

## **Planning and Licensing Committee**

**Tuesday, 19 September 2017 at 10:30**

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

---

### **AGENDA**

- |    |  |         |
|----|--|---------|
| 1  | Minutes of the last Meeting 11 July 2017   | 3 - 8   |
| 2  | Apologies for Absence  |         |
| 3  | Declarations of Interests by Members and Officers:- (see note below)<br>(a) Disclosable Pecuniary Interests<br>(b) Private Interests (pecuniary and non-pecuniary) |         |
| 4  | Declarations of lobbying   |         |
| 5  | Approved Premises for Civil Ceremonies   | 9 - 18  |
| 6  | Application to add a Footpath to the NCC Definitive Map and Statement - Pingley Lane, Staythorpe   | 19 - 34 |
| 7  | Erection of a Detached Classroom and Five Space Staff Car Park - Brinsley Primary School   | 35 - 68 |
| 8  | Cottam Power Station and Adjoining Land Outgang Lane Cottam DN22 0EU   | 69 - 82 |
| 9  | Development Management Progress Report   | 83 - 94 |
| 10 | Work Programme   | 95 - 98 |

## **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 Peter Barker (Tel. 0115 977 4416) 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 11 July 2017 (commencing at 10.30 am)**

**membership**

Persons absent are marked with 'A'

**COUNCILLORS**

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

Pauline Allan  
Andy Brown  
Neil Clarke MBE  
Sybil Fielding  
Paul Henshaw  
John Longdon

Rachel Madden  
Sue Saddington  
Tracey Taylor  
Keith Walker  
Andy Wetton

**OFFICERS IN ATTENDANCE**

David Forster – Resources Department  
Rachel Clack – Resources Department  
Sally Gill – Place Department  
Jonathan Smith – Place Department  
Ruth Kinsey – Place Department  
Neil Lewis – Place Department  
Robert Portman – Place Department

**APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN****Resolved 2017/017**

That the appointment of Councillor Chris Barnfather as Chairman and Councillor Jim Creamer as Vice-Chairman of the Planning and Licensing Committee be noted.

**COMMITTEE MEMBERSHIP AND TERMS OF REFERENCE****Resolved 2017/018**

That the membership of the Committee and Terms of Reference be noted

## **MINUTES OF LAST MEETING HELD ON 18 APRIL 2017**

The minutes of the meeting held on 18 April 2017 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 absences.

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

None

### **DECLARATIONS OF LOBBYING OF MEMBERS**

None

### **CONSIDERATION OF A REQUEST UNDER SECTION 119 OF THE HIGHWAYS ACT 1980 FOR THE DIVERSION OF BINGHAM FOOTPATHS NO.15 AND NO.17**

Mr Lewis introduced the report and gave a slide presentation and highlighted that there had been 8 letters of objection from local residents, with the majority regarding the view of the fence, the fact it feels like walkers are herded along the corridor that will be established and the loss of open space in the area.

Following the introductory remarks of Mr Lewis, Mr Whiteley the applicant had an opportunity to speak and a summary is set out below:

- The main issue is about the safeguarding of the pupils who attend Toothill and not spoiling the enjoyment for ramblers.
- There have been incidents of conflict between Dog walkers and pupils during both PE lessons and school breaks.
- The school has worked with local residents with regard to the application in improving the footpath to be used.

There were no questions.

In response to a question regarding disabled access to proposed footpath link (to the old disused railway line) in particular steps Mr Lewis informed the Committee, that although there was not a ramp alternative to the steps proposed as the bank is steep, there is access to the footpath further along the main road and the signage will highlight this access.

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

### **Resolved 2017/019**

That the legal order to divert Bingham Footpaths No.15 and No.17 be made

**APPLICATION TO ADD A FOOTPATH TO THE NOTTINGHAMSHIRE  
COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT  
LOCATION: PINGLEY LANE, STAYTHORPE**

With the consent of the Committee this item was deferred until the next meeting

**COTTAM POWER STATION RETFORD – VARIATION OF CONDITION 6**

Mr Smith introduced the report and gave a slide presentation and highlighted the following:-

- The application is to vary condition 6 so the power plant can use coal pond fines in the facility.
- Therefore Condition 6 will read “ the development hereby approved shall only be used only for the storage and processing of biomass fuel materials and coal materials”
- The proposal will not increase the movement of HGVs in the vicinity.

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

**Resolved 2017/020**

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

**WEST BURTON POWER STATION NORTH ROAD WEST BURTON**

Mr Smith introduced the report and gave a slide presentation and highlighted the following:-

- The proposal seeks to use two areas to site mobile ash processing plant and to process and screen pulverised fuel ash (PFA) stockpiles for sale as a material used in the construction industry.
- Although there is only an informal HGV movement agreement there have been no issues raised with regard to HGV movements.

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

**Resolved 2017/021**

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

**DEVELOPMENT MANAGEMENT PROGRESS REPORT AND END OF YEAR  
PERFORMANCE**

Mrs Gill introduced the report and highlighted that Nottinghamshire was exceeding the Government targets for dealing with planning applications.

**RESOLVED 2017/022**

That the report and the appendices attached to the report be noted.

**WORK PROGRAMME**

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

**RESOLVED 2017/023**

That the Work Programme be noted

The meeting closed at 12.20pm

**CHAIR**

## **MINUTES OF MEETING HELD ON 13 MARCH 2018 (EXTRACT)**

### **1(b) MINUTES OF MEETING HELD ON 11<sup>TH</sup> JULY 2017**

The Chair informed Members that references to two previous reports were omitted in error from the minutes of the meeting held on 11<sup>th</sup> July 2017.

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

#### **RESOLVED 2018/004**

That the following recommendations and resolutions be recorded:

### **UPDATE ON THE COUNCIL'S SCHEME OF DELEGATION FOR MAKING DECISIONS ON PLANNING APPLICATIONS**

#### **RESOLVED 2017/021a**

That details of the planning applications reported to Planning and Licensing Committee during the period of monitoring of the scheme of delegation be noted and the proposed minor changes to the Scheme of Delegation be approved.

### **REVIEW OF THE COUNTY COUNCIL'S PRE-APPLICATION PLANNING ADVICE - CHARGING SCHEDULE**

#### **RESOLVED 2017/021b**

That the revised fee schedule for the pre-application advice service be approved as set out in the report, to come into effect on 1<sup>st</sup> September 2017.



**19 September 2017****Agenda Item:5****REPORT OF THE SERVICE DIRECTOR FOR SOUTH NOTTINGHAMSHIRE  
AND PUBLIC PROTECTION****APPROVED PREMISES FOR CIVIL CEREMONIES****Purpose of the Report**

1. To provide an annual update and overview of the County Council's role in licensing premises for the solemnization of marriages and the registration of civil partnerships.

**Information and Advice**Background

2. The remit of the Planning and Licensing Committee includes responsibility for the licensing of premises for the solemnization of marriages and the registration of civil partnerships. Managerial responsibility for this function is currently delegated to the Corporate Director for Adult Social Care, Health and Public Protection, however this will pass to Place Department from 1<sup>st</sup> October 2017.
3. In accordance with the process followed in recent years, this report provides an update and overview of the County Council's role in licensing premises for marriages and civil partnerships. The last report to the committee on this topic was made in September 2016.

Approved Premises

4. Current legislation allows for the solemnization of marriages (for any couple) and the formation of civil partnerships (for same-sex couples only) to take place in venues other than register offices. Secular premises such as historic buildings, stately homes, country houses, hotels, civic buildings and sports stadia can all be licensed, provided this does not compromise the principles of English law and Parliament's intention to maintain the solemnity of the occasion. Also, to be approved, a venue must be a permanently immovable structure, comprising at least one room, or any boat or other vessel which is permanently moored. Premises outside this definition, such as the open air, a tent, marquee or any other temporary structure, and most forms of transport, are not be eligible for approval. The premise must be a seemly and dignified venue for the proceedings. It cannot be a religious premise, other than for the formation of Civil Partnerships. Also, it must be regularly available to the public, which precludes a domestic home.

5. There are currently 69 Approved Premises in Nottinghamshire (a net increase of one premise since last year), and these are listed in Appendix A to this report. The fee for approval of a premise is included in the set of registration fees, which is reported annually for approval by the Communities and Place Committee.

### Civil Partnerships in Religious Premises

6. The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 allow civil partnership ceremonies to be conducted in places of worship in England and Wales. The Registration Services' role is to approve the premises. Nationally, the leaders of Liberal Judaism, the Quakers and the Unitarians have all expressed interest in holding ceremonies. The procedure, and the basis on which approvals will be granted, is broadly the same as that which currently applies to secular premises. Once approved, a premise will be included in the list of approved venues for civil partnerships, indicating that they are a religious premise. However, at present there have been no applications for a religious building in Nottinghamshire to be licensed for Civil Partnerships.

### Procedures

7. The registration service procedures for approval of premises have been developed following 'The Registrar General's Guidance to Authorities for the approval of premises as venues for civil marriage and civil partnerships' (Sixth Edition, Revised June 2015). The premises are assessed for suitability, fire safety, and the need (or otherwise) for planning permission. Once granted, each approval lasts for three years.

## **Statutory and Policy Implications**

8. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, 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.

## **Financial Implications**

9. There are no financial implications contained in this report.

## **RECOMMENDATION/S**

- 1) That members agree to receive an update report in the next 12 months and that this be included in the work programme.

**PAUL MCKAY**

**Service Director, South Nottinghamshire and Public Protection**

**For any enquiries about this report please contact:**

Robert Fisher

Group Manager, Emergency Planning and Registration

Tel: 0115 977 3681, Email: Robert.fisher@nottsc.gov.uk

### **Constitutional Comments (SLB 22.08.2017 )**

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

### **Financial Comments**

11.There are no financial implications arising from the report.

### **Background Papers**

The Registrar General's Guidance to Authorities for the approval of premises as venues for civil marriage and civil partnerships' (Sixth Edition, Revised June 2015)

### **Electoral Division(s) and Member(s) Affected**

All



### List of Approved Premises in Nottinghamshire

Premises name	Location
Arnot Hill House	Arnot Hill Park, Arnold
Beeston Fields Golf Club	The Old Drive, Wollaton Road, Beeston
Bestwood Lodge Hotel	Bestwood Country Park, Arnold
Blacksmiths	Town Street, Clayworth, Retford
Blotts Country Club	Adbolton Lane, Holme Pierrepont
Bridgford Hall	Bridgford Road, West Bridgford
Carriage Hall	Station Road, Plumtree
Chapel on the Hill	Knowle Hill, Kimberley
Clumber Park	The National Trust, Worksop
Clumber Park Muthu Hotel and Spa	Worksop
Cockliffe Country House	Burntstump Country Park. Nr Arnold
Country Cottage Hotel	Easthorpe Street, Ruddington
County House	Chesterfield Road South, Mansfield

<b>Premises name</b>	<b>Location</b>
Deincourt Hotel	London Road, Newark
East Bridgford Hill	Kirk Hill, East Bridgford
Eastwood Community Hall	Nottingham Road, Eastwood
Eastwood Hall	Mansfield Road, Eastwood
Forever Green Restaurant	Southwell Road, Mansfield
Full Moon Inn	Main Street, Morton, Southwell
Gilstrap	Castle Gate, Newark
Goosedale	Goosedale Lane, Bestwood Village
Grange Hall	Vicarage Lane, Radcliffe on Trent
Hazel Gap Barn	Budby, Ollerton
Hodsock Priory	Blyth, Nr Worksop
Holme Pierrepont Hall	Holme Pierrepont, Nottingham
Kelham Hall	Kelham, Newark
Kelham House Country Manor Hotel	Main Street, Kelham, Newark
Kingsway Hall	Forest Town, Mansfield

<b>Premises name</b>	<b>Location</b>
Langar Hall	Langar, Nottinghamshire
Lion Hotel	Bridge Street, Worksop
Mansfield Manor Hotel	Carr Bank Park, Windmill Lane, Mansfield
Mill, Rufford Country Park	Ollerton, Newark
Mour Hotel	Lake View Drive, Annesley
Newark Castle	Castle Gate, Newark
Newark Town Hall	Market Place, Newark
Newstead Abbey	Newstead Abbey Park, Ravenshead
Norwood Park Country House	Southwell, Notts
Nottingham Forest Football Club	City Ground, Nottingham
Nottinghamshire County Cricket Club	Trent Bridge, Nottingham
Nottinghamshire Golf and Country Club	Stragglethorpe, Nottinghamshire
Old Vicarage	Park Lane, Elkesley, Retford
Old Vicarage Boutique Hotel	Westhorpe, Southwell
Oscar's Lounge & Restaurant	Main Street, Calverton

<b>Premises name</b>	<b>Location</b>
Papplewick Pumping Station	Off Longdale Lane, Ravenshead
Pheasantry Brewery	High Brecks Farm, East Markham, Newark
Portland College	Nottingham Road, Mansfield
Pumping House	Brake Lane, Boughton, Newark
Ramsdale Park Golf Centre	Oxton Road, Calverton
Retford Town Hall	Market Square, Retford
Richard Herrod Centre	Foxhill Road, Carlton
Riding Hall	Thoresby Park, Newark
Rowan Suite	Chancery Lane, Retford
Ruddington Grange Golf Club	Wilford Road, Ruddington
Rufford Park Golf and Country Club	Rufford Lane, Rufford, Newark
Saracens Head Hotel	Market Place, Southwell
Secret Garden	Lancaster Road, Gringley on the Hill
Sherwood Forest Oak Room	Edwinstowe, Mansfield
Southwell Racecourse	Rolleston, Nr Newark

<b>Premises name</b>	<b>Location</b>
Sutton Bonington Hall	Main St, Sutton Bonington, Loughborough
Swancar Farm Country House	Trowell Moor, Trowell
Thrumpton Hall	Church Lane, Thrumpton
Victoria Suite	Memorial Avenue, Worksop
Village Urban Resort Nottingham	Brailsford Way, Chilwell
Welbeck Hall	Welbeck Road, West Bridgford
West Retford Hotel	North Road, East Retford
Woodborough Hall	Bank Hill, Woodborough
Worksop Masonic Hall	Potter Street, Worksop
Worksop Town Hall	Potter Street, Worksop
Ye Olde Bell Hotel	Barnby Moor, Retford



**19 September 2017****Agenda Item: 6****REPORT OF CORPORATE DIRECTOR OF PLACE**

**PROPOSAL: APPLICATION TO ADD A FOOTPATH TO THE NOTTINGHAMSHIRE  
COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT**

**LOCATION: PINGLEY LANE, STAYTHORPE**

**APPLICANT: MR VIC HIRD, PINGLEY LANE, STAYTHORPE, NOTTINGHAMSHIRE**

**Purpose of the Report**

1. To consider an application for a Modification Order made by Victor Hird to record a route as a public footpath on the Definitive Map and Statement for the Parish of Staythorpe. A map of the surrounding area is shown on **Plan A** and route under consideration is shown on **Plan B** and marked between points A and C.
2. The effect of the application, if accepted, would be to add a footpath from its junction with the adopted section of Pingley Lane to its junction with Staythorpe Footpath No. 2.

