

Planning and Licensing Committee

Tuesday, 19 July 2016 at 10:30

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

AGENDA

- | | | |
|---|--|--------------|
| 1 | Minutes of the last Meeting 28 June 2016 | 3 - 10 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of lobbying | |
| 5 | Newstead and Annesley Country Park Newstead Village | 11 - 94 |
| 6 | King Edward Primary School St Andrew Street Mansfield | 95 - 142 |
| 7 | Development Management Report | 143 -
158 |
| 8 | Work Programme | 159 -
162 |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in

the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

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

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

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

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 28 June 2016 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

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

A	Roy Allan Andrew Brown Steve Calvert Jim Creamer Stan Heptinstall MBE	A	Bruce Laughton Rachel Madden Andy Sissons Yvonne Woodhead
---	---	---	--

OFFICERS IN ATTENDANCE

David Forster – Resources Department
Sally Gill – Place Department
Rachel Clack – Resources Department
Jonathan Smith – Place Department
Ruth Kinsey – Place Department

MINUTES OF LAST MEETING HELD ON 24 JUNE 2016

The minutes of the meeting held on 24 June 2016 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

MEMBERSHIP

It was noted that Councillor Bruce Laughton had been appointed to the Committee in place of Councillor Keith Walker for this meeting only.

APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Allan.

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

The Chair declared for all members present the emails received regarding agenda number 9 (Bunny Materials Recycling Facility Loughborough Road Bunny).

CHANGE IN ORDER OF BUSINESS

With the consent of the Committee the Chairman changed the order of business to take agenda items 8 and 9 as the first and second items.

JOHN BROOKES SAWMILLS LIMITED THE SAWMILL FOSSEWAY

Planning Application A

PLACEMENT OF A 950KW PYTEC BIOMASS BOILER WITHIN THE EXISTING BUILDING 'C' INCORPORATING A 10M HIGH FLUE

Planning Application B

ADDITIONAL HARDSTANDING ON UNDEVELOPED LAND WITHIN THE CONFINES OF THE EXISTING WOOD FACILITY SITE THE CONSTRUCTION OF 5M HIGH WALL FOR NOISE ATTENUATION PURPOSES

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

- There are two applications for the site
- The hardstanding area will be used for stockpiling materials
- Rushcliffe Borough Council had informed the planning officer that they had no objections to the applications subject to the Conditions being adhered to.
- A Lorry routing agreement will form part of any permissions which means that there will strictly be no right turn on or off the A46
- The proposed 5 metre wall will stop excess noise from travelling to nearby identified receptors.

In response to a question of a factual nature Mr Smith responded that Highways England did not consider the entrance to be unfit for purpose.

Following Mr Smith's opening remarks Mr Charles Fish, representing John Brookes Sawmills Limited, spoke in favour of the application and highlighted the following:-

- The building used to be used for as a manufacturing facility for timber products but the applicant is now wanting to use it for the drying of wood pellets and to incorporate a biomass boiler which will use locally sourced recycled wood from Nottinghamshire and Leicestershire.

- There will be approximately 8 or 9 Lorries a week transporting the wood into the site. This is approximate due to the business being seasonal.
- The Unit D building needs to be reoriented which would mean the shunt wall would help address noise issues.

In response to a question Mr Fish informed the Committee that the virgin wood is chipped on site to use in the biomass plant which in turn uses the heat to dry the wood prior to chipping.

Following discussions and upon a motion by the Chairman, seconded by the Vice Chairman it was:-

RESOLVED 2017/041

Application B

1. that planning permission be granted for planning application 8/16/00677/CMA subject to the conditions set out in Appendix 2. Attached to the report

Application A

2. that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to provide a lorry routeing agreement and appropriate signage on the A46 pursuant to planning application 8/16/00398/CMA so to prevent right-hand turn manoeuvres into/out of the site entrance and
3. that subject to the completion of the legal agreement before the 28/09/16 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the development sought under planning application 8/16/00398/CMA subject to the conditions set out in Appendix 1 attached to the report. In the event that the legal agreement is not signed by 28/09/16, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

BUNNY MATERIALS RECYCLING FACILITY, LOUGHBOROUGH ROAD, BUNNY

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 PERMITTED OPERATIONAL HOURS FROM 0730 HOURS TO 0600 HOURS MONDAYS TO SATURDAYS TO ALLOW FOR 12 OUTBOUND PRE-LOADED HGV MOVEMENTS FROM THE SITE -

