERWOOD			
Farndon & Muskham	Cllr Mrs Sue Saddington	Erection of a prefabricated building for use as a 30 place pre school nursery, land to the rear of Memorial Hall, Marsh Lane, Farndon. Received 12/01/2015	
Southwell & Caunton	Cllr Bruce Laughton	Variation of condition 1 of planning permission 3/12/01039/CMM to allow for an extension of time for the completion of oilfield operations until 31 December 2020, Egmanton Oil and Gas Field, Egmanton Gathering Centre, off Moorhouse Road, Egmanton, Newark. Received 19/01/2015	
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. Rufford Sand Quarry, Rufford Colliery Lane, Rainworth. Granted 27/01/2015

Division	Member	Received	Determined
Rufford	Cllr John Peck	Demolition of 1970's visitor centre, excavation of car parking areas and removal of picnic area and playground in Sherwood Forest Country Park. Sherwood Forest Country Park and Visitor Centre, Swincote Lane, Edwinstowe. Received 30/01/2015	
ASHFIELD			
Sutton in Ashfield Central	Cllr David Kirkham	Erection of 420 place 2-form entry, two-storey replacement primary school (Class D1), replacement playing fields, areas of outdoor hard and soft play, and associated landscaping. New service access road and replacement parking provision. Sprinkler tank and pump housing. Cycle parking, external lighting and CCTV. 2.0m high fencing. Demolition and reinstatement of the site of existing school buildings and retention of existing sports hall. Reinstatement of sports hall elevations following demolition of existing buildings. Brierley Forest Primary School, Westbourne View, Sutton in Ashfield. Received 13/01/2015	

Division	Member	Received	Determined
Hucknall	Cllr Alice Grice Cllr John Wilmott Cllr John Wilkinson		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. Holgate Primary School, High Leys Road, Hucknall. Granted 20/01/2015 (Committee)
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. Refused 21/01/2015 (Committee)
Sutton in Ashfield West	Cllr Tom Hollis		To retain existing mobile classroom, Mapplewells Primary School, Henning Lane, Sutton in Ashfield. Granted 22/01/2015

Division	Member	Received	Determined
Sutton in Ashfield East	Cllr Steve Carroll	Erection of a single storey classroom. Retain the existing modular classroom(Application Reference No.: 4/V/2012/0217) with replacement of fascias, gutters and rainwater pipes. Hillocks Primary School, The Hillocks, Unwin Road, Sutton in Ashfield. Received 27/01/2015	
Sutton in Ashfield East	Cllr Steve Carroll	The project scope is the proposed erection of a two-storey replacement 420 place primary school with a 60 FTE place day nursery, car parking, cycle parking, lighting and CCTV. Re-use of weldmesh fencing. Sprinkler tank, pump house and bin store with 3.5m and 2.5m high timber enclosure. Demolition of existing school buildings replaced by hard play and areas of hard and soft play to cleared sites. Leamington Primary & Nursery Academy, Clare Road, Sutton in Ashfield. Received 30/01/2015	
BROXTOWE			
Chilwell & Toton	Cllr Dr John Doddy Cllr Richard Jackson		Retrospective planning application for the erection of 2 storage containers and a building enclosure. Autosolutions, Bessell Lane, Stapleford. Granted 13/01/2015
Chilwell & Toton	Cllr Dr John Doddy Cllr Richard Jackson	Entrance remodelling and provision of wrap around care facility, Banks Road Infant and Nursery School, Banks Road, Toton. Received 15/01/2015	

Division	Member	Received	Determined
Eastwood	Cllr Keith Longdon	Design and construction of concrete skate park, Coronation Park, Plumpton Way, Eastwood. Received 29/01/2015	
Kimberley & Trowell	Cllr Ken Rigby	Erection of a single storey mono pitched linked glazed corridor, with associated minor landscaping works. Hollywell Primary School, Hardy Street, Kimberley. Received 02/02/2015	
GEDLING			
Carlton East	Cllr Nicki Brooks Cllr John Clarke		To retain existing mobile classroom, All Hallows C of E Primary School, Priory Road, Gedling. Granted 20/01/2015
Arnold North	Cllr Pauline Allan Cllr Michael Payne	Extension and alteration to existing school and provision of new double modular classroom. Provision of replacement storage unit. Provision of car parking and tarmacing of existing access, fencing and lighting, including access path and ramp. Robert Mellors Primary School, Bonington Drive, Arnold. Received 22/01/2015	
Newstead	Cllr Chris Barnfather		To retain existing temporary classroom, Hawthorne Primary School, School Walk, Bestwood Village. Granted 26/01/2015
Arnold North	Cllr Pauline Allan Cllr Michael Payne	Erection of single classroom with additional car parking alterations, new gate and fencing, and replacement hard play. Killisick Junior School, Killisick Road, Arnold. Received 27/01/2015	