**Legal Background**

3. The application is made under the provisions of the Wildlife and Countryside Act 1981 (WCA81). Section 53(3)(b) of WCA81 requires the Surveying Authority (Nottinghamshire County Council) to modify the Definitive Map and Statement following "the expiration in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path".
4. In addition, under Section 53(2)(b) of WCA81 the surveying authority has a duty to keep the Definitive Map and Statement under continuous review and to make such modifications to the Definitive Map and Statement that appear to be requisite in consequence of the occurrence of events described in Section 53(3)(c)(i); namely "the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows: that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates".
5. Section 31 of the Highways Act 1980 (HA80) raises a presumption that a right of way has been dedicated as a highway if the route has been used by the public 'as of right' (without force, without secrecy, or without permission) and without interruption for a period of 20 years unless there is sufficient evidence that there was no intention during that period to dedicate it.

The 20 year period is to be calculated retrospectively from the date when the right of the public to use the way is first brought into question.

6. If it is accepted that dedication may be presumed at law, consideration must also be given to the category of highway that is believed to exist i.e. footpath, bridleway, restricted byway or a byway open to all traffic. This point should be based on an evaluation of the information contained in any documentary and/or user evidence.
7. Should the test under Section 31 fail, then it may be appropriate to consider whether the way has been dedicated at common law. Dedication at common law requires consideration of three issues: whether any current or previous owners of the land in question had the capacity to dedicate a highway, whether there was express or implied dedication by the landowners and whether there is acceptance of the highway by the public. Evidence of the use of a path by the public 'as of right' may support an inference of dedication and may also show acceptance by the public.

### **The Current Situation**

8. The claimed route currently exists as a track that extends from the adopted section of Pingley Lane at point A as shown in **photograph 1**. The first section of the track, A to B is owned by Luke and Danielle Ellison of Manor Farm and is used as access for them to get to their property. This section is shown in **photograph 2**. The second section B to C is owned by Latham Farms who use it to access fields. This second section is shown in **photographs 3-5**. Staythorpe Footpath No. 2 joins the track at the right angle bend at point C.
9. Staythorpe Public Footpath No. 3 starts at the end of Pingley Close (which joins Pingley Lane) which then joins on to Staythorpe Footpath No. 2 which then joins up the claimed route at point C. Although this route does provide an alternative route from Pingley Lane to point C this is not a factor that can be legally considered as it does not question the evidence of the existence of rights on the application route.

### **Documentary Evidence**

10. There is no documentary evidence that indicates that this route was recorded as a public right of way in the past. However, it is useful to know some of that background of when the other paths in the parish of Staythorpe were claimed.
11. Following on from the National Parks and Access to the Countryside Act 1949, a survey of every Parish was carried out to show the location of public rights of way. The survey of the Parish of Staythorpe was carried out by the Nottinghamshire Footpaths Preservation Society in 1957 and what is significant is that on the plan that they used which was dated 1938, redevelopment of the Manor Farm Buildings had not taken place and so no path was shown on the Ordnance Survey base map. Staythorpe Footpath No. 2 was claimed as a public footpath leading off Pingley Close. The Ordnance Survey plan of 1972 shows that development at Manor Farm had taken place by this date and so the route for which this application has been made existed from at least that date.
12. However, between 1986 and 1993 there were protracted discussions concerning the diversion of Staythorpe Footpath Nos 2 and 3. In 1993, one of the consultees, the Nottinghamshire Footpaths Preservation Society, wrote a letter to the County Council giving

their views on the proposal but also making a comment on the route for which this application has been made. They stated in their letter that 'we have marked in red a route the local people appear to use and which we would like included'. There is nothing in the County Council files that this comment was followed up, but the Diversion Order was made and confirmed in 1995 diverting Staythorpe Footpath Nos. 2 and 3 to their present positions.

## The Application

13. The application for a Modification Order was made by Victor Hird in November 2015. In total 41 user evidence forms were submitted in support of the application claiming use of the route on foot with some of them submitting additional information. A summary of the user evidence is shown in **Table 1**. A consultation was carried out following submission of the application which included the owners of the land over which the route runs. What follows in this report is a substantive summary of the evidence that has been submitted both in support of the application and in objection to it.
14. **Length and frequency of use.** In support of the applicant members of the public submitted forms giving details of their use of the path and some of them provided additional information including interview statements. Of those 41 users, at least 15 of them have used the path for more than the required 20 years with some of them the use goes back to the 1970's. According to the information submitted, the path has been used frequently, with 21 claimants stating that they used the path at least twice a week and with some of these their use was daily. A few of the claimants do state that they were visitors to the area when they used the path and therefore their use would only be a few times a year. Other users had previously lived in the village but have since moved away but their use continued when they came back to visit family or friends.
15. **Purpose.** Most of the claimants stated that the purpose for using the route was for pleasure. Some people who lived in Staythorpe used the path to get to Upton and there are others who live in Upton who use it to get to Staythorpe as part of a longer walk. Some of the claimants said that they used the claimed route and then came back along Staythorpe Footpath 2 and along Pingley Close.
16. **Date of Challenge.** The date of challenge when the right to use the path was first called into question appears to be on the 3 October 2015 when a notice was erected at the end of the adopted section of Pingley Lane at point A as shown on Plan **B**. The wording of the notice was 'MANOR FARM. PRIVATE ROAD, NO ACCESS WITHOUT PERMISSION, PUBLIC FOOTPATH IS VIA PINGLEY CLOSE', as shown in **photograph 6**. It is considered that the erection of this sign and the emphatic wording on it was sufficient to challenge members of the public who were using the claimed route. The applicant contacted Nottinghamshire County Council following the erection of this sign to request information on how to claim this path as a public right of way. Therefore the relevant 20 year period which is under consideration runs from 1995 to 2015.
17. **Use without challenges and as of right.** None of the claimants state that their use was ever challenged by any notices or structures along the claimed path that ever prevented their use. None of the claimants said that their use was ever prevented by either the previous owner of Manor Farm, Sue Mitchell, or the present ones nor anyone from Latham Farms. Some of the claimants state that when they using the path they met Sue Mitchell and they stopped and talked with her. However, nothing was said about their use of the path.

18. **Use with permission.** Similarly none of the claimants sought permission to use the path and none was given. Two of the claimants did refer to permission being given with Hilary Snell clarifying the point that that was a discussion with her father and the landowners but no formal permission was given but 'just that there was no problem for him to use it'. The other claimant stated that he had had permission by Mr Latham to drive down the track to shoot pigeons and rabbits. However, it appears that this permission only extended to use with a vehicle and not to his use on foot.

19. **Consultation.** A consultation was carried out with statutory undertakers, user groups, Newark and Sherwood District Council as well as the 2 current owners, Latham Farms and Luke and Danielle Ellison. Section A to B is owned by Latham Farms and Section B to C was owned by Sue Mitchell of Manor Farm who lived at the property from 1977 to 2011 and then by Luke and Danielle Ellison who bought Manor Farm in 2012 and still own the property. Replies were received from the Sue Mitchell and Luke Ellison as well as a neighbouring landowner. Listed below are the main points that were made.

20. **Sue Mitchell owner of Manor Farm (1977-2011)**

- Manor Farm had been in her husband's family since 1967 and she lived at the farm from 1977 to 2011
- That there is an alternative existing footpath.
- That her family did not allow access and that she has challenged people and if the family had realised that it was being used as a public right of way then they would have put up a sign and gate to deny access.
- She spent a lot of time outside and never saw any of the claimants using the path.

21. **Luke Ellison current of Manor Farm (2012 onwards)**

- Didn't see anyone using the route during visits prior to buying Manor Farm nor afterwards and none of the neighbours referred to it as a public right of way.
- The route has been closed for several days when the conifers adjacent to it were felled and when a manhole was constructed.
- He started to challenge people in 2014 when dogs were fouling the route and were off the lead and in 2015 his neighbours started to use the route.
- He erected a sign in 2015 but it was vandalised and pulled down.
- He disputes the evidence that has been submitted and in particular that there are people who submitted evidence who don't live in the village

22. **John Burnett**

- States that there is no public right of way along the route but existing right of way nearby
- States that Latham farms have access down the route
- Aware that a sign was erected due to increased dog use but it was vandalised and taken down. Not aware of any other signs that were erected.

**Reason for the Recommendations**

23. As stated in the report, there is no suggestion from either the owners nor the claimants that there were ever any signs prior to the one erected in October 2015 during the relevant 20 year period of 1995 to 2015. Similarly there is no suggestion from either of the landowners, nor from the claimants that there was any physical barrier that would have prevented use of the path during the relevant 20 year period of 1995 to 2015. Therefore the critical element to

consider is has the path been used by members of the public for that 20 year period, and if there were any challenges to that use?

24. Although the 20 year period only goes back to 1995 many of the claimants state that they have used the route for much longer than this. One piece of information that is consistent with this and gives useful background to the reputation of the path claim was that in 1993 the Nottinghamshire Footpath Preservation Society stated that they were aware that local people were using the this path.
25. For a small village such as Staythorpe there were a large number of user evidence forms submitted. Of the 41 user evidence forms 29 people actually live in the parish of Staythorpe and considering the parish only had a population of 91 in the 2011 census that makes approx. one third of the residents have submitted forms showing use of the path. However, those people who do not live in the parish of Staythorpe, (some live in the neighbouring parishes of Upton and Averham) still provide evidence of public use and should not be discounted.
26. There is a conflict between what was said by the previous owner of Manor Farm, Sue Mitchell, who said that she never saw the people who are suggesting that they used it and with those who have submitted evidence of use. This is in conflict with what was stated by Mary and Hilary Snell, Keith Melton and Vic and Denise Hird who all state that they not only saw Sue Mitchell when they were using the path but stopped to talk to her and nothing was said about their use of the path. None of the claimants ever say that they were challenged by Sue Mitchell or given permission from her to use the path. One point to note is that the part of the path that goes in front of Manor Farm was separated by tall conifers and so this could have been a possible reason that Sue Mitchell did not see people using the claimed route. The information from the claimants does seem to be consistent on this point that the path was frequently used with no challenges from anyone.
27. In a similar way, after Manor House was sold to Luke Ellison in 2012 there is a conflicting information about if the route was used by the public. None of the claimants state that their use of the route changed and their use continued. However, Luke Ellison stated that when he first moved to Manor Farm he did not see anyone using the path nor was there evidence of use but it wasn't until there was an increase in dog use that he erected a sign in October 2015.
28. In **Norton v Bagshaw (1994)** it was held that the wording of Section 53(3)(c)(i) referred to in paragraph 5 above, provides that in deciding whether a public right of way exists, there are two tests; a) *whether a right of way subsists* (known as '**Test A**') and b) *whether a right of way is reasonably alleged to subsist* ('**Test B**'). It was also held that for Test B to be met, it is necessary to show that a reasonable person, having considered all the relevant evidence available, could reasonably allege that a public right of way exists.
29. In this case whilst there is a conflict of evidence, there is no incontrovertible evidence that a right of way cannot reasonably be alleged to exist. Therefore, having considered that there is a credible body of user evidence to show that the claimed route have been used for a minimum period of 20 years and little evidence to show that the landowner had, prior to the date of challenge effectively challenged public use or directly demonstrated a lack of intention to dedicate the claimed route, investigations have shown that a public right of way on foot is at least reasonably alleged to exist along the claimed route and a Modification Order should be made.

## **Statutory and Policy Implications**

30. 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 services), the public sector equality duty, safeguarding of children and adults at risk, 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**

1) It is recommended that Committee approves the making of a Modification Order to modify the Definitive Map and Statement by adding the footpath for which the application was submitted on the basis that, for the reasons set out above, it is considered by the Authority that the evidence shows that a right of way is reasonably alleged to exist.

**ADRIAN SMITH**  
**Corporate Director - Place**

**For any enquiries about this report please contact:**  
Angus Trundle (0115 9774961)  
Commons and Greens and Definitive Map Officer

### **Constitutional Comments [RHC 21/6/2017]**

Planning & Licensing Committee is the appropriate body to consider the contents of this report.

### **Financial Comments (RWK 15/06/2017)**

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.

- Modification Order Application case file



**Photograph 1.** November 2015. Looking north to point A



**Photograph 2.** November 2015. Looking northwest from point A along the claimed route.



**Photograph 3.** November 2015. Looking west from point B along the claimed route.



**Photograph 4.** November 2015. Looking southwest along the claimed route towards point C



**Photograph 5.** November 2015. Looking West towards point C



**Photograph 6.** Sign erected at point A



# Plan A Location Plan



Nottinghamshire  
County Council

Scale 1:20000

Produced by: a t47

Date: 07/06/2017



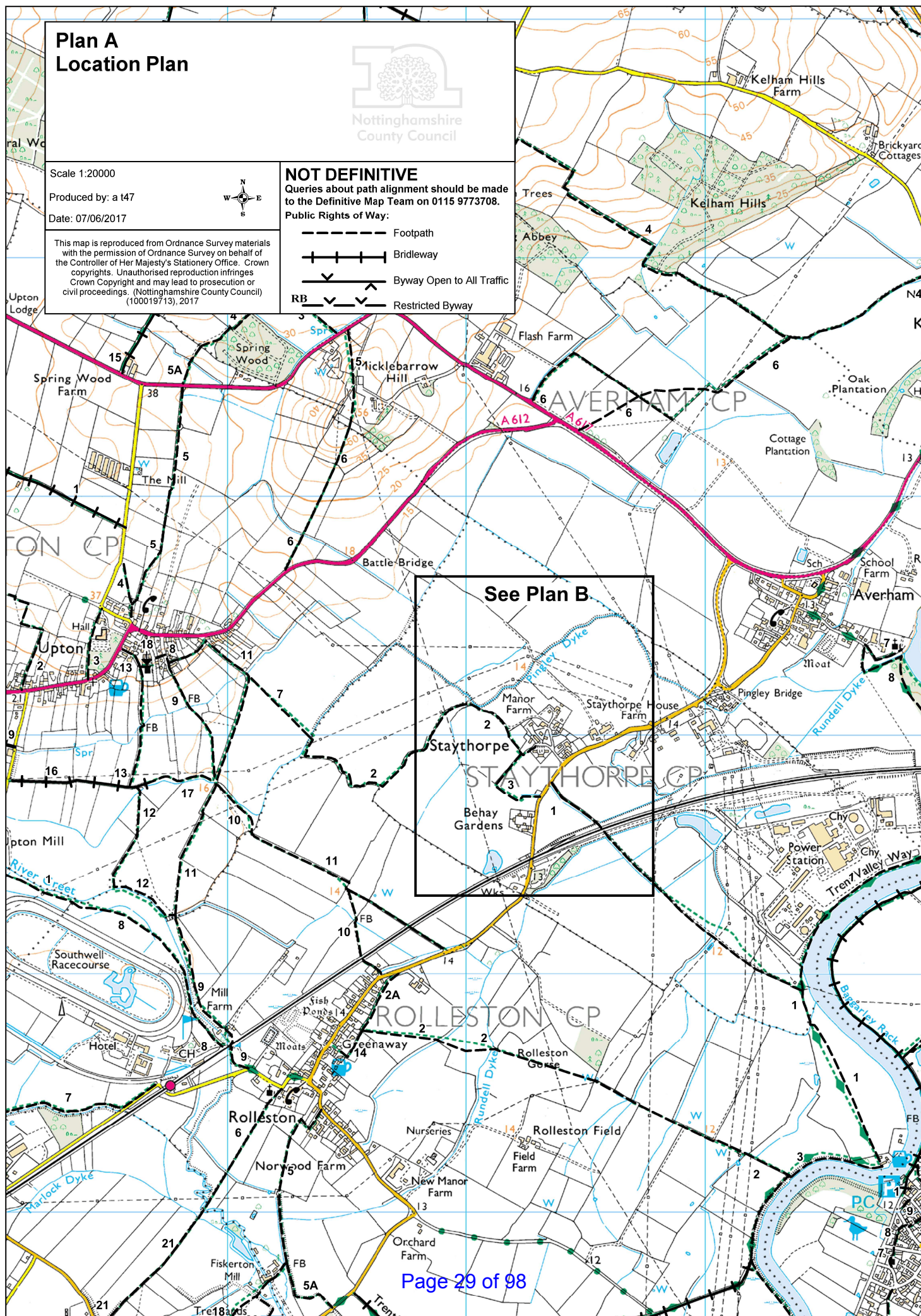
## NOT DEFINITIVE

Queries about path alignment should be made to the Definitive Map Team on 0115 9773708.