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

- There will be 12 pre-loaded HGV's per day.
- There have been objections received from 9 properties from the area with issues mainly related to noise and traffic
- He also referred to the email that all members had received from the local member, Councillor Adair, who could not attend today, which raised issue of noise and traffic
- That the NCC Noise Engineer and Rushcliffe Borough Councils Environmental Health Officer had no objections as the noise will not significantly be raised on an already busy road.
- The HGV's will be pre-loaded and pre-washed the previous day and parked so that they can leave the site in forward gear
-

Following Mr Smith's opening remarks Mr Peter Bond, representing the Bunny Materials Recycling Facility spoke in favour of the application and highlighted the following:-

- The 12 HGV movements will be dependent on contracts therefore it will not be everyday
- The HGV's will be naturally staggered and will avoid Gotham Lane
- The additional hours will maintain the competitiveness of the business and also help reduce the HGV movements at busier times due to earlier start times.
- The company is willing to enter into a section 106 agreement regarding vehicle movements not taking place on Gotham Lane.

Following Mr Bond's remarks he responded to questions as follows:-

- The issue of convoys will be addressed where possible but if there is little traffic it will be difficult to stop a situation arising.
- Modern Lorries no longer need to be revved as much as they used to be.
- Understand the concerns about the need to have Lorries running their engines during frosty periods, however don't all vehicles do this.

- Unfortunately cannot give any information on the economic effect this will have on the company, however the application for the earlier start times will enable the company to be more competitive in the market.
- The previous breaches in the planning conditions are being addressed with the drivers and the section 106 agreement will cement the conditions set.

Following the speakers and comments by the officers, members debated the item and the following issues were raised:

- Conditions attached to existing planning permissions had been breached on a number of occasions.
- Local residents are unhappy with the noise that will begin earlier in the morning than the current conditions allow
- Has a traffic survey been carried out recently to show the numbers of HGVs that travel along the A60 early in the morning?
- Could the recommendation be amended to change the start time to 7 am and not 6 am?

The Chairman asked the legal representative Mrs Clack to explain what a section 106 agreement would mean.

The Chairman asked the legal representative Mrs Clack to explain what a section 106 agreement would mean.

Mrs Clack informed members a section 106 agreement is an agreement to secure planning obligations, such as a lorry routeing agreement. It is registrable as a local land charge and so binds the land and any future owners or operators of the site must adhere to the obligations, which must meet the appropriate tests in the NPPF. The agreement is enforceable as a local land charge as well as the usual contractual or planning remedies for a breach. There can also be additional covenants written into the agreement to deal with certain situations such as HGVs running engines on cold mornings to defrost windscreen or to prevent travelling in convoy, both of which had been raised by Members as concerns.

She also informed members that Committee can only consider the application before it. As the application is for a change in operating hours to 0600 hours, Members cannot change this to allow a later start time of 0700 hours or to make it a temporary permission.

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

RESOLVED 2017/042

That the decision be deferred and that members contact the Planning Officer via email to ask questions they wished answers to help them reach a considered decision

SUMMARY OF THE HOUSING AND PLANNING ACT 2016 AND ITS IMPLICATIONS FOR THE COUNTY COUNCIL'S PLANNING WORK

Mr Smith introduced the report to members.

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

RESOLVED 2017/043

That the contents of this report which sets out the implications of the Housing and Planning Act 2016 for the County Council's planning work be noted.

PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF SPORTS CENTRE, LEISURE AND COMMUNITY CENTRE - LOCATION: THE GROVE LEISURE CENTRE, LONDON ROAD, NEWARK

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

- There is asbestos which needs to be removed safely
- There will be a HGV routing agreement put in place when the work starts.
- The swimming pool void will be filled and covered.
- He also informed members that there will be mist cannons in use on the site to stop dust from Affecting nearby sensitive receptors, including the adjacent school. This matter had been discussed with Councillor Walker prior to committee.

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

RESOLVED 2017/044

That the prior notification for demolition is granted in accordance with the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 11 Class B - *demolition of buildings* subject to the conditions set out in Appendix 1 attached to the report.

INSTALLATION OF VERTICAL BAR RAILINGS AT BACK OF FOOTWAY LOCATION: WORKSOP BUS STATION, NEWCASTLE STREET, WORKSOP

Mr Smith introduced the report and gave a slide presentation and highlighted that the reason for the application is due to the continuous trampling of flowerbeds on the perimeter of the site

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

RESOLVED 2017/045

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1 attached to the report.

BILSTHORPE BUSINESS PARK, OFF EAKRING ROAD, BILSTHORPE UPDATE

Mr Smith introduced the report.

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

RESOLVED 2017/046

That the update of the Bilsthorpe Energy Centre be noted

DEVELOPMENT MANAGEMENT PROGRESS REPORT

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

RESOLVED 2015/047

That the Development Management Report be noted.