Division	Member	Received	Determined
Arnold North	Cllr Pauline Allan Cllr Michael Payne	Erection of single classroom, new path and ramp with additional car parking alterations, new gate and fencing. Pinewood Infants and Nursery School, Pinewood Avenue, Arnold. Received 27/01/2015	
RUSHCLIFFE			
Bingham	Cllr Martin Suthers		Erection of one kiosk and associated installation of new fencing and gates following the lawful demolition of the existing building. (Plus installation of a swing jib under permitted development rights.) Sewage Pumping Station, Cogley Lane, Bingham. Granted 05/02/2015
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. Granted 05/02/2015 (Committee)

Scoping Request for Exploratory Borehole

Members are advised that IGas Energy PLC have recently submitted a Scoping Request to the County Council in connection with their possible plans to seek planning permission for an exploratory borehole for shale gas at a site in the northern tip of the county. The site, known as Springs Road, lies north-east of Misson close to the county boundaries with Doncaster and North East Lincolnshire.

A Scoping Request provides the County Council with the opportunity to advise prospective applicants as to the range of environmental topics and issues which any subsequent Environmental Impact Assessment would need to cover in accompanying a planning application. The County Council's response, known as a Scoping Opinion, would be a matter of public record with a copy placed on the Planning Register at the relevant District Council for inspection by interested parties.

The scoping stage is essentially a technical exercise and Officers have therefore contacted numerous organisations with a view to issuing a detailed response in due course. Members of the public will, however, have their opportunity to have their say in respect of any proposals which IGas Energy may be minded to pursue as part of any pre-application publicity and as part of the formal planning application process, should an application be lodged.

24 February 2015**Agenda Item: 10****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 Mar 2015	2/2015/0031/NT	Former Sherwood Hall School site, Stuart Avenue, Mansfield	Erection of a two storey replacement 420 place primary and 26 place nursery school, with additional single storey 13 place private nursery, additional car parking, lighting and CCTV, and landscaping. Alteration to pedestrian and vehicular access including widening of junction with Stuart Avenue and school gates. New 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. Demolition of concrete shelter, removal of former school building foundations, replaced by new building, hardstanding play areas and landscaping.
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	3/14/00614/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)
24 Mar 2015	7/2014/1382NCC	Yellowstone Quarry, Quarry Lane, Linby	Continuation of mineral extraction until 2035 and amend condition controlling traffic.
24 Mar 2015	N/A	N/A	NCC Enforcement Plan

28 April 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
28 April 2015	3/14/00976/CMA	Bilsthorpe disused colliery, Eakring 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.
28 April 2015	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.
28 April 2015	4/V/2015/0041	Brierley Forest Primary School, Westbourne View, Sutton-in-Ashfield	Erection of 420 place 2-form entry, two-storey replacement primary school (Class D1), replacement playing fields, areas of outdoor hard and soft play, and associated landscaping. New service access road and replacement parking provision. Sprinkler tank and pump housing. Cycle parking, external lighting and CCTV. 2.0m high fencing. Demolition and reinstatement of the site of existing school buildings and retention of existing sports hall. Reinstatement of sports hall elevations following demolition of existing buildings
28 April 2015		Heatherley Primary School, Heatherley Drive, Forest Town	Creation of new three classroom teaching block plus additional staff car parking.
28 April 2015	7/2014/1361NCC	Bio Dynamic (UK) Ltd, Private Road No 4, Colwick Ind Est	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, extension to concrete surfacing within site and additional porta cabin.
28 April 2015		Definitive Map Modification Orders.	To update members, following the change to the Code of Practice for a trial period, of any decisions that have been dealt with by the Rights of Way Team

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

<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
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.
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
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
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
	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
3/14/02277/CMA	Land adj Unit 17, Road A, Boughton Industrial Estate Boughton	Fenced compound to be used to store and process construction and demolition waste to produce soil and construction aggregates using mobile plant
	Bunny Materials Recycling Facility, Loughborough Road, Bunny	To vary condition 1 of planning permission 8/13/01494/CMA to extend the use of land adjacent to the existing site for a further 6 months for the temporary storage of reclaimed aggregates