Public Rights of Way:

- Footpath
- + + + Bridleway
- Y Y Byway Open to All Traffic
- RB Y Y Restricted Byway

This map is reproduced from Ordnance Survey materials with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyrights. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. (Nottinghamshire County Council) (100019713), 2017





# Plan B Staythorpe Proposed Modification Order



Scale 1:5000

Produced by: a t47

Date: 07/06/2017



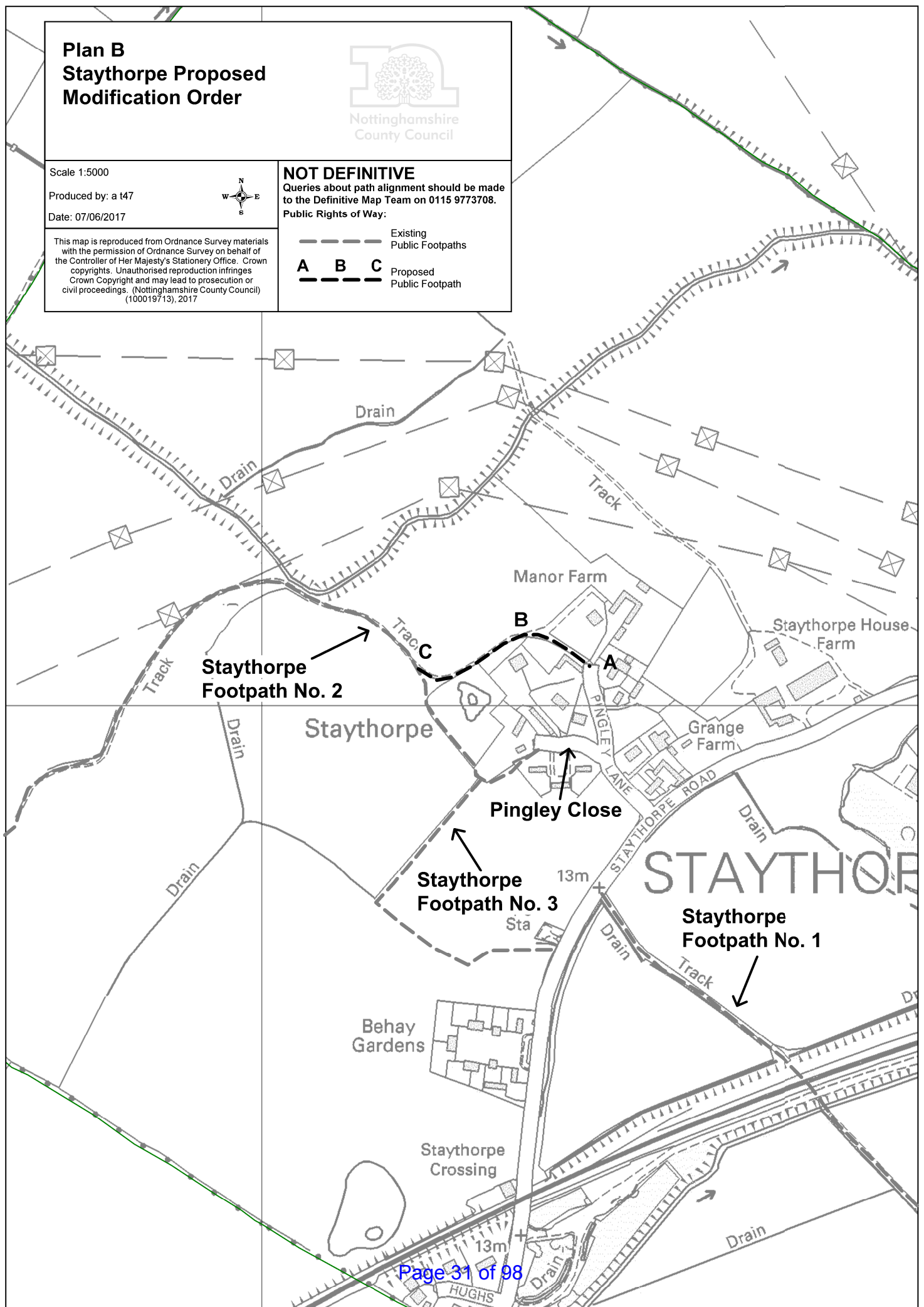
## NOT DEFINITIVE

Queries about path alignment should be made to the Definitive Map Team on 0115 9773708.

Public Rights of Way:

Existing Public Footpaths  
Proposed Public Footpath

This map is reproduced from Ordnance Survey materials with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyrights. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. (Nottinghamshire County Council) (100019713), 2017





**Table 1.** Use of the application route by the claimants

	Name	Location	Use	Max Frequency	used	Date of First use	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15
1	M. Snell	Staythorpe	foot	3xday	47	1968																										
2	H. Snell	Averham	foot	5xweek	42	1973																										
3	K. Melton	Staythorpe	foot	3xmonth	41	1974																										
4	K. Hirons	Visitor	foot	2xyear	41	1974																										
5	L. Hoyes	Visitor	foot	4xyear	40	1974																										
6	S. Feeney	Visitor	foot	2xyear	39	1978																										
7	M. Ellis	Staythorpe	foot	5xweek	36	1979																										
8	L. Loynes	Staythorpe/Visitor	bike/foot	3xweek	19	1979																										
9	R. Loynes	Staythorpe/Visitor	bike/foot	1xday	19	1979																										
10	J. Ellis	Staythorpe	foot	5xweek	36	1979																										
11	R. Spier	Staythorpe	car/foot	10xyear	25	1985																										
12	G. Astley	Staythorpe	foot	2xweek	23	1992																										
13	P. Snow	Upton	foot	6xyear	25	1987																										
14	M. Snow	Upton	foot	6xyear	25	1987																										
15	V. Hird	Staythorpe	car/bike/foot	1xday	22	1993																										
16	D. Hird	Staythorpe	foot	1xday	23	1993																										
17	M. Hird	Staythorpe/Visitor	bike/foot	1xday	22	1993																										
18	S. Hird	Staythorpe/Visitor	foot	30xyear	23	1993																										
19	J. Hird	Visitor	foot	10xyear	23	1993																										
20	G. Lester	Visitor/Bleasby	foot	2xyear	23	1993																										
21	C. Lester	Visitor/Bleasby	foot	6xyear	22	1993																										
22	I. King	Staythorpe	bike/foot	3xweek	5	2010																										
23	R. Lipton	Staythorpe	foot	5xmonth	18	2006																										
24	K. Creed	Staythorpe	foot	2xweek?	15	2000																										
25	B. Showker	Staythorpe	foot	2xday	13	2002																										
26	P. Showker	Staythorpe	foot	3xweek	12	2003																										
27	R. Melville	Staythorpe	foot	3xweek	12	2003																										
28	L. Stokes Hird	Visitor	foot	1xmonth	7	2007																										
29	D. Storey	Staythorpe	foot	2xweek?	8	2007																										
30	C. Bradbury	Staythorpe	foot	1xday	8	2007																										
31	A. Adaw	Staythorpe	foot	2xweek	6	2009																										
32	A. King	Staythorpe	foot	7xweek	5	2010																										
33	N. Walker	Staythorpe	foot	1xmonth	9	2006																										
34	S. Walker	Staythorpe	foot	2xmonth	9	2006																										
35	J. Adey	Staythorpe	foot	2xweek	6	2009																										
36	J. Amat	Staythorpe	foot	2xweek	6	2009																										
37	J. Wragg	Staythorpe	foot	4xweek	4	2011																										
38	J. Wragg	Staythorpe	foot	4xweek	4	2011																										
39	G. Dewing	Staythorpe	bike/foot	2xday	3	2012																										
40	R. Sandford	Staythorpe	foot	2xday	2	2014																										
41	G. Sandford	Staythorpe	foot	1xday	1	2014																										



**19 September 2017****Agenda Item:7****REPORT OF CORPORATE DIRECTOR – PLACE****BROXTOWE DISTRICT REF. NO.: 5/17/00573/CCR****PROPOSAL: ERECTION OF DETACHED CLASSROOM AND FIVE SPACE STAFF  
CAR PARK****LOCATION: BRINSLEY COUNTY PRIMARY SCHOOL, MOOR ROAD, BRINSLEY****APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES****Purpose of Report**

1. To consider a planning application for the erection of a classroom and construction of a car park at Brinsley Primary School, Moor Road, Brinsley. The key issues relate to the siting and impact of the proposed building on the original 1920s school building, and highway impact of the proposed development. The recommendation is to grant planning permission subject to the conditions set out in Appendix 2.

**The Site and Surroundings**

2. Brinsley Primary School is located on a 1.95ha site bounded to the north-east by Moor Road and to the north by The Moor. Public footpath Brinsley FP2 runs along but outside the western site boundary. Residential development on Queens Drive, Brynsmoor Road and Gladstone Drive lies to the south adjacent to school playing field. (Plan 1).
3. The original single storey red-brick pitch roof school buildings dating from the 1920s are located at the junction of Moor Road with The Moor and Hobsic Close. A CLASP school block lies to the south-east and is separated by an area of hard play marked as a netball court. The netball court is at a level approximately 0.5m below the level of Moor Road and slopes downward in a southerly direction. The boundary to Moor Road is formed by a stone wall topped with black coloured Heras security fencing. A hard play court lies to the south of the school buildings with grass playing field beyond. A fenced grass play/trim trail (Photo - P1.) lies between the netball court marked area and the larger hard play court and is level 0.5m above the adjacent CLASP building (Plan 2).
4. There are three points of pedestrian access to the school. The main school entrance to the school reception is off the access to the school car park, which has capacity for 17 cars and is located to the east of the CLASP block. 37 Moor Road is a bungalow to the south-east of the car park. CLASP buildings within

the school extend back into the school site parallel to the boundary with 37 Moor Road, off-set from the common boundary by approximately 12m.

5. There is a pedestrian access gate on Moor Road with steps and an internal ramp leading to the netball court area, and an access from The Moor, both of which are opened at the beginning and end of the school day. There is a separate vehicular field maintenance access to west of the pedestrian access gate on The Moor (Photo – P2.).



P1. Enclosed play equipment



P2. Maintenance access gate – The Moor

6. A school zone is in place, with guardrail and zig-zag 'School Keep Clear' markings outside the Moor Road pedestrian entrance, and double yellow lines extend both sides of the junction of The Moor with Moor Road. Highway parking bays for six cars are provided on The Moor outside the school.
7. The Primary school has a Published Admission Number (PAN) of 30 and the school current capacity is 197 places. 171 children are on the school roll (January 2017). There are currently smaller cohorts at older age groups within the school. A year group of 29 has entered the school at first admission in September 2017, replacing a cohort of 18 leaving from Year 6. The future intake at first admission is projected to be between 21 and 23 between 2018-2021.
8. Four of the seven classrooms at the school are under-size and cannot accommodate 30 children. The CLASP building is used for Key Stage (KS1) with KS2 teaching taking place in the 1920s original school building.
9. Core teaching hours are between 08:45-15:15 hours and a Breakfast Club operates from 07:30 hours. 13 full time and 14 part-time staff are employed (19 FTE).
10. An Early Years unit in a separate building between the netball hard play and CLASP building offers 26 part-time places in the morning and afternoon to children of non-statutory school age.
11. The whole school site is subject to Broxtowe Local Plan 2004 Saved Policy RC5 *Protection of Open Spaces* which will not permit development that would result in a local deficiency of open space unless it is either not required or the loss is mitigated (amongst other criteria).
12. The 1920s school building is not an identified non-designated heritage asset.

## Background

13. The school PAN of 30 equates to 210 Primary school places. In addition to larger cohorts at first admission, the applicant has advised that proposed development in the school Pupil Place Planning area could generate demand for a further 32 Primary school places. In combination with a projection of the number of pupils that would be on the school roll (varying between 170 and 178) would take the school close to the 210 capacity of a single form entry school.

## Planning history

14. Planning permission (5/17/00457/CCR) has been granted which expires at the end of February 2018 for a temporary classroom to be sited on the school netball court to meet an immediate demand for pupil places. The building was sited at the end of August 2017. The proposed development detailed below would replace the temporary classroom.

## Proposed Development

15. Planning permission is sought to erect a modular classroom which, in conjunction with internal remodelling of the existing school, would provide improved accommodation for larger year groups. Three additional staff would be employed, increasing numbers to 16 full-time and 14 part-time staff (22 FTE).
16. The proposed classroom would be sited on the enclosed grass play area to the south of the marked netball court, approximately 40m from the frontage to Moor Road (Photo – P3.). At its closest point the building would be 4.1m from the original 1920s school building and would be set back so as not to be sited in front of the main south-east facing elevation (Plan 3). The building would have a footprint 11.5m x 7.3m and, taking account of change in level across the site, would vary in height between 3.4m-4.0m and 4.0m-4.6m (Plan 4) [*It should be noted that Plan 4 shows dimensions – the correct proposed elevations are on Plan 6*]. The height of the building at the corner closest to the 1920s school would be 3.4m. The relationship of the proposed building to the 1920s school and CLASP buildings is shown on a photo montage attached as Plan 5. A mono-pitch roof would be covered with a single-ply membrane and would incorporate a roof-light.
17. The end elevations would be constructed of red brick to match the 1920s school above a blue brick plinth while the length of the building would be faced with white render above a brick plinth (Plan 6). Rainwater pipes and aluminium door and window frames would be coloured light grey (RAL 9003). The fascia and guttering would be coloured a darker grey (RAL 7047).



P3.Site for proposed building



P4.Existing hard play used for construction

18. The ground level outside the entrance to the building would be graded to provide level access. An external air-handling unit would be provided on the north-west facing elevation.
19. Foul drainage would connect to the combined sewer on Moor Road. A porosity test is to be carried out. If the site is demonstrated to be unsuitable for a soakaway, surface water would discharge to a public sewer to the east of the site.
20. The building would incorporate sustainable design features such as off-site construction (reducing waste, encouraging recycling and allowing higher standards of quality control in construction by reducing structural air leakage), high levels of insulation, air-source heat pump, efficient lighting and passive ventilation, low water use toilets and controlled flow taps.
21. A crane would be sited on part of the adjoining hard surfaced outdoor play area (Photo – P4.). The existing vehicular field maintenance access gate from The Moor would be used for construction access (Photo – P5.).



P5. Existing maintenance access gate



P6. Area for proposed car park

22. Following the completion of the proposed classroom part of the area taken for construction would be surfaced with *Grasscrete* to provide five staff parking spaces (Photo – P6.). As the area for car parking would be used for construction it would not be possible to provide the car parking at the time the classroom is first brought into use, but would be provided shortly after.
23. The new classroom would replace the need for the temporary classroom granted planning permission under reference 5/17/00457/CCR.