WORK PROGRAMME

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

RESOLVED 2015/048

That the Work Programme be noted

The meeting closed at 13.10 pm.

CHAIRMAN

19th July 2016**Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE**

GEDLING DISTRICT REF. NO.: 7/2012/1493
ASHFIELD DISTRICT REF. NO.: 4/V2012/057

PROPOSAL: IMPROVEMENT WORKS TO THE COUNTRY PARK INVOLVING THE REMODELLING AND PARTIAL IN-FILLING OF LAKE 2 FOR DEVELOPMENT AS A FISHERY, AND WIDER LANDSCAPE IMPROVEMENT WORKS AND PATH UPGRADES, IN TOTAL REQUIRING THE IMPORTATION OF CIRCA 17,000M³ OF INERT MATERIALS AND SOILS.

LOCATION: NEWSTEAD AND ANNESLEY COUNTRY PARK, NEWSTEAD VILLAGE

APPLICANT: RURAL COMMUNITY ACTION NOTTINGHAMSHIRE

Purpose of Report

1. To reconsider a planning application previously determined by Planning and Licensing Committee for improvement works to Newstead and Annesley Country Park involving the remodelling and partial infilling of lake 2 for development as a fishery, and wider landscape improvement works and path upgrades, in total requiring the importation of circa 17,000 cubic metres of inert materials and soils subject to the signing of a Section 106 legal agreement governing lorry routeing and road surveys. Since the original resolution of the application in February 2014, the required legal agreement has not been completed, despite requests to the applicant to progress the matter. It is therefore recommended to refuse planning permission due to unacceptable highways safety and amenity impacts.

Background to the report

2. Members will recall considering this application in November and December 2013 and February 2014 which proposed various improvement works to the Newstead and Annesley Country Park- the former Newstead Colliery tip site- requiring importation by road of inert waste materials. The application raised issues centred on impacts to sensitive ecology/wildlife on the site and the impacts of the HGV importation campaign upon local communities and to road safety. The committee decision was twice deferred to allow for further analysis of possible HGV routes to and from the site and to allow for an additional public

consultation on routeing options. At the meeting of 25th February 2014 Members agreed to approve the application (as had been revised) subject to the completion of a Section 106 legal agreement incorporating a HGV routeing agreement and a before and after condition survey of the highway route and subject to recommended planning conditions to cover other issues, particularly with respect to ecological mitigation.

3. Since that resolution there has been a considerable passage of time during which the required legal agreement has not been completed and therefore the formal grant of planning permission has not been issued. The application has not been withdrawn and has therefore lain 'undetermined' and remains so in this present situation. The applicant (RCAN) have been notified by a letter dated 16th March 2016 that the current situation cannot be sustained and that the County Council is legally required to finally determine the planning application-either to approve or refuse planning permission. A date was set (30th April 2016) by which time a substantive response was required from the applicant, after which this Authority would have to reconsider the application. To date no response has been received and in all likelihood the project has stalled indefinitely.
4. In light of the passage of time and the lack of engagement/interest from the applicant, this committee is asked to again consider determining the application. At the time of the application's determination in February 2014, officers did not have delegated powers to refuse applications if legal agreements had not been completed within a specified timeframe, as is currently the case. The application is therefore being brought back to committee with the recommendation to refuse planning permission due to the lack of adequate HGV routeing and provisions to protect the condition of the public highway, without which the proposed development would result in unacceptable highways safety and amenity impacts.
5. The report from November 2013 is attached as appendix A. The supplementary report on highway routeing options from December 2014 is attached as appendix B. The final report from February 2014 which followed further public consultation on highway routeing options is attached as appendix C.

The Site and Surroundings

6. The site and surrounding remain as described on the original report to committee at appendix A to this report and plans 1 and 2 which are also appended, however some relevant changes are noted as follows.
7. It is noted that the new housing development at the eastern end of Annesley Cutting has been nearly completed and that this end of the road is due to be rebuilt by the housing developer (Persimmon Homes) under the terms of its planning obligations. It is this road by which HGVs importing material to the application site would pass along.
8. Planning permission was granted to RCAN in October 2015 by Gedling Borough Council for the erection of a single wind turbine (max tip height 100m)

on the eastern side of the country park site. (Ref 2014/1168) This has not yet been erected but work to discharge pre-commencement conditions is underway.

9. In winter 2013 RCAN undertook to import surplus waste soils into the site in order to landscape around the lower lake 1 (used for angling) and around the visitor centre building. These soils were delivered by HGVs traversing through Newstead village along Tilford Road leading to complaints from local residents about mud being deposited on the road. The applicant was cautioned by County Council enforcement officers that these soils were considered to form part of the planning application and therefore did not benefit from permission. This accounted for a small part of the overall total – 800m³. The soils were of such quality, and were in all likelihood too rich in nutrients, so that weeds and ruderal species have become over-dominant instead of the amenity and wildflower mix envisaged.