24. Outdoor play equipment displaced by the classroom building would be re-provided to the south of the area of Grasscrete (Plan 3).
25. The application is supported by a School Travel Plan which was completed in June 2017.

## Consultations

26. **Broxtowe Borough Council** – Object. *The proposed modular classroom would be positioned between the traditional school buildings and more modern buildings. The existing playground and enclosed exercise area provide a good visual and physical separation between the two separate built elements of the school. Although the traditional buildings are not listed, locally listed or within a Conservation Area, they have an element of historic and visual importance. This will be significantly diminished through the positioning of a modern modular classroom immediately in front of the historic buildings.*
27. *There would appear to be other areas of the site, with a better relationship to the modern buildings, where the proposed classroom would be visually more integrated. Alternative building siting and why they have been discounted are not discussed, such as to the north-west or south-west of the modern school buildings. Some visual harm would be caused by the proposal. For a long-term capacity solution, alternative sites should be considered, particularly in close proximity to the more contemporary buildings and to maintain the visual and physical separation from the traditional buildings.*
28. The provision of a classroom to address a shortfall in classroom accommodation is acceptable in principle. No objection is raised to the proposed car park subject to appropriate protection of the trees adjacent to the site entrance.
29. **Brinsley Parish Council** - Support.
30. **NCC Highways Development Control** – No objection subject to the provision of Grasscrete parking within two months of the classroom first being brought into use.
31. *The proposed additional parking spaces would accommodate the expected increases in staff numbers as a result of the extension, and would potentially help alleviate the existing issue of staff parking on-street. This would help reduce the impact of on-street parking associated with staff. Also, providing for the expected number of additional staff and also removing a number of staff vehicles from the road, would help mitigate the impacts associated with the additional short term parent parking which will occur as a result of the increase in pupil numbers.*
32. *A review of road safety records indicate that no recorded incidents have occurred in the five-year survey period. In view of this there is no evidence that pupil drop-off and pick-up by vehicles create a highway safety issue on the roads in the vicinity of the site.*
33. *The Highway Authority recognises that on-street parent parking at school opening and closing times is going to be a concern to the residents in the vicinity of the school. However the time period over which this occurs is very brief.*

*Commonly, the afternoon peak is worse than the morning peak with vehicles beginning to park 20-30 minutes before closing time. Generally roads are back to normal by about 15 minutes after the school closes.*

34. *This is not a unique problem and is prevalent at most schools throughout the country in local neighbourhoods. However, this problem only occurs over a short duration and invariably results from indiscriminate parking by parents in positions that can cause irritation to nearby residents. Notwithstanding this, considerate on-street parking on the public highway is acceptable if carried out appropriately in accordance with any traffic regulation orders that already exist. To assist with the issue of inconsiderate parking outside schools and parents ignoring traffic regulation orders, the County Council has recently activated a dedicated CCTV car to monitor and issue Penalty Charge Notices for motorist contraventions in restricted areas subject to traffic regulation orders.*
35. *Current ministerial guidance and the National Planning Policy Framework (NPPF) highlights that to consider refusal of a development on highway grounds the impact of it must be 'severe' (paragraph 32). In light of the above, the Highway Authority considers that the measure of 'severe' cannot be made in relation to the impact of additional traffic associated with the school.*
36. *The School Travel Plan has very recently been updated so it is not considered that it needs to be updated again at this time. The school must proactively manage the School Travel Plan by including measures and strategies to reduce the reliance of single occupancy vehicles and encourage visits by sustainable modes of travel. The School Travel Plan must be kept up to date, independently monitored and acted upon. The successful implementation of the School Travel Plan should have a positive impact in reducing the use of cars by those going to and from the school. It is widely accepted that robust management of the travel plan initiatives by a school can significantly reduce the number of single car occupancy generated by the facility.*
37. *The proposed car park area would be a site compound for a short period while work is taking place at the school, so would not be available for use straight away. A condition is recommended to require the car park to come into operation following the use of the compound ceasing. It has been advised that two months would be an appropriate time period.*
38. **Sport England** - No objection. *The proposed classroom building does not impact on playing field and the car park meets Sport England Playing Field Policy Exception E3 in that the development affects only land incapable of forming, or forming part of, a playing pitch.*
39. **NCC Built Heritage** – [Comments sought following receipt of the objection from Broxtowe Borough Council.] No objection subject to a condition to require the submission of proposed materials. *Careful consideration should be given to the palette of materials to ensure that the facing brick and render of the new building are in harmony.*
40. *The traditional brick built school building has some heritage interest as an example of a LEA school of the early C20th and alongside this, the post WWII CLASP component is also of architectural and historic interest. Architecturally, the south side of the early C20th building is the most intact and least altered of*

*the two long elevations. Although it no longer has its original fenestration, it has considerable presence in the streetscape.*

41. *The CLASP components are by the nature of the architecture less obvious from the street, but for this reason are of equal interest as they sit comfortably within the landscape of the school site and reflect a considered approach to their siting.*
42. *It is noted that Broxtowe Borough Council do not consider either building to be formally of 'local interest' and as such with regards to the NPPF it is not appropriate to treat the school as a 'non-designated heritage asset'. It is appropriate to consider the heritage value in accordance with paragraph 128 and 129 of the NPPF and for the council to undertake its own assessment of the heritage value and impact of the development on that interest.*
43. *The justification and reasoning behind the location of the development has been reviewed. In particular the case for an alternative location for the proposed building that would remove it from the immediate setting of the south elevation of the early C20th school towards the post war CLASP component has been considered. There are no clear alternatives that do not impact on neighbouring properties or the intrinsic architectural and landscape interest of the CLASP buildings. The proposed location is a sensible compromise that provides for a degree of separation from both the early C20th traditional brick building and the post WWII CLASP component of the site. The new building will occupy a space with a degree of separation and its own 'setting' that ensures it is distinguishable from the two main phases of development on the site. This provides a degree of legibility that is welcome and appropriate while alongside this, the architectural style of the proposed new building is distinct but harmonious by incorporating materials that reflect the palette of the adjacent early C20th school building.*
44. **NCC Project Engineer (Noise)** - No objection. *It is not anticipated that there will be a notable increase in external activity noise as there would be a minimal increase in projected pupil numbers. The classroom would be sited away from residential receptors minimising risk of increased noise breakout from school buildings. The classroom will be of modular construction and the build period will be minimised reducing construction noise impact.*
45. **NCC Landscape** - No objection subject to conditions to require a no-dig method for the construction of the car park so as not to impact on tree roots; facing bricks to match the original school; and the hedge on the western boundary to be thickened up to reduce impact on residents facing the car park.
46. *Provided trees and tree root zones are protected the landscape impact of the development would be negligible.*
47. *Residents, particularly 8 The Moor (Plan 1) which is opposite the proposed construction entrance and proposed five space car park, would have clear views during construction and views of the car park following construction.*
48. **NCC Nature Conservation** - No objection subject to conditions that a further bat survey will be required if development does not commence before 15 June 2018 (within 12 months of the submitted bat survey); submitted measures for

tree protection during construction should be implemented; and the site of the car park being mown before clearance and checked for ecological significance.

49. *There is negligible evidence to indicate that bats roost in the loft space of the existing building from where electrical services will be fed. If nesting birds are encountered ecological advice should be sought.*
50. **The Coal Authority** – No objection subject to a condition to require the submission of an intrusive site investigation and scheme of site remediation. The site is within a defined coal Development High Risk Area. *The submitted geo-environmental desk-top study is adequate in showing that the site can be made safe and stable for the proposed development.*
51. **NCC Land Reclamation** – No objection subject to a condition for a watching brief for contamination during construction.
52. **Severn Trent Water Limited** – No objection. *The consent of Severn Trent Water will be required for a direct or indirect connection to the public sewer.*
53. **Western Power Distribution** - Western Power Distribution should be contacted for up to date records of installed apparatus.
54. **Police Force Architectural Liaison Officer, NCC Flood Risk Team and Cadent (Gas)** – No response received.

## Publicity

55. 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 Review.
56. One letter has been received from a resident of Moor Road who lives opposite the school raising the following objections:
  - a) The development will enable more children to attend the school;
  - b) Existing parking problems at school start/finish times. Risk to child safety;
  - c) Current infrastructure is inadequate and will not be improved by the provision of five additional parking spaces. More than five spaces should be provided.
57. Councillor John Handley has been notified of the application.
58. The issues raised are considered in the Observations Section of this report.

## Observations

59. Great importance is attached in NPPF *Promoting Healthy Communities* (Paragraph 72) to ensuring that sufficient choice of school places is available to meet the needs of new and existing communities. Great weight should be given to the need to create, expand or alter schools. In a letter to Chief Planning Officers, the Secretary of State for Communities and Local Government has stated that there should be a presumption in favour of the development of state-

funded schools and the delivery of development that has a positive impact on the community (Appendix 1).

60. The school PAN would not increase but the proposal would allow larger year groups to be accommodated. The development in combination with internal works at the school would provide suitable accommodation to teach in single year groups. Whilst pupil numbers could be accommodated in existing school buildings, it would require the Early Years unit to relocate to an alternative site. It has been possible to accommodate current school numbers alongside the Early Years unit, but additional accommodation is required if the Early Years unit is to remain on the site. It is considered that the requirement for additional pupil places in September 2017 has been justified through the supporting statement accompanying the application.
61. In determining this application, consideration needs to be given to whether the impact of the proposed development would give rise to significant harm that could not be addressed through modifications to the site layout, design, or otherwise mitigated through the imposition of conditions.

### Highways

62. The proposed classroom would not enable an expansion of the school but would provide suitable accommodation for the rising school roll. Likely traffic impacts, including a review of road safety records in the area, have been considered in the consultation response from NCC Highways Development Control. It is considered that the relatively small increase in the capacity of school buildings would not give rise to material impacts on highway safety. The school has an up-to-date School Travel Plan, and without a material increase in pupil numbers (the PAN remaining unaltered) it is considered that a review of the School Travel Plan would be required as a necessary condition of granting planning permission.
63. Three additional staff would be employed for September 2017. The provision of five additional staff parking spaces would exceed the increased operational demand generated by the development, and is welcomed. No alterations to the existing field maintenance vehicular access from The Moor, which would also be used for construction, would be required.
64. There would be a short-term delay providing the additional parking spaces as the proposed car park would be within the wider construction compound. The delay has been discussed with the applicant and it has been agreed that the parking spaces can be provided within two months of the classroom first being brought into use (Condition 14). With a cohort of 18 leaving the school in Summer 2017, to be replaced by an anticipated intake of 29 children, it is considered that the immediate net increase of 11 pupils would not give rise to a significant highway impact. NCC Highways Development Control has confirmed that a delay in providing the additional car parking spaces would be acceptable.

### Siting and Amenity

65. The classroom would be sited away from highway frontages and would not have a significant visual impact on the streetscene. Views into the site from Moor Road and from within the site are shown on photographs P7. and P8. With reference to the objection from Broxtowe Borough Council, the building would

not be sited in front of the main elevation of the school when viewed from Moor Road and views of the original school would not be obstructed. Whilst concern has been raised that the building would be sited in the area that currently separates the two distinct phases of built development on the site, the appraisal in the consultation response from NCC Built Heritage Team (Paragraph 39 et seq.) should be given weight.



P7. View from Moor Road



P8. View from within the school site

66. In giving consideration to how the school would function, it is intended to use the building as a classroom for 6-7 year old children and the building would be appropriately sited for the transition of school ages within the school. Alternative locations for the building within the site would have the potential to impact on amenity (37 Moor Road), be sited more prominently relative to Moor Road, pose construction issues related to levels and the provision of drainage, whilst a building on playing field would relate poorly to existing school buildings and could raise objection from Sport England.
67. Whilst the building would be sited between the original 1920s school building and later CLASP school additions to the east, the proposed use of brick to the end elevations of the building would be reflective of the original school. The colour of the fascia should reflect the dark grey lead to the dormer cheeks of the 1920s building. Notwithstanding submitted details, a full schedule of proposed facing materials and samples of the proposed facing bricks and render should be submitted for approval (Condition 11). It is considered that the siting of the building would not give rise to material harm and would be acceptable in compliance with the Greater Nottingham Aligned Core Strategies (2012) Policy 10 *Design and Enhancing Local Identity*.
68. The provision of additional staff car parking should ease pressure on the main school car park and reduce incidents of staff and visitors parking on the highway near the school which can be a source of annoyance to residents living near schools. The proposed use of *Grasscrete* is considered to be acceptable. In order to mitigate the visual impact of the car park the hedge on the frontage to The Moor should be reinforced by additional planting (Condition 13).
69. The school site is subject to Broxtowe Local Plan (2004) Saved Policy RC5 *Protection of Open Spaces* which seeks to prevent development on open spaces unless a criterion can be met. Although the whole school site is safeguarded by the policy, the proposed classroom would not impact on playing pitch whilst the car park would meet policy E3 set out in Sport England Planning

Policy Statement - *A Sporting Future for the Playing Fields of England*, confirmed in the consultation response from Sport England.

70. Part of the outdoor hard court to the south of the proposed siting of the building would be temporarily unavailable during construction. However, Sport England does not object to the proposed development.

### Sustainability

71. The classroom building would incorporate sustainable design features (Paragraph 18) and it is considered that the proposed development would be in compliance with the Greater Nottingham Aligned Core Strategies (2012) Policy 1 – *Climate Change*.

### Construction Drainage and Ecology

72. Use of the vehicle maintenance access from The Moor is considered to be suitable for construction and the tree canopy on the frontage to The Moor has already been raised to allow the passage of vehicles. Similarly, vehicles will be able to pass between trees adjacent to the area of hard play to be used for construction. Satisfactory details have been submitted to safeguard trees from damage during construction through the erection of protective fencing (Condition 8). Care will need to be taken when carrying out construction of the car park within the root protection areas of affected trees (Condition 12).
73. It is recommended that hours of construction work are restricted to 07:30-18:00hrs Mon-Fri; 07:30-13:30hrs Saturday with no working to take place on Sundays and Public and Bank Holidays (Condition 9). Construction vehicle movements should be restricted so as not to conflict with school start and finish times. The building would be delivered to site as several pre-fabricated modules and may require extended working beyond the construction times which would otherwise apply. The building would be sited approximately 50m from the nearest sensitive residential receptor and the impact of construction noise is likely to be limited. The wording of the recommended condition would allow construction activity outside the restricted times for one day only. Works to install the building are more likely to result in inconvenience to residents on a single day rather than construction activity causing prolonged noise and related loss of amenity.
74. A site investigation and if required the remediation of the site to take account of the location of the site in a coal High Risk Development Area, as recommended in the submitted Phase 1 - Geo-Environmental Desk Top Study, will be required prior to the commencement of development (Condition 6). A precautionary approach to contamination which may be encountered is recommended through a condition to require the submission of a watching brief (Condition 7).
75. The use of soakaways for the disposal of surface water is the most sustainable form of surface water disposal. Recommended Condition 10 has been worded to require the applicant to demonstrate whether the use of soakaways for surface water drainage will be acceptable. If ground conditions are not suitable Severn Trent Water would not object to a discharge to a surface water sewer.
76. An indirect foul drainage connection to the combined sewer in Moor Road is considered to be acceptable. An informative drawing attention to the requirements of Severn Trent Water is recommended (Note 2).