Proposed Development and background

10. The proposed development related to the importation of circa 17,000 cubic metres of inert waste materials in order to undertake various works on site. Again the full description of planned works and a breakdown of how materials would be used is set out in full in the report at appendix A and in particular at paragraphs 18-35. Of the 17,000m³, the majority (11,000m³) would be used to partially infill and re-profile the margins in and around lake 2 (the former polishing ponds) so to make them more suitable for angling use. Other soils and materials would be used around lakes 1 and 2 and for other works to correct erosion issues and to improve pathways. As noted above circa 800m³ of soils were previously imported and spread around lake 1.
11. The materials would be imported by HGV requiring a total of 1,800-1,900 deliveries at an average of 13 in and 13 out per day, possibly peaking at 40 loads a day. The application did not propose that HGVs use Tilford Road, through Newstead village, but instead they would utilise an access track leading from the eastern end of Annesley Cutting which then runs under the Robin Hood railway line and into the site (see plan 1).
12. Four rounds of consultation and publicity were originally undertaken; in December 2012 on the originally submitted application; July 2013; September 2013 and February 2014 and involved discussions with the Parish Councils. No new consultations or publicity have been undertaken for the purposes of this report.
13. Routeing options to and from the A611 were extensively looked at by Officers and Members of committee in consultation with the two affected Parish Councils. A series of options were consulted on and a hybrid option was considered the most optimal routeing solution to minimise impacts to local amenity as much as possible and to minimise accident risk. Under this routeing solution HGVs would only use Annesley Cutting from the A611, both in-bound and out-bound. However right hand turns out of Annesley Cutting on the A611 would be prohibited requiring north-bound traffic to divert south to the roundabout before turning north again. (See plan 2). Members supported this

option when resolving to grant planning permission subject to these HGV routes being secured within a legal agreement.

Observations

14. Since the time of the committee resolution there has been little meaningful progress from the applicant to progress the required legal agreement. Initially RCAN instructed the County Council's legal officers to draft the agreement with RCAN undertaking to meet reasonable legal costs. At the request of RCAN this work was halted possibly due to ambiguity over ownership of the access track by which HGVs would use to import materials. An approach was made by RCAN in October 2015 to restart the drafting work, however by November they asked that the work be stopped again due to unknown 'legal issues'. Separately and during the intervening time RCAN have pursued and have secured planning permission for a large scale wind turbine as noted above.
15. Without the legal agreement HGVs would be able to travel unrestricted both in terms of manoeuvres at the junction of Annesley Cutting and the A611 and through Newstead village itself along Tilford Road. This would raise considerable local concern as shown when a relatively small quantity of soils were brought in this way previously. Tilford Road is a constrained terrace street with on-street parking. Also along this road is a primary school, play areas, a shop and a community centre. Members also raised concerns previously about the safety of certain manoeuvres at the A611 junction with Annesley Cutting.
16. A before and after highways condition survey of Annesley Cutting was also a requirement of the legal agreement and which would provide a mechanism to record any damage resulting from the passage of HGVs associated with the development and to require any reasonable repairs to be made. Without the accompanying highway condition surveys, Annesley Cutting or other roads could be adversely affected by a campaign of HGVs without any means of requiring repairs by the applicant. It is notable that Persimmon Homes, who are developing the new housing at the eastern end of Annesley Cutting, now wish to proceed with completing their obligations to re-surface the end of this road and are waiting for the applicant's importation scheme to commence. Further delays and uncertainties would impact on the timely completion of the road resurfacing to the detriment of those new residents.
17. A further matter for consideration is that due to the passage of time the ecological surveys and Officers assessment of them are now considered out of date and it is possible that the mix of species and habitats present may have changed on what is a designated Local Wildlife Site which was known to be used by several notable breeding bird species and had large populations of amphibians.
18. In reconsidering the application consideration should be had to relevant Policies in the Nottinghamshire and Nottingham Replacement Waste Local Plan- Part 1: The Waste Core Strategy (WCS) and saved Policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP). The National Planning Policy Framework is a material consideration.