77. The area for construction should be mown and checked for ecological significance prior to the commencement of development (Condition 5). Whilst the bat survey supporting the application has not identified evidence of roosting bats, the survey is time-limited. Although it is intended to complete the development before the permission for the temporary classroom expires (5/17/00457/CCR), in the event that development has not commenced by 15 June 2018 a further bat survey should be undertaken (Condition 4). An informative is recommended that ecological advice is sought should nesting birds be encountered (Note 3).

#### Other Matters

78. The site is within the area covered by the Brinsley Neighbourhood Plan designated in November 2016. However, there are no matters in the Neighbourhood Plan material to the determination of the application.

#### **Other Options Considered**

79. 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**

80. 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.

##### Crime and Disorder Implications

81. The site benefits from existing perimeter security fencing and no changes are proposed.

##### Human Rights Implications

82. 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.

##### Safeguarding of Children Implications

83. The need to fence the proposed staff car park, to provide a secure line between the car park and school, has been discussed with the applicant. It is advised that no internal fencing is required and that access to the staff car park will be

managed through the perimeter gate being opened and closed at the beginning and end of the school day.

#### Implications for Sustainability and the Environment

- 84. These have been considered in the report and Observations section above (Paragraphs 20 and 71).
- 85. There are no Implications for Service Users, Finance, Equalities or Human Resource implications.

#### **Statement of Positive and Proactive Engagement**

- 86. In determining this application the County Planning Authority has worked positively and proactively with the applicant by 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**

- 87. 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.

**ADRIAN SMITH**

**Corporate Director – Place**

#### **Constitutional Comments**

Planning & Licensing Committee is the appropriate body to consider this report.

[SLB 24.08.2017]

#### **Comments of the Service Director - Finance**

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

[RWK 24.08.2017]

#### **Background Papers Available for Inspection**

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

**Electoral Division and Member Affected**

Greasley & Brinsley

Councillor John Handley

Report Author/Case Officer

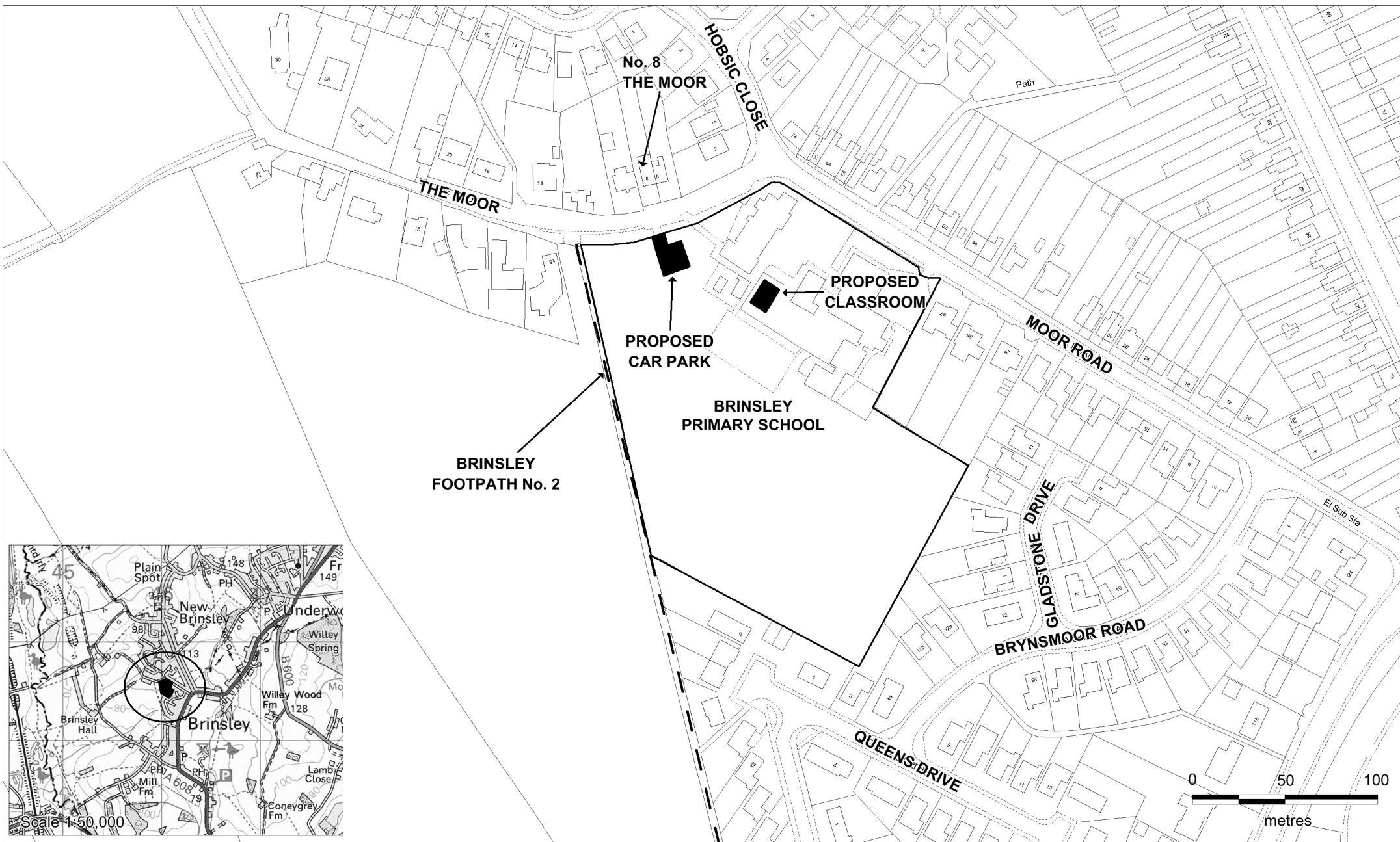
David Marsh

0115 9932574

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

F/3692

W001746.doc



**Nottinghamshire  
County Council**

Erection of detached classroom and five space staff car park  
 Brinsley County Primary School, Moor Road, Brinsley, Nottinghamshire.  
 Planning Application No. 5/17/00573/CCR

Page 49 of 98

Scale 1:1250 Date: SEPT 2017

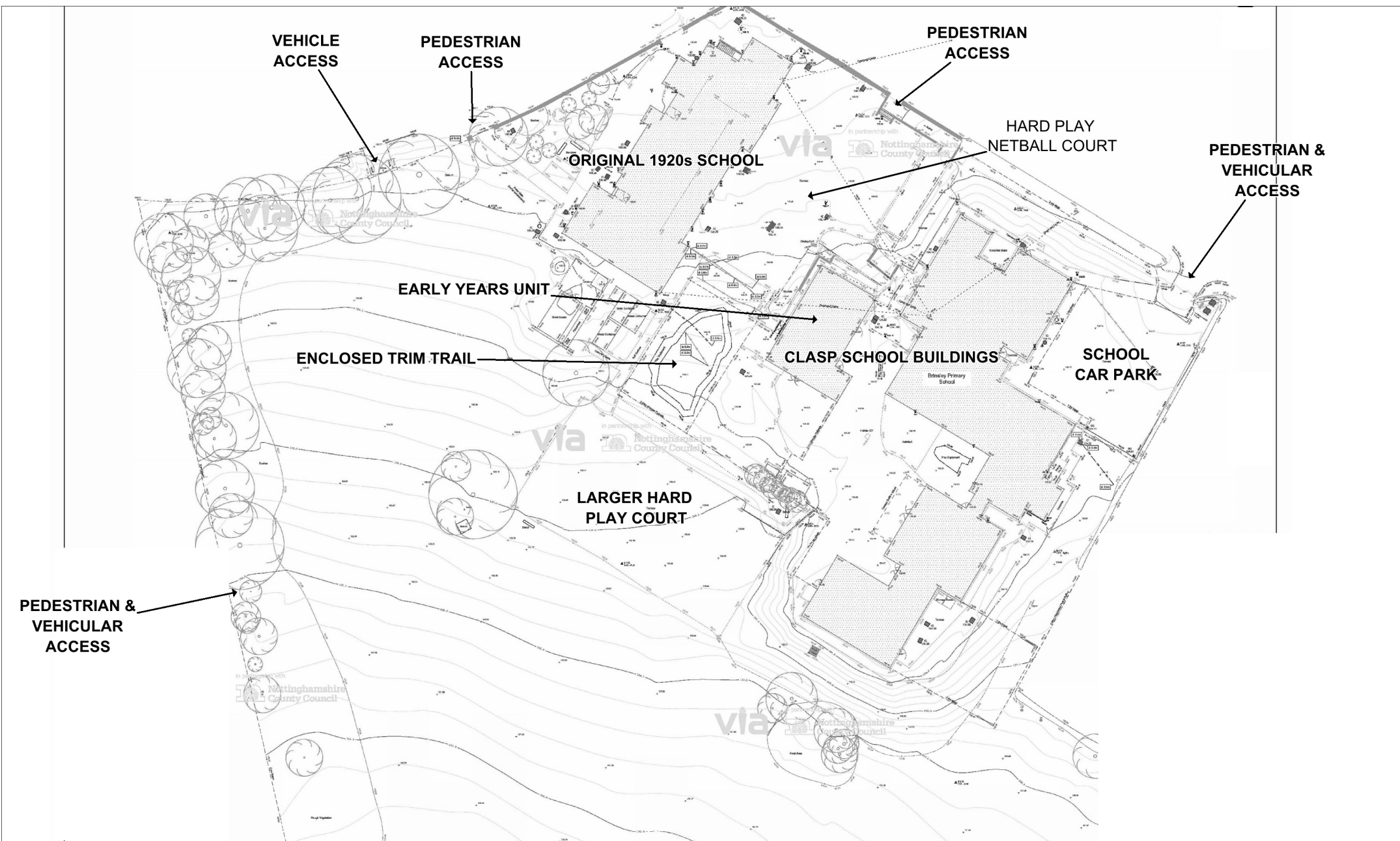
Produced by: JW



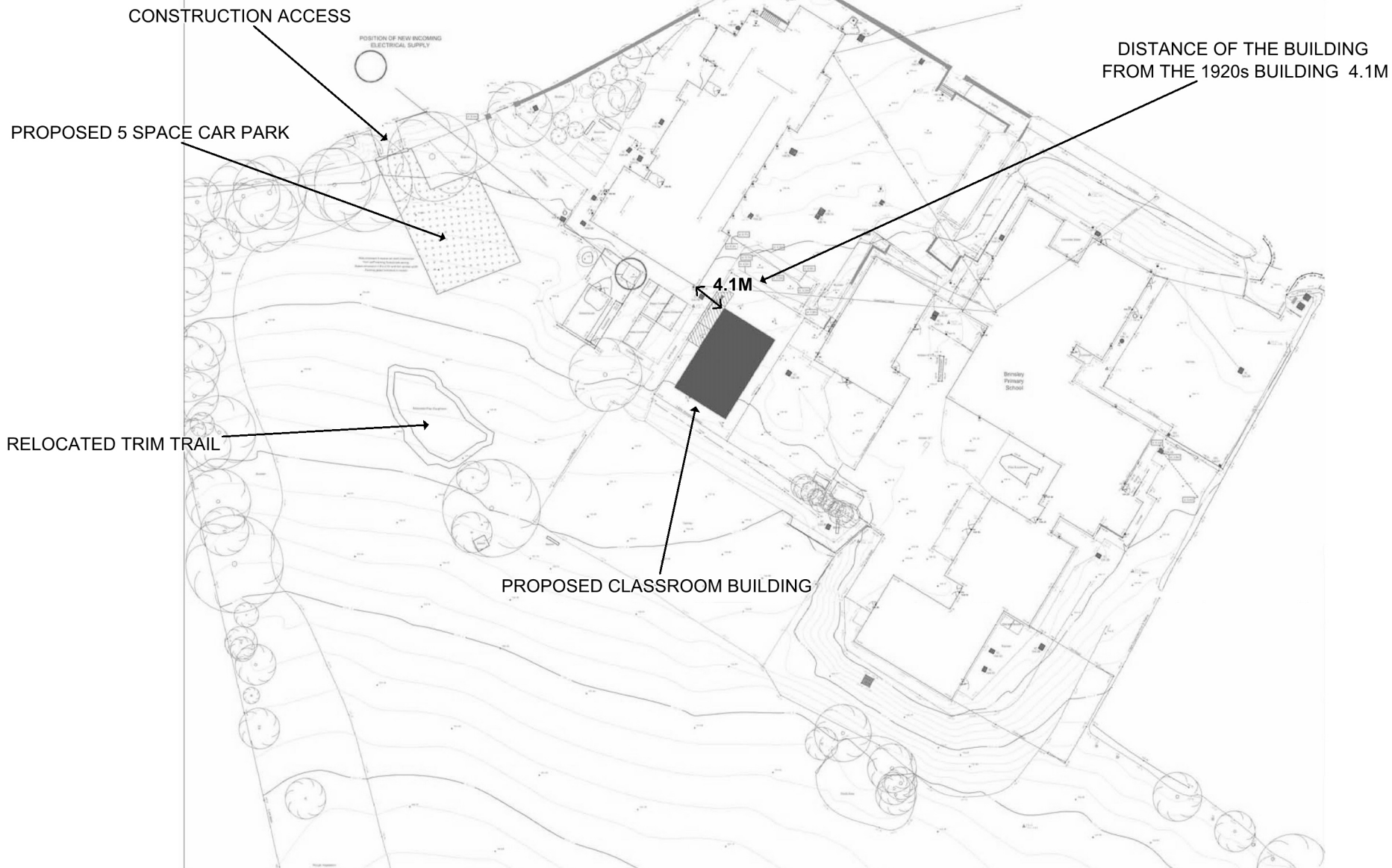
This map is based upon Ordnance Survey Material with the permission of Ordnance Survey on Behalf of the  
 Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes  
 Crown Copyright and may lead to prosecution or civil proceedings.  
 Nottinghamshire County Council, 100019713, 2017.