19. In reaching the previous recommendation and resolution Members of committee and Officers were mindful of the benefits and improvements which would be realised at the site, on completion of the development and importation phase - in terms of improved angling; landscape works and access improvements. These environmental benefits to what is a former colliery tip satisfied the terms of Policy WCS5 (Disposal Sites) of the WCS. It was considered that 'very special circumstances' were evident to allow the works within the Green Belt and that the improvements were wholly in line with national Green Belt policy to enhance landscape, preserve openness and promote opportunities for outdoor recreation.
20. With regards to assessment of the key environmental impacts Policies W3.14 and W3.15 of the Waste Local Plan and Policy WSC13 of the Waste Core Strategy are particularly relevant.
21. Policy W3.14 requires that associated vehicle movements need to be satisfactorily accommodated on the local highway network without causing unacceptable disturbance to local communities. Policy W3.15 enables the planning authority to require any necessary highway routeing agreements to mitigate the associated transport impacts. Policy WCS13 requires that there would be no unacceptable environmental impacts resulting to any aspect of the environment and/or to the quality of life of those living or working nearby.
22. It is considered that without the provisions of the required legal agreement the environmental impacts would be contrary to the above policies and the highway impacts would be severe for the purposes of the NPPF which requires safe and suitable access. The proposal therefore would be contrary to the development plan taken as a whole and that planning permission should accordingly be now refused.
23. Any applications coming before committee today which recommend planning permission be granted subject to an accompanying legal agreement do so on the basis of allowing a three-month period in which the applicant party/parties should complete this agreement with the County Council's solicitors. Further time can be granted if required, however after three months (or after the extended timeframe as agreed), the recommendation reverts to one of the application being refused due to the necessary agreement and the measures within it- such as HGV routeing not being secured. This encourages pro-active work on the agreement and in most cases the applicant is keen to complete at the earliest possibility. The committee report in February 2014 pre-dated the introduction of this practice.
24. The applicant would be free to make a new application for any such works in the future based on up-to-date information and the County Planning Authority would be willing to engage in pre-application discussions and to undertake the necessary local consultations.

Other Options Considered

25. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application and either approve or refuse planning permission. As set out in the report, this application has remained undetermined due to the failure of the applicant to complete a necessary legal agreement to provide for HGV routeing and road condition surveys. Without this the application proposal is considered unacceptable and contrary to planning policy on highway safety and amenity impacts. The application is therefore recommended for refusal.
26. A recommendation could be made to again grant planning permission subject to the same legal agreement requirements and planning conditions, but with this time setting the three-month period which is now the standard time limit for completing these agreements,. However the delays experienced so far give officers little confidence that the legal agreement would be completed within this timeframe. It should be noted that the supporting ecological surveys originally undertaken for the application would now be considered out of date and could therefore undermine any grant of planning permission particularly as the site is designated a Local Wildlife Site and was known to support a range of notable plant, amphibian and bird species.

Statutory and Policy Implications

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

Crime and Disorder Implications

28. There are no implications arising from the recommendation. The site is often used by off-road motor biking and has in the past suffered incidences of theft. The site will continue to be managed by RCAN.

Human Rights Implications

29. 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 the case of this recommendation, 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

30. The proposal sought to balance the desire for public access and recreation (such as angling) with the nature conservation interests at the site. The

proposed works would have resulted in benefits to lakeside-marginal habitats and from the seeding and landscaping of bare areas. It will be for RCAN in its management of the site to determine the scope and programme of future improvement works.

31. There are no human resources; children safeguarding; financial; or equalities implications. There are no implications for county council service users.

Statement of Positive and Proactive Engagement

32. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant at all previous stages of the application. This included pre-application discussions; meetings during the course of the application; identifying the scope of information necessary to assess the proposal and liaising between interested stakeholders. The applicant has been involved in discussing various access options and in discussing other concerns. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance, however, the applicant has ceased to progress the required legal agreement which is required to resolve issues of concern regarding HGV routeing. Without this agreement it has not been possible to resolve this issue of concern so as to overcome the harm as identified in the reason for refusal. The Waste Planning Authority has given the applicant a final opportunity to explain their current position, however in light of the passage of time during which the application has remained technically undetermined, the application should be reconsidered. The Waste Planning Authority would be willing to offer pre-application advice to the applicant in respect of any future revised proposal.

RECOMMENDATIONS

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

Reason for Refusal

34. The development fails to secure safe and suitable access and routeing for the level and intensity of heavy traffic associated with the construction and importation stage of the development as required by Paragraph 32 of the National Planning Policy Framework. The otherwise free unrestricted movement of such HGVs accessing the site would cause an unacceptable degree of disturbance and disruption to local residents and endanger vulnerable young people such that the resulting cumulative impact would be considered severe. The haulage campaign also has the potential to lead to damage to the public highway without ensuring appropriate mitigation is secured. The proposal is therefore considered contrary to the requirements of Policies W3.14 and W3.15 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1:

The Waste Core Strategy. There are no material considerations which suggest the decision should be taken otherwise.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

RHC 1/7/2016

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report.

Comments of the Service Director - Finance [RWK 04/07/2016]

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

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Newstead - Councillor Chris Barnfather

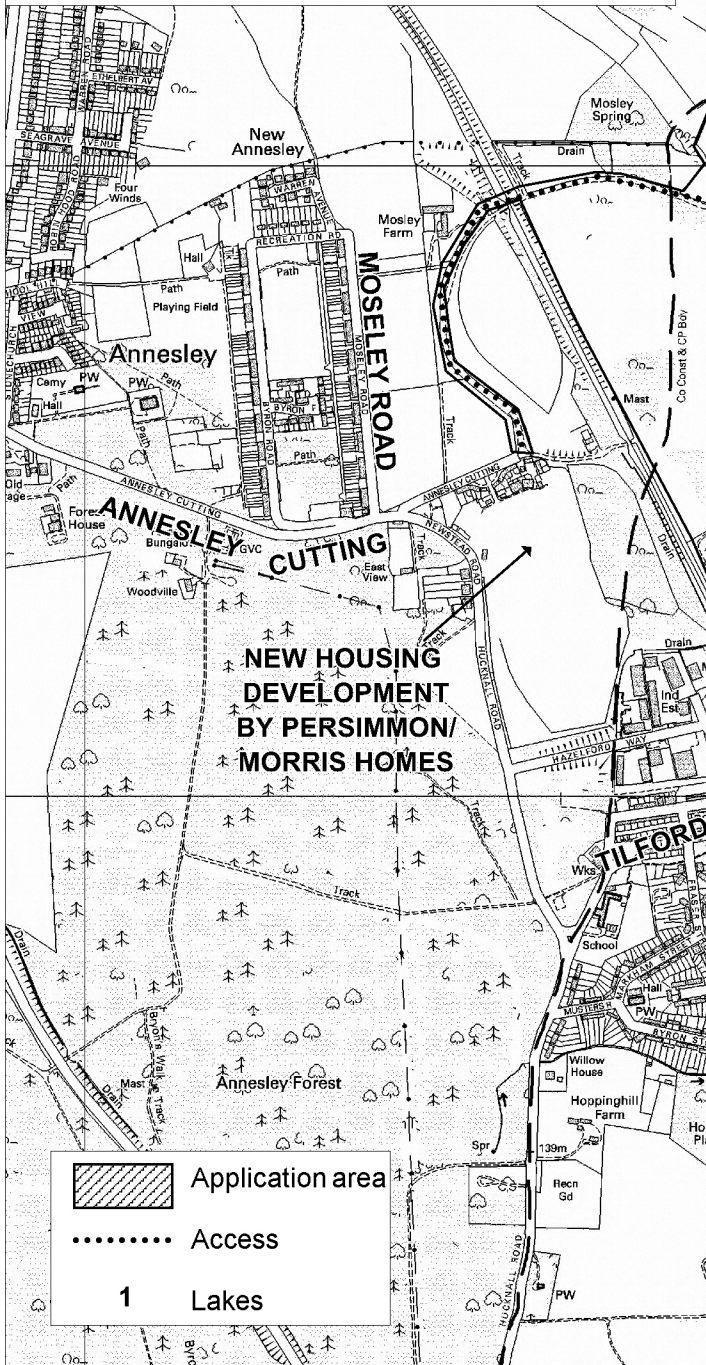
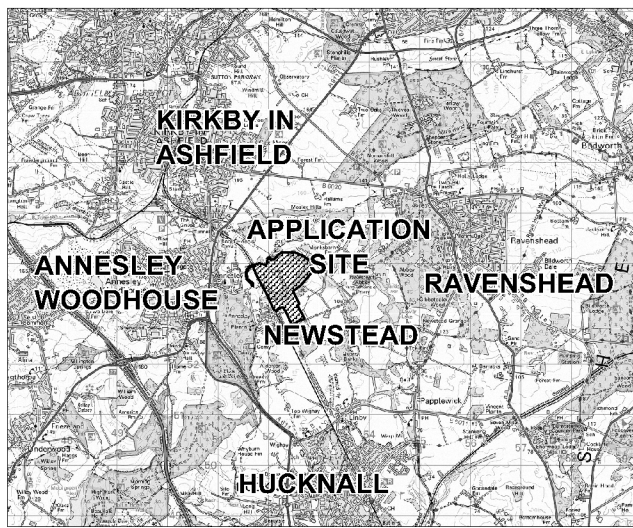
Kirkby in Ashfield South – Councillor Rachel Madden