**PLAN 1**

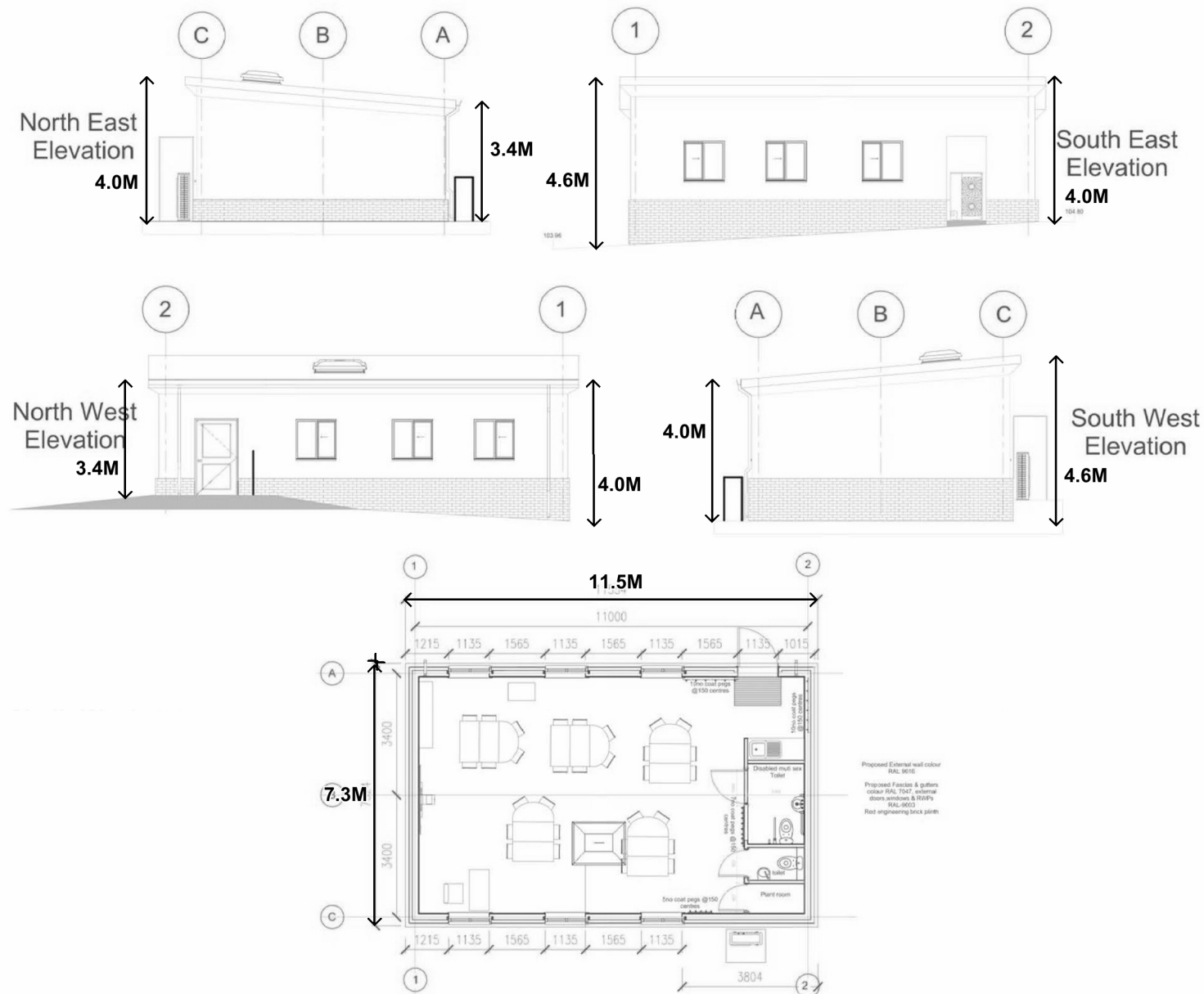










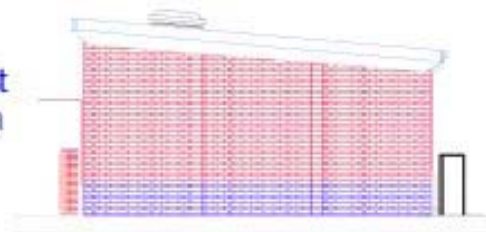








North East  
Elevation

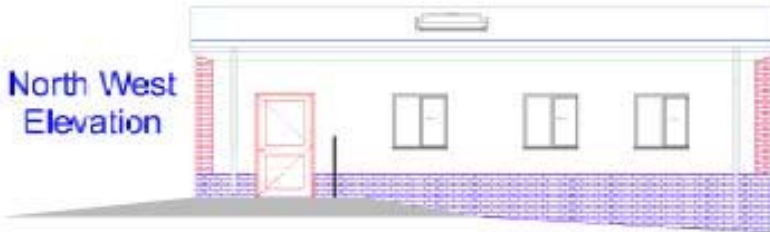


South East  
Elevation

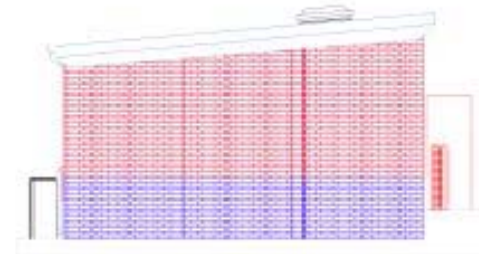


Blue brick to plinth level on all  
elevations, red Normanton brick  
above.

North West  
Elevation



South West  
Elevation





## APPENDIX 1



## Policy statement – planning for schools development

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

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

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

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

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

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

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

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

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

Published by the Department for Communities and Local Government; August 2011.  
© Crown Copyright, 2011.  
ISBN: 978 1 4098 3076 4



## RECOMMENDED PLANNING CONDITIONS

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

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

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

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

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

- (a) Location Plan (Drawing P.Y.BE.29258 AL(0)01 MOD Rev 1) received by the CPA on 25 July 2017;
- (b) Tree Protection for Construction (Drawing 1518-002) received by the CPA on 10 July 2017;
- (c) Proposed Site Plan (Drawing P.Y.BE.29258 AL(0)06 MOD) received by the CPA on 25 July 2017;
- (d) Floor Plan and Elevations (Drawing P.Y.BE.29258 AL(0)05 MOD Rev A) received by the CPA on 8 September 2017;
- (e) Construction Access and Compound Area (Drawing P.Y.BE.29258 AL(0)04 MOD) received by the CPA on 10 July 2017;
- (f) Proposed Foul and Surface Water Drainage (Drawing P.Y.BE.29258 AL(0)03 MOD) received by the CPA on 10 July 2017;
- (g) Grasscrete Brochure - Specification for Vehicular Use received by the CPA on 25 July 2017.

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

4. If development has not commenced before 15 June 2018, an updated bat survey shall be submitted to and approved in writing by the CPA. Development shall proceed in accordance with the recommendations of the report.

*Reason*                *To safeguard against adverse impact on protected species.*

5. Prior to the commencement of development the classroom site and grassed areas for construction shall be surveyed for ecological significance, and a report submitted to the CPA for approval. In the event that items of ecological significance are encountered, no development shall commence before a scheme of ecological mitigation has been submitted to and approved in writing by the CPA. Development shall proceed in accordance with the approved details.

*Reason Details are required to be submitted prior to the commencement of development to safeguard any ecological significance of the site.*

6. Prior to the commencement of development a scheme to determine the geological characteristics of the site, including any required mitigation, shall be carried out in accordance with the recommendations at Paragraph 8.3 of the Phase 1 – Geo-Environmental Desk Top Study submitted in support of the application. Development, including the carrying out of any remedial works that may be required following the site investigation and subsequently approved by the CPA in consultation with The Coal Authority, shall be carried out in accordance with the approved scheme.

*Reason Details are required to be submitted prior to the commencement of development to determine the geotechnical characteristics for foundation design.*

7. Prior to the commencement of development, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details and the recommendations of Section 8.3 of the Via East Midlands Ltd Brinsley Primary School Phase 1 – Geo-Environmental Desk Top Study – Report Reference CN1600747 supporting the application .

*Reason Details are required to be submitted prior to the commencement of development to identify risks and provide an appropriate methodology that will ensure that the site is remediated to an appropriate standard.*

8. Protective barrier fencing shall be erected prior to the commencement of main site works in accordance with the details shown on approved Drawing 1518-002 (Condition 3b)) and shall be so retained through the works for the erection of the approved classroom building.

*Reason Fencing will need to be erected prior to the commencement of main site works to ensure that trees are safeguarded from damage throughout the period of construction.*

9. Unless in the event of an emergency the details of which shall be notified in writing to the CPA within 48 hours of an occurrence, or a single calendar day for which 7 days written advance notice shall be given to the CPA:

- a) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Mondays to Fridays and 08:00–13:00 hours on Saturdays;
- b) construction work shall not be carried out at any time on Sundays, Public or Bank Holidays;
- c) no construction related vehicle movements to or from the site shall take place on any day other than between 07:30–18:00 hours Mondays to Fridays and 07:30– 13:00 hours on Saturdays;
- d) furthermore, construction related vehicle movements to or from the site shall only take place on any school day between 07:30-08:15 hours, 09:00-14:45 hours, and 15:45-18:00 hours.

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

10. Notwithstanding details shown on approved Drawing P.Y.BE.29258 AL(0)03 MOD (Condition 3f)), the surface water drainage scheme shown shall only be installed if it has first been demonstrated to the written satisfaction of the CPA that the site is unsuitable for soakaways. In the event that the site is suitable for soakaways, prior to the commencement of main site works a scheme of surface water drainage works shall be submitted to and approved by the CPA in writing. The approved surface water drainage works shall be completed prior to the development first being brought in to use, in accordance with the approved details.

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

11. Notwithstanding details submitted in support of the application, prior to their use on site a schedule of proposed facing materials and samples of the plinth facing brick and proposed render colour and texture shall be submitted to and approved in writing by the CPA. Development shall proceed in accordance with the approved details.

*Reason In the interest of visual amenity in compliance with the Greater Nottingham Aligned Core Strategies (2012) Policy 10 - Design and Enhancing Local Identity.*

12. Prior to carrying out any intrusive works beneath the canopy of the trees either side of the contractors access (Drawing P.Y.BE29258 AL(0)04 MOD), a *no-dig* methodology for proposed works to construct the *Grasscrete* car park, designed to minimise impact on the roots of trees T3307 and T3335, shall be submitted to and approved in writing by the CPA. Development shall proceed in accordance with the approved details.

*Reason To safeguard the health of the trees against the impacts of construction.*

13. Within 3 months of the commencement of development a scheme, including a programme for the provision of landscaping to include:
- a) hedge specification to reinforce planting on the frontage to The Moor;
  - b) seed mix specification for the reinstatement of grassed areas;
  - c) establishment methods; and
  - d) schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats.

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

*Reason In the interest of visual amenity.*

14. Within 2 months of the classroom building approved by this permission first being brought into use, the date of which shall be confirmed to the CPA in writing within one week of that event, the *Grasscrete* access and car parking area shown on Drawing P.Y.BE29258 AL(0)06 MOD shall be provided to the satisfaction of the CPA and shall be retained for its intended purpose throughout the life of the development.

*Reason To ensure the timely provision of car parking spaces in the interest of highway safety.*

### **Notes/Informatives**

- 1. With reference to Condition 6, the consultation response from The Coal Authority dated 14 August 2017 is attached.
- 2. Severn Trent Water advises that their consent will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (0800 707 6600). Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
- 3. If nesting birds are encountered during development that may impact on the proposed works, ecological advice should be sought.

**19 September 2017****Agenda Item:8****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/17/0735/CDM**

**PROPOSAL: TO VARY CONDITION 8 OF PLANNING PERMISSION 01/49/06/00009 TO INCLUDE THE OPTION TO USE THE FACILITY FOR `COAL POND FINES` IN ADDITION TO BIOMASS FUEL MATERIALS**

**LOCATION: COTTAM POWER STATION AND ADJOINING LAND, OUTGANG LANE, COTTAM, DN22 0EU**

**APPLICANT: EDF ENERGY**

**Purpose of Report**

1. To consider a planning application for the variation of condition 8 of planning permission 01/49/06/00009 to include the option to use a biomass handling facility for coal pond fines in addition to biomass fuel materials at Cottam Power Station. Members will recall granting planning permission for a similar variation application allowing a semi-direct injection facility at the power station to accept coal pond fines in addition to biomass.
2. The application does not raise any significant planning issues, but there is a requirement to report this planning application to committee on the basis that the potential throughput (of over 30,000 tonnes per annum) is above the threshold that can be dealt with under delegated powers. The recommendation is to grant planning permission subject to conditions.

**The Site and Surroundings**

3. Cottam Power Station is a 2,000 megawatt coal-fired power station, situated 0.9km east-northeast of Rampton and to the immediate south of the village of Cottam (see Plan 1). The closest residences to the power station site in Cottam Village are approximately 60m from the Power Station (to the north of the rail line) on Floss Lane/Town Street. Residences to the north of Cottam Road are approximately 150m from the power station site.
4. The River Trent flows from the south of the power station site and runs along its eastern side (to the east of coal stocking areas). At its closest extent, the river meanders to within approximately 220m of coal stocking areas. Cottam Wetlands, a local wildlife site is located between the power station and the river (see Plan 1).

5. The River Trent forms part of the county boundary between Nottinghamshire and Lincolnshire, with the villages of Torksey and Brampton being the settlements closest to the site to the east of the Trent in Lincolnshire (see Plan 1).
6. The Cottam Power Station site covers an area of approximately 240ha, including power station infrastructure, offices, coal stocking areas and ash disposal areas. Surrounding land use is predominantly agricultural. Torksey Ferry Road (a byway open to all traffic) runs along the site's southern boundary. Access to the Cottam Power Station Site is from Outgang Lane/Cottam Road to the north of the power station infrastructure. To the north of Outgang Lane is the Cow Pasture Lane Drains local wildlife site (see Plan 1).
7. The application site constitutes a building between the power station cooling towers to the west and coal stocking area to the east (see Plan 2). It is a building constructed to store biomass fuel materials, with associated conveying system enabling the material stored and processed within the building to be fed into coal conveyors. The building has two storage bays allowing two stores of fuel to be kept alongside each other. There are two large building entry/exit doors in the north elevation of the building and in the south-eastern corner of the east elevation of the building.
8. Areas around the building have been treated with hard surfacing to enable vehicular access to and around the building. Materials can be unloaded directly into the building through shuttered entry/exit doors.
9. As with much of the eastern areas of the Cottam Power Station site, the area of the building lies within Flood Zone 3, meaning that there is a 1 in a 100 or greater annual probability of river flooding in any year. The area is designated as at risk of surface water flooding.

### **Proposed Development**

10. This application seeks to vary Condition 8 of planning permission 01/49/06/00009, to include the option for the use of coal pond fines in the facility, in addition to biomass fuel materials. Coal pond fines are a material resulting from coal washing at colliery sites, consisting of finer coal material that has been left on site in lagoons, which have then, over time, dried out. The applicant has stated that though the facility is described as a biomass handling facility, in practice it is a fuel handling facility and so can accept other fuels as well.
11. The potential for the use of biomass in the future is described as limited, due to economic factors. Subsidies for biomass use will no longer be available at Cottam Power Station from October 2017. Therefore, for economic reasons, the applicant is seeking to use a different fuel type in the storage building and conveyor.
12. In much the same way as biomass, it is seen as advantageous to store coal pond fines indoors, as this prevents them from becoming too wet, which may result in problems both handling and burning the fuel.
13. It is proposed that Condition 8 is changed from "the development hereby approved shall only be used for the storage and processing of biomass fuel

materials” to “the development hereby approved shall only be used only for the storage and processing of biomass fuel materials and coal materials.”

14. The coal pond fines would be sourced offsite from former colliery sites and be transported to Cottam Power Station by HGV. The applicant has stated that there would be no change in the number of HGV movements as a result of this variation application. Condition 7 of the current permission limits the number of movements per day associated with the development.
15. Coal pond fines are similar to biomass fuels in being a low calorific value fuel with similar physical properties and environmental controls. As is the case with biomass fuels at present, the coal pond fines would be blended with coal to create the optimum calorific fuel source for burning in the power station. The facility would not be altered in terms of its outside appearance or the type of equipment used.

## Consultations

16. **Bassetlaw District Council:** No objection.

17. **Treswell with Cottam Parish:** No decision could be made, stating:

*All Parish Council members agreed that no decision could be made until a Fire Safety Report had been issued to confirm that, ‘to include the option to use the facility for ‘coal pond fines’ in addition to biomass fuel materials’, did not present an increased risk factor in terms of dust/fire/explosion to operative, nearby buildings, communities and the natural environment.*

18. **NCC (Reclamation):** No Objection.