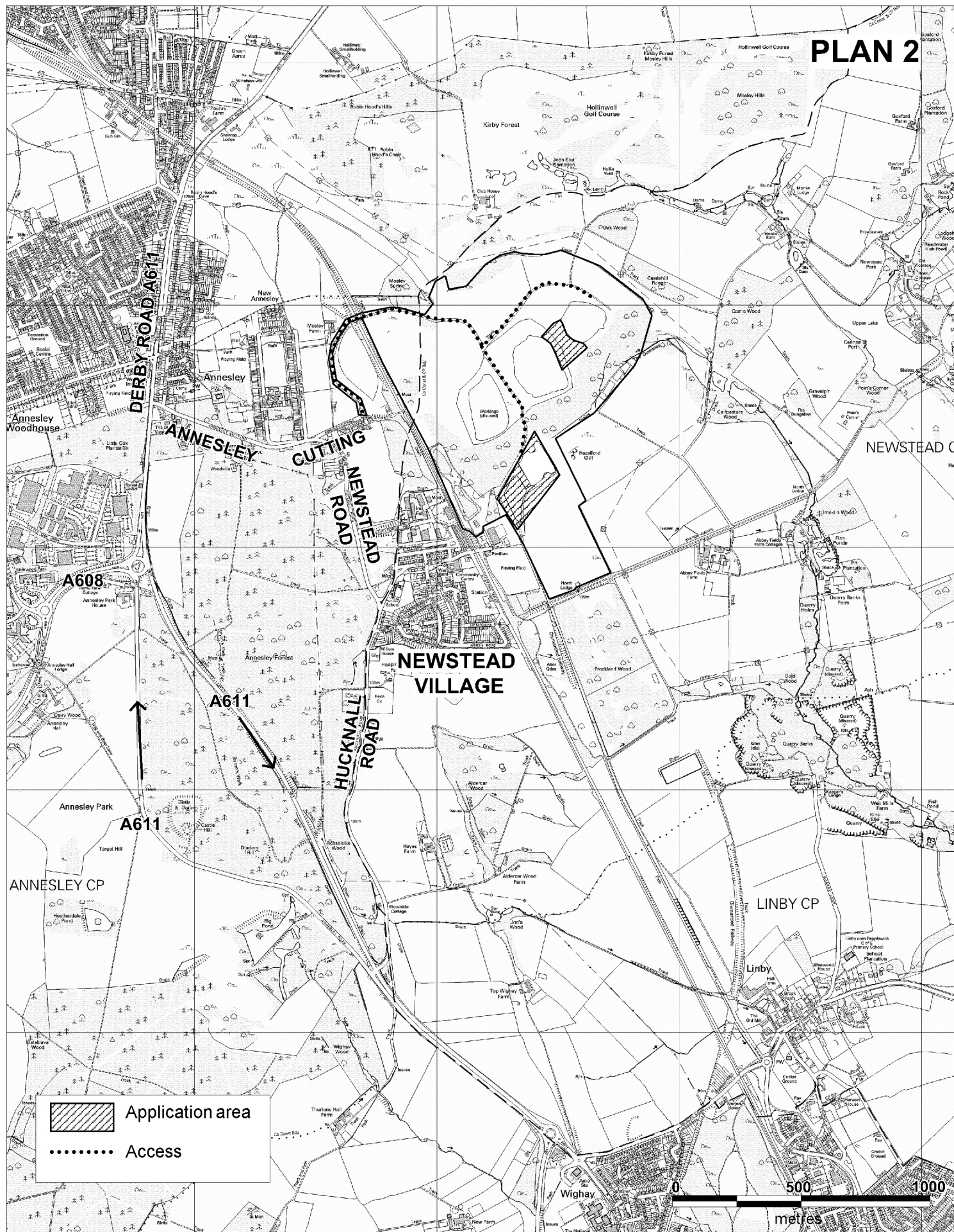
Report Author/Case Officer

Joel Marshall

0115 9932578

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





12th November 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

GEDLING DISTRICT REF. NO.: 7/2012/1493
ASHFIELD DISTRICT REF. NO.: 4/V2012/0570

PROPOSAL: IMPROVEMENT WORKS TO THE COUNTRY PARK INVOLVING THE REMODELLING AND PARTIAL IN-FILLING OF LAKE 2 FOR DEVELOPMENT AS A FISHERY, AND WIDER LANDSCAPE IMPROVEMENT WORKS AND PATH UPGRADES, IN TOTAL REQUIRING THE IMPORTATION OF CIRCA 17,000M³ OF INERT MATERIALS AND SOILS.