*Most power stations have the capacity to blend coal stocks, which can include coal pond fines.*

*Any risk associated with handling coal pond fines are assessed and controlled under site operating permits and licences. As the coal pond fines will be stored under cover any concerns regarding surface runoff from stockpiles would be negated.*

*NCC (Reclamation) raise no objection to the proposed variation provided site controls remain in place to control the use of the materials and prevent fugitive emissions of dusts and runoff from the operations. These would have been placed on the original environmental permit.*

19. **Rampton Parish Council, NCC (Flood Risk), Environment Agency (Flood Zones):** no responses received. Any responses received following the publishing of this report will be orally reported.

## Publicity

20. The application has been publicised by means of site notices and press notice in accordance with the County Council’s adopted Statement of Community Involvement Review.

21. Councillor John Ogle has been notified of the application.
22. No representations have been received.

### **Observations**

23. This application seeks to vary the fuel type used in the current biomass storage building and conveyor system at Cottam Power Station. Therefore observations and policy considerations have been made solely related to the subject of this application. All considerations related to the use of the facility, its positioning and external visual impact have previously been considered in the granting of planning permission 1/49/06/00009 in December 2006.
24. Bassetlaw District Council have stated that they do not object to the proposed variation of Condition 8. Treswell with Cottam Parish have issued a reply expressing concern regarding the use of coal pond fines material in the facility. In response, the applicant submitted further information (in a letter received by the WPA on 19 June 2017) detailing the nature of coal pond fines as a material and stating that coal pond fines do not present an elevated combustion risk over the coal material already handled at the Cottam Power Station site. This letter was forwarded to Treswell with Cottam Parish on 19 June 2017 and again 28 June 2017, with no additional reply received.
25. The information supplied was also forwarded to NCC (Reclamation) who have stated that there are no concerns regarding this application and any risks associated with the coal pond fines material would be controlled under existing site operating permits and licences, which form part of separate regulatory processes to land use planning. Therefore, from a planning perspective, the use of coal pond fines as a material in the facility is deemed acceptable and the submission of a fire safety report to the WPA is not required.
26. The location of the development for the use of coal pond fines as a fuel is acceptable, as the building and conveyor are within a power station site and are already used for the preparation of power station fuel. Cottam Power Station is a site that has been using coal combustion to generate electricity for over 40 years, with the use of the building and conveyor for coal pond fines fuel material appropriate, adhering to Bassetlaw Core Strategy & Development Management Policies DPD 2011 Policy DM1 (ii) relating to the need for a development in a specific location.
27. As there is no new infrastructure being constructed and the site is located within the central area of a large power station site there will be no anticipated additional impact insofar as visual impact, impact on public rights of way, or nearby sensitive receptors. As the power station is an existing coal combustion facility, the variation of the fuel type to a coal material for the storage building and conveyor is appropriate for the location.

### **Traffic, Access and Parking**

28. The number of vehicle movements associated with the development would remain unchanged, fuel material would continue to be transported by HGV to Cottam for use in the facility. Condition 7 of permission 01/49/06/00009 controls the maximum number of vehicles associated with the development to 35 HGVs per day (70 two way movements).

29. Delivery times for fuel materials to the facility (from outside the Cottam Power Station site) are controlled by Condition 6 of permission 01/49/06/00009, which would not require amendment if the proposals in this application are deemed acceptable.
30. Therefore the proposed variation does not present additional HGV movements, or unacceptable disturbance to local communities. As the proposed variation does not create significant or exacerbate existing highway safety problems it accords with section (vi) of Policy DM1 of the Bassetlaw Core Strategy & Development Management Policies DPD 2011.

#### Noise

31. No variation of working hours are proposed as part of this variation application. The application site is within the central area of a large power station site. Therefore there will be no additional noise output (or impact) as a result of this proposed variation.

#### Ground and Surface Water / Flood Risk

32. The site is within Flood Zone 3 and is at risk of surface water flooding, however no additional built development is proposed as a result of this development. NCC (Flood Risk) and the Environment Agency (Flood Zones) have not expressed any concern relating to this application. As this development seeks to vary the fuel type used in an existing facility, no consideration of fluvial or surface water flooding is required.

#### Sustainability

33. The proposed development gives the applicant increased flexibility in the fuel type used in the production of energy at Cottam Power Station. It uses a waste product produced by mine working that can be extracted at former colliery sites and used as a fuel material.
34. The fuel proposed (coal pond fines) is of a similar calorific value to biomass, in that it produces a similar amount of heat when combusted. This therefore makes the existing SDI facility more sustainable as it presents a greater variety of fuel materials that can be used in the facility.

#### Landscape and Visual Impact

35. Though the building's landscape impact is limited, Condition 4 of permission 01/49/06/00009 controlled the external appearance of the building and conveyor. Should this variation application be deemed acceptable, a revised Condition 4 (as detailed in Appendix 1) could be applied to ensure previously agreed external finishes are maintained.

#### **Other Options Considered**

36. 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**

37. 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.

### Crime and Disorder Implications

38. The area subject to this application is within the central area of the Cottam Power Station site, between operational coal stocking areas and cooling towers. The entire power station and supporting area is a secure site, subject to regular and comprehensive security measures. These include CCTV, site security staff and identification required for all visitors. Entry to the site is restricted to those with permission to enter.

### Human Resources Implications

39. 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

40. As coal pond fines are proposed to be an additive fuel (as a substitute additive fuel for biomass), its use in the storage building and conveyors would not add to emission above the existing impact of the coal power station. The development does not remove the ability to incorporate renewable fuels within the fuel mix, but it will provide additional flexibility to accept an additional fuel source.
41. There are no Human Resources Implications, Safeguarding of Children Implications, Equalities Implications, Financial Implications, Implications for Service Users.

## **Statement of Positive and Proactive Engagement**

42. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by 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. The applicant has had prior sight of the draft conditions found in Appendix 1 of this report.

## **RECOMMENDATIONS**

43. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

## **Constitutional Comments**

Planning & Licensing Committee is the appropriate body to consider the contents of this report.

[RHC 23/8/2017]

## **Comments of the Service Director - Finance**

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

[RWK 24/08/2017]

## **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**

Tuxford

Councillor John Ogle

Report Author/Case Officer

Robert Portman

0115 9774291

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

V/3647

W001720.doc



## RECOMMENDED PLANNING CONDITIONS

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

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

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

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

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless otherwise agreed in writing with the WPA, or where amendments are made pursuant to the other conditions below:

- a) Drawing SL02001-1500 received by the WPA on 28 June 2006;
- b) Drawing SL02001-2000 received by the WPA on 28 June 2006;
- c) Drawing SL02001-2001 received by the WPA on 28 June 2006;
- d) Drawing SL02001-2002 received by the WPA on 28 June 2006;
- e) Supporting Statement received by the WPA on 28 June 2006;
- f) Application Form received by the WPA on 12<sup>th</sup> April 2017;
- g) Supporting Statement received by the WPA on 12<sup>th</sup> April 2017.

*Reason: For the avoidance of doubt.*

4. The external appearance of the building and conveyor shall be maintained with the details submitted in the letter received by the WPA on 07 February 2008.

*Reason: To ensure that the external appearance of the structures comply with the general design principles detailed in Policy DM4 of the Bassetlaw Core Strategy & Development Management Policies DPD 2011.*

5. Measures to control dust, odour and noise shall be carried out in accordance with the details set out in Section 4 of the Supporting Statement received by the WPA on 28 June 2006.

*Reason: To that the development does not create significant environmental problems, in accordance with Policy DM1 of the Bassetlaw Core Strategy & Development Management Policies DPD 2011.*

6. All drivers shall be instructed to follow the approved lorry route between the power station and the A57 and only arrive at the site between the hours of 0700 to 1900 Monday to Saturday (inclusive).

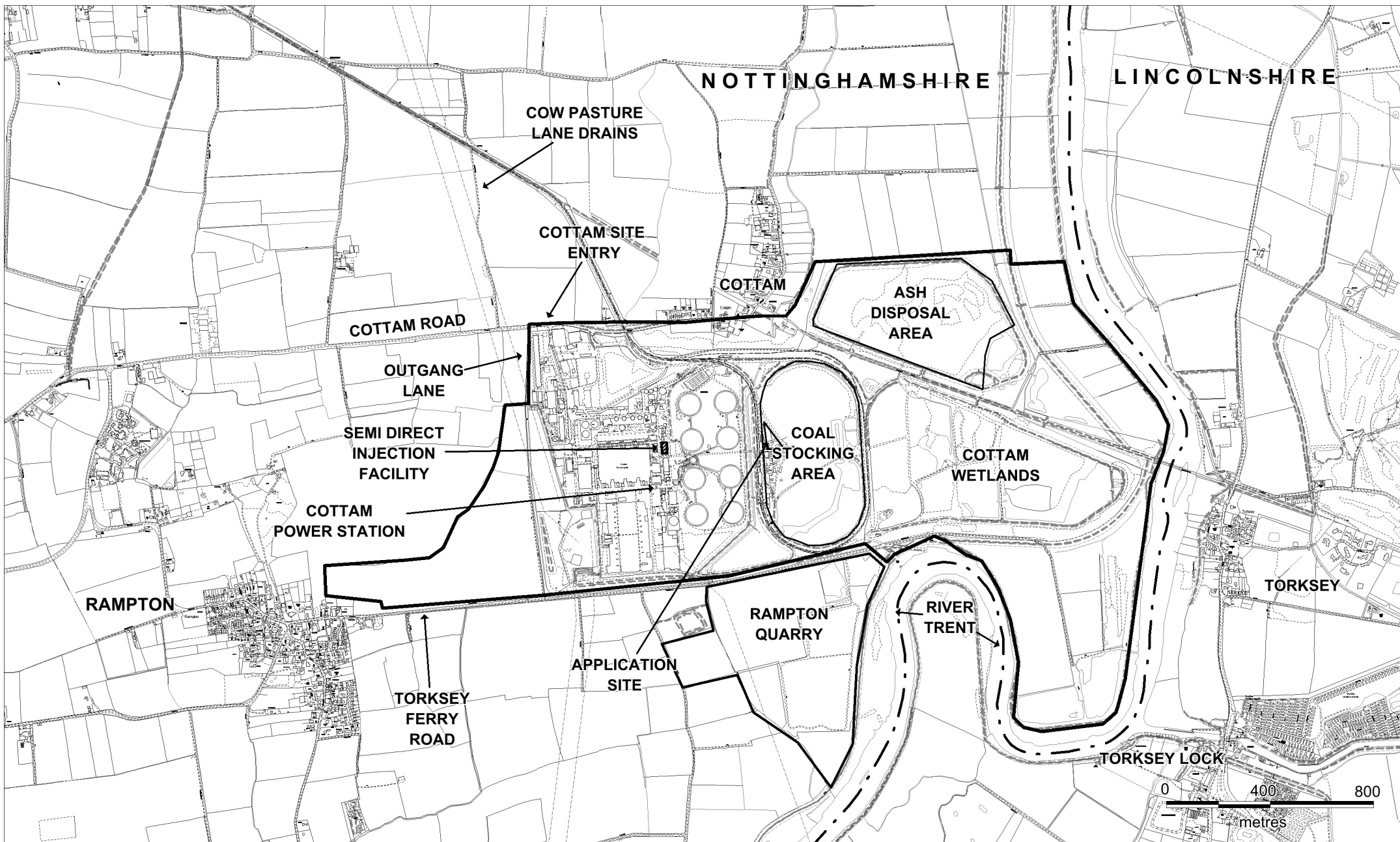
*Reason: To comply with policy DM1 (vi) of the Bassetlaw Core Strategy & Development Management Policies DPD 2011.*

7. No more than 70 two way HGV movements (35 HGVs into the site and 35 HGVs out of the site) per day shall visit the site to deliver biomass or coal material fuel to the facility hereby approved. The operator shall record the number of lorries visiting the site to deliver fuel to the facility and shall make available copies of such records to the WPA within one week of a written request from the WPA.

*Reason: To comply with DM1 (vi) of the Bassetlaw Core Strategy & Development Management Policies DPD 2011.*

8. The development hereby approved shall only be used for the storage and processing of biomass fuel materials and coal materials.

*Reason: For the avoidance of doubt as to the materials to be handled in the storage building and conveying system.*



**Nottinghamshire  
County Council**

To vary Condition 8 of planning permission 1/49/06/00009 to include the option to use the facility for coal pond fines in addition to biomass.  
Cottam Power Station and adjoining land,  
Outgang Lane, Cottam, Retford, Nottinghamshire.  
Planning Application No. 1/17/0735/CDM

Page 79 of 98

Scale 1:20,000 Date: SEPT 2017

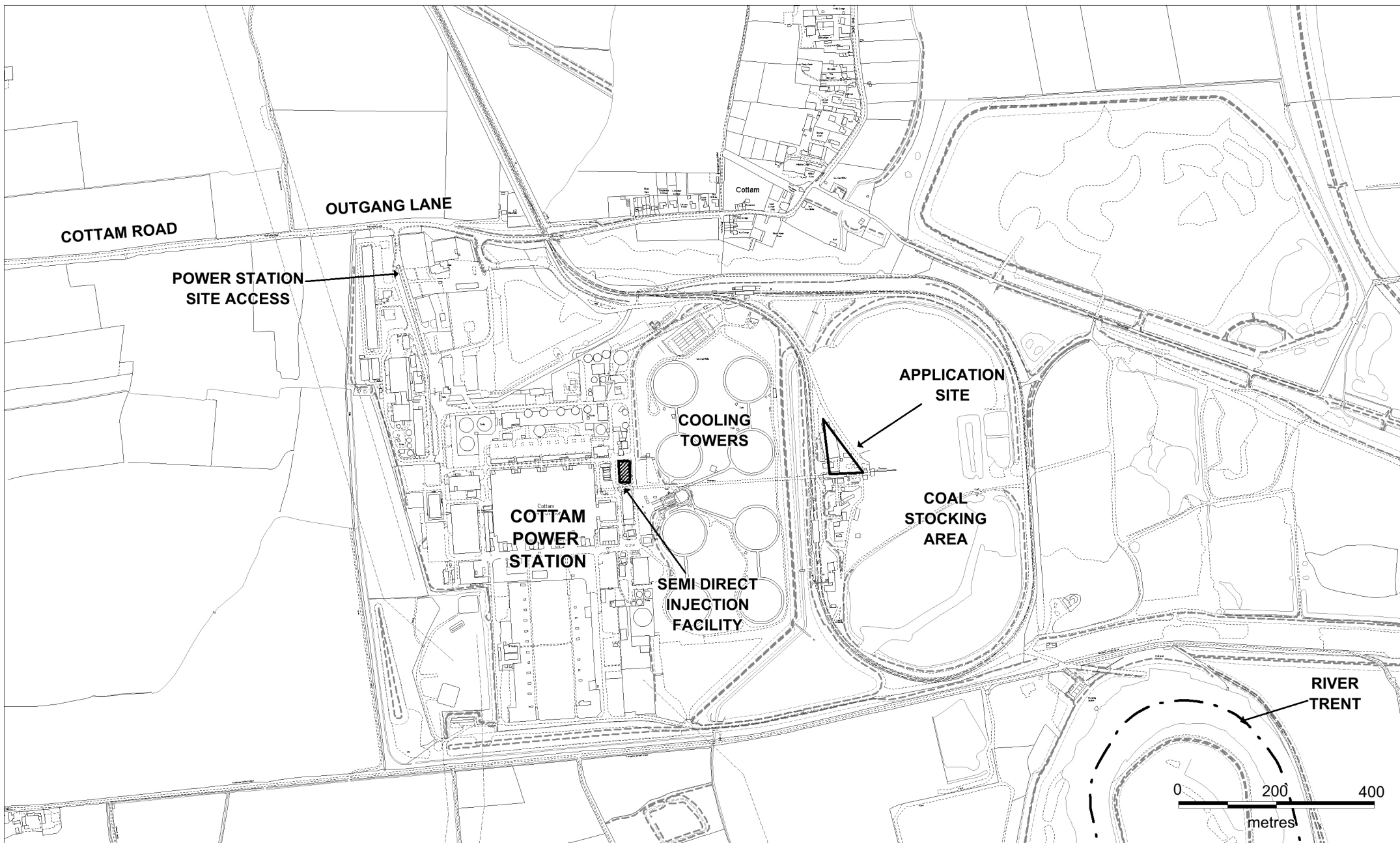
Produced by: JW



This map is based upon Ordnance Survey Material with the permission of Ordnance Survey on Behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
Nottinghamshire County Council, 100019713, 2017.

**PLAN 1**





**Nottinghamshire  
County Council**

To vary Condition 8 of planning permission 1/49/06/00009 to include the option to use the facility for coal pond fines in addition to biomass.

Cottam Power Station and adjoining land,  
Outgang Lane, Cottam, Retford, Nottinghamshire.  
Planning Application No. 1/17/0735/CDM

Page 81 of 98

Scale 1:10,000 Date: SEPT 2017

Produced by: JW



This map is based upon Ordnance Survey Material with the permission of Ordnance Survey on Behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
Nottinghamshire County Council, 100019713, 2017.

**PLAN 2**





**19 September 2017**

**Agenda Item:9**

## **REPORT OF CORPORATE DIRECTOR - PLACE**

### **DEVELOPMENT MANAGEMENT PROGRESS REPORT**

1. To report on planning applications received by the Development Management Team between 1<sup>st</sup> July 2017 and 31<sup>st</sup> August 2017, and to confirm the decisions made on planning applications since the last report to Members on 11<sup>th</sup> July 2017.

#### **Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period.

#### **Statutory and Policy Implications**

3. 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.
4. 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.

#### **RECOMMENDATIONS**

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

**ADRIAN SMITH**

## **Corporate Director - Place**

### **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 – 06/09/2017]

### **Comments of the Service Director - Finance**

The contents of this report are duly noted – there are no direct financial implications.  
[SES– 06/09/2017]

### **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 1<sup>st</sup> July to 31<sup>st</sup> August 2017**

Division	Member	Received	Determined
<b>BASSETLAW</b>			
Blyth & Harworth	Cllr Sheila Place	Variation of condition 3 of planning permission 1/66/04/00004 to extend the timescale for inert waste disposal to cease by 22 August 2027, with enhanced restoration for a biodiverse nature conservation after use. Serlby Quarry, Snape Lane, Serlby, received 12/07/2017	
Tuxford	Cllr John Ogle		Variation of condition 6 of planning permission 1/12/10/00001 to include the option to use the facility for coal pond fines in addition to biomass fuel materials. Cottam Power Station, Retford. Granted 12/07/217 (Committee)
Tuxford	Cllr John Ogle		Use of ash processing plant equipment. West Burton Power Station, North Road, West Burton. Granted 13/07/217 (Committee)

Division	Member	Received	Determined
Tuxford	Cllr John Ogle	Application for the Continued Use of the Existing Industrial Site and Buildings for the Production of a Range of Wood Fuel Products and for the Importation and Processing of Wastes to Produce a Range of Recovered Fuel Products. Land at Headon Camp Industrial Estate, Lady Well Lane, Headon, Retford. Received 17/07/2017	
Tuxford	Cllr John Ogle	Erection of detached two-classroom building with ramped access, alterations to conservatory, additional car parking spaces, new play area and associated landscape and hard surface works. North Wheatley Primary School, Sturton Road, South Wheatley, received 18/08/2017	
<b>MANSFIELD</b>			
Mansfield North	Cllr Joyce Bosnjak Cllr parry Tsimbiridis	To retain 3 mobile classrooms known as buildings 4, 6, and 7. Yeoman Park Special School, Park Hall Road, Mansfield Woodhouse. Received 11/07/2017,	Granted 14/08/2017
Warsop Worksop South	Cllr Andy Wetton Cllr Kevin Greaves	Variation of Conditions 3 and 4 of Planning Permission Ref: 2/2014/0272/NT to allow a further 5 years for the placement of material and restoration of the site. Welbeck Colliery, Elkesley Road, Meden Vale. Received 07/08/2017	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Warsop Worksop South	Cllr Andy Wetton Cllr Kevin Greaves	Variation of Condition 3 of Planning Permission Ref: 2/2014/0272/NT to allow a further 5 years operation of the Soil Management Area. Welbeck Colliery, Elkesley Road, Meden Vale. Received 10/08/2017	
<b>NEWARK &amp; SHERWOOD</b>			
Newark East	Cllr Stuart Wallace		To retain a modular education building, Chuter Ede Horticultural Unit, Main Street, Balderton. Granted 03/07/2017
Sherwood Forest	Cllr John Peck		The retention and continued operation of the coal mine methane electricity generation plant. Former Thoresby Colliery Site, Edwinstowe. Withdrawn 4/07/2017
Ollerton	Cllr Mike Pringle		Installation of Motor Control Centre (MCC) Kiosk, Boughton Sewage Treatment Works, Boughton. Granted 10/7/2017
Sherwood Forest	Cllr John Peck	Retention of mobile classroom, King Edwin Primary School, Fourth Avenue, Edwinstowe. Received 14/07/2017	
Blidworth	Cllr Yvonne Woodhead	Demolition and replacement of a single storey two classroom mobile and associated external works, Lake View Primary School, Rainworth Water Road, Rainworth. Received 25/07/2017	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Blidworth	Cllr Yvonne Woodhead	To vary condition 1 of planning permission 3/15/02193/CMA for the retention of a temporary stockpile of and its subsequent use in connection with the restoration of the wider Rufford Colliery complex for a for a time limited period only expiring on 30th September 2021. Rufford Sand Quarry, Rufford Disposal Point, South of Eakring Road, Rainworth. Received 01/08/2017	
Blidworth	Cllr Yvonne Woodhead	Variation of condition 4 of planning permission 3/15/01798/CMM to extend the time for the area of hard standing available for stocking, drying and blending of coal fines for a temporary period expiring on 30th September 2020. Rufford Colliery Complex, Eakring Road, Rainworth. Received 01/08/2017	
Blidworth	Cllr Yvonne Woodhead	To vary condition 4 of planning permission 3/15/01797/CMM for the storage of extracted material for a temporary period expiring on 30th September 2020. Rufford Colliery Complex, Eakring Road, Rainworth. Received 01/08/2017	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Blidworth	Cllr Yvonne Woodhead	To vary condition 4 of planning permission 3/15/01799/CMA to allow the continued use of the extended area of hard standing available for stocking, drying and blending of coal fines and the erection of a demountable building for a temporary period expiring on 30th September 2020. Rufford Colliery Complex, Eakring Road, Rainworth. Received 01/08/2017	
Balderton	Cllr Keith Walker	Construction of a 3m high noise barrier. Gas Utilisation Compound, Staple Quarry Landfill Site, Grange Lane, Cotham, Received 31/08/2017	
<b>ASHFIELD</b>			
Hucknall North	Cllr Ben Bradley	Retention of mobile classroom (Building 4), Leen Mills Primary School, Leen Mills Lane, Hucknall. Received 26/07/2017,	
Hucknall North	Cllr Ben Bradley	Retention of mobile classroom (Building 5), Leen Mills Primary School, Leen Mills Lane, Hucknall. Received 26/07/2017,	
Sutton North	Cllr Helen-Ann Smith		Proposed installation of a gas meter cabinet for the importation of natural gas. Kings Mill Hospital, Mansfield Road, Sutton in Ashfield. Granted 02/08/2017

Division	Member	Received	Determined
Hucknall North	Cllr Ben Bradley	Variation of condition 4 of planning permission 4/V/2015/0175 to allow the opening of the premises between 06:00 to 17:00 Monday to Friday and 06:00 to 13:00 Saturday with no other operations until 07:00. 15B Wigwam Lane, Hucknall. Received 03/08/2017	
Hucknall West	Cllr Kevin Rostance	Erection of canopy and alterations to building, construction of access paths and enlargement of outdoor hard play area and related landscape works. Erection of 2.4m high Heras fencing and gates, resurfacing of car park and construction of lay-by on existing access road. Holgate Primary and Nursery School, High Leys Road, Hucknall, Received 3/08/2017	
<b>BROXTOWE</b>			
Nuthall & Kimberley	Cllr Philip Owen	Placement of a static caravan on the site for conversion and use as a counselling room, meeting room, and additional learning space. Larkfields Junior School, Coronation Road, Nuthall. Received 03/07/2017	
Greasley & Brinsley	Cllr John Handley	Erection of detached classroom and five space staff car park, Brinsley County Primary School, Moor Road, Brinsley, received 10/07/2017	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Greasley & Brinsley	Cllr John Handley		Provision of a stand-alone pre-fabricated temporary classroom, Brinsley County Primary School, Moor Road, Brinsley. Granted 21/07/2017
<b>GEDLING</b>			
Arnold North	Cllr Pauline Allan Cllr Michael Payne	Erection of Early Years building and construction of access ramp, Richard Bonington Primary School & Nursery, Calverton Road, Arnold. Received 03/07/2017	
Carlton East	Cllr Nicki Brooks	Regularisation of Site Buildings and Structures. Unit 1 - Portable Canteen Mess Unit, 2 No. Electricity Sub Station Units, Concrete Apron for RDF Bale Storage, 1 No. Grey-Water Storage Tank, Small Sorting Station for Wood Recycling, Double Stacked Portacabin Office Units and Shed and Equipment for Baling & Wrapping RDF. Unit 2 - 1 No. Grey-Water Storage Tank and Curtain-Wall Sided Building for Container Spraying. Wastecycle, Enviro Building, Private Road No4, Colwick Industrial Estate, Colwick. Received 05/7/2017,	
Arnold North	Cllr Pauline Allan Cllr Michael Payne	Erection of a single storey classroom building and associated external works. Robert Mellors Primary School, Bonington Drive Arnold. Received 21/08/2017,	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Newstead	Cllr Chris Barnfather	To vary conditions 3,6 and 29 of planning permission 7/2014/1156/NCC for an extension of time until 32 December 2028, to enable a high quality proven material resource to be fully exploited as opposed to being sterilised with premature cessation of mineral extraction. Bestwood II Quarry, Mansfield Road, Papplewick. Received 31/08/2017	
Newstead	Cllr Chris Barnfather	Vary condition 4 of planning permission 7/2015/0320NCC to enable retention of the visitor's car park until final restoration of the quarry. Bestwood II Quarry, Mansfield Road, Papplewick. Received 31/08/2017	
<b>RUSHCLIFFE</b>			
Radcliffe on Trent	Cllr Mrs Kay Cutts		Erection of 90 place single storey three-classroom building with associated landscaping works, car parking, hardstanding for fire appliance, and relocation of trim trail. Radcliffe on Trent Junior School, Cropwell Road, Radcliffe on Trent. Granted 06/07/2017

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Radcliffe on Trent  Cotgrave	Cllr Mrs Kay Cutts  Cllr Richard Butler	Construction of a multi user route along a former mineral line with access ramps at Holme Lane, the A52, and Stragglethorpe Road. The former mineral railway line which links Cotgrave Country Park to Holme Pierrepont and Radcliffe on Trent. Received 12/07/2017	
Leake & Ruddington	Cllr Reg Adair Cllr Andrew Brown		Section 73 planning application to vary condition 3 of planning permission 8/12/01028/CMA, condition 7 of planning permission 8/96/79/CMA and condition 9 of planning permission 8/94/00164/CMA to extend the permitted operational hours from 0730 hours to 0600 hours Mondays to Saturdays to allow 12 outbound pre-loaded HGV movements from the site. Bunny Materials Recycling Facility, Loughborough Road, Bunny. Granted 12/07/2017 (Committee)
Leake & Ruddington  Keyworth	Cllr Reg Adair Cllr Andrew Brown  Cllr John Cottee		Request for none compliance of condition 6 of planning permission 8/12/01488/CMA to extend the time period necessary to restore land. East Leake Quarry, Rempstone Road East Leake. Withdrawn 15/08/2017
West Bridgford North	Cllr Liz Plant		To retain mobile classroom, Abbey Road Primary School, Abbey Road, West Bridgford. Granted 21/08/217

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Bingham East	Cllr Francis Purdue-Horan	Proposed waste transfer station for the import, sorting and forwarding for recycling of non-ferrous metals. The Stables, Brunts Lane, East Bridgford. Received 23/08/2017	

**19 September 2017****Agenda Item:10****REPORT OF CORPORATE DIRECTOR, RESOURCES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2017.

**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, Resources**

**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

## Schedule of future planning applications to be reported to Planning and Licensing Committee

31 <sup>st</sup> October 2017	3/17/00850/CMA	Skipit Limited, Quarry Farm, Bowbridge Lane, Newark, NG24 3BZ	Relocation of main recycling building, re-organisation and reduction in site area and variation of Condition 10 of permission 3/11/00197/CMA to extend hours of operation
31 <sup>st</sup> October 2017	1/16/01616/CDM	Nether Langwith Quarry, Wood Lane, Nether Langwith, NG20 9JQ	To vary conditions 1 and 85 of planning permission 1/64/96/2 to allow the continuation of the extraction and processing of limestone until 2035 with restoration complete by 2037 (currently permitted until 28th October 2017 with restoration by 28th October 2019) and removal of condition 77 so to retain the access road.
31 <sup>st</sup> October 2017	4/V/2017/0465	15B Wigwam Lane, Hucknall NG15 7TA	Variation of condition 4 of planning permission 4/V/2015/0175 to allow the opening of the premises between 06:00 to 17:00 Monday to Friday and 06:00 to 13:00 Saturday with no other operations until 07:00
12 <sup>th</sup> December 2017	3/16/01689/CMA	Land at Langford Quarry, Newark Road, Near Collingham	Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access.
12 <sup>th</sup> December 2017	1/17/01035/CDM	Serlby Quarry, Snape Lane, Serlby, DN10 6BB	Variation of condition 3 of planning permission 1/66/04/00004 to extend the timescale for inert waste disposal to cease by 22 August 2027, with enhanced restoration for a biodiverse nature conservation afteruse
12 <sup>th</sup> December 2017	F/3696	Land at Headon Camp Industrial Estate, Lady	Application for the Continued Use of the

		Well Lane, Headon, Retford, DN22 0PA	Existing Industrial Site and Buildings for the Production of a Range of Wood Fuel Products and for the Importation and Processing of Wastes to Produce a Range of Recovered Fuel Products.
12 <sup>th</sup> December 2017	ES/3712	Land off Green Street, Mill Hill and land at Barton Fabis, off Chestnut Lane	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.
12 <sup>th</sup> December 2017	F/3669	Land Adjacent to Railway Line, Off Great North Road, North Muskham, NG23 6HN	Use of land for the importation, storage and processing of construction and infrastructure inert waste

**Planning Applications currently being considered by NCC which will be reported to future meetings of Planning & Licensing Committee.**

Planning App: 8/16/02736/CMA  
 Location: Redhill Marina, Redhill Lock, Ratcliffe on Soar  
 Development: The proposed construction of an inland leisure marina; associated ancillary building, infrastructure, car parking and landscaping with incidental mineral excavation