LOCATION: NEWSTEAD AND ANNESLEY COUNTRY PARK, NEWSTEAD VILLAGE

APPLICANT: RURAL COMMUNITY ACTION NOTTINGHAMSHIRE (RCAN)

Purpose of Report

1. To consider a planning application for the importation of circa 17,000cu.m. of inert materials into Newstead and Annesley Country Park - the former Annesley colliery tips. The materials would primarily be used to remodel and partially infill a lagoon in order to develop a more favourable fishing environment. Other works to improve landscaping and access tracks also form part of the scheme. The consultation process has raised key concerns relating to the proposals impact upon important habitat and species present on site; the potential disturbance to the local community and neighbouring residents from HGV traffic; issues relating to tip stability; and other highway related impacts. Some of these concerns have led to the reduction in the scope and scale of the proposed development and re-consultation has taken place on the revised application.
2. The recommendation is to grant planning permission subject to a legal agreement to control lorry routeing and to protect the highway and subject to the conditions set out at appendix 1.

The Site and Surroundings

3. Newstead and Annesley Country Park is located directly to the east of Newstead village and is formed from a restored colliery waste tip which was part of the former Annesley Colliery as well as a site for colliery waste from other surrounding mines. In total the site covers around 90 hectares straddling the Gedling and Ashfield local authority boundary, between Hucknall and Kirkby in

Ashfield. The site lies within the Green Belt and is subject to various local wildlife designations.

4. The site was purchased by RCAN (Rural Community Action Nottinghamshire) in 2009 in order to develop a new country park, with planning permission secured from Gedling Borough Council in 2011 for the required change of use and for the construction of a visitor centre and car park.
5. The Robin Hood railway line runs north-south forming the western site boundary between the country park and Newstead village. The level crossing on Tilford Road enables access to the site and to an adjacent construction business. Belts of woodland, some established by the former coal board, generally surround the site to the north and east containing views within the area. The surrounding countryside is interspersed with scattered woodland and parkland, including Newstead Abbey and park which lies 1.8 km to the east. To the north is the Notts Golf Club (Hollinwell) and scattered woodland.
6. Elements of Annesley village extends to the terraced properties off Annesley Cutting at Moseley Road and Byron Road. These form part of a Conservation Area which also encompasses the former pit head site now being redeveloped for housing, primarily by Persimmon Homes. Around a dozen new properties now front Annesley Cutting, with development extending behind.
7. The centre of Newstead village is shaped by its mining past, with terraced homes around Tilford Road, along with a primary school at the entrance to the village. Regeneration of the area has included the Hazelford Way Industrial Estate and the current redevelopment of the former pit head site.
8. The country park is open to pedestrians from a number of points, however vehicular access is currently restricted until a car park, currently being constructed within the country park, has been completed. Access to this car park will then be via Tilford Road, through Newstead village. Annesley Cutting offers a second vehicular route into the site. This road terminates outside the Persimmon Homes development, where two private tracks then proceed. The first continues eastwards to a user-operated level crossing over the railway line and the second bears north-east, looping around to enter the northern end of the country park, as it does so the track passes Moseley Farm and under a narrow-arched railway bridge. The route can be viewed on the attached plan.
9. The country park is formed from two main tip areas, the largest of which lies in the north of the site and stands around 19 metres above the surrounding area at its highest point. On this landscape is a mix of open grassland, woodland and a series of five water lagoons or lakes where the surrounding land levels progressively rise to the north, before falling again. Semi-mature woodland and shrub covers many of the flanks and belts of woodland partially enclose outward views. Large areas of open grassland, naturalising into heathland are present on the summits and where areas of open spoil remain, natural regeneration is increasingly greening the park. At the southern foot of the site is a partially completed visitors centre and car park.
10. A rich variety of flora and fauna is now established and the site has accordingly been designated as a Site of Importance for Nature Conservation (SINC) or

Local Wildlife Site. It is described as '*A diverse site with a mosaic of habitats and a notable flora*' and is an example of where natural regeneration on the former colliery spoil has taken place. Notable breeding birds and a large amphibian population would also merit its SINC classification. The SINC designation extends to include the access track from the end of Annesley Cutting. A number of further SINC sites are present in the locality forming a wider area of habitats and wildlife corridors. Linby Quarries Site of Special Scientific Interest (SSSI) is situated around 1km to the south-east at its closest to the proposed areas of work.

11. The majority of the country park lies within Gedling Borough and is within the Green Belt, however the north-west corner, along with an access track is situated in neighbouring Ashfield District.
12. As part of the grant of planning permission in 2011 by Gedling Borough Council to turn the site into a country park, much of the works so far undertaken have been focussed around the southern end of the site, where Lake 1 (see attached plan for the general arrangement) has been remodelled for angling (including disabled angling) along with creation of fishing pegs. The construction of a visitor centre overlooking the lake (constructed with re-used tyres) has been on hold, however works have recently recommenced on the shell of the building and the formation of the access and car park are progressing. Most of the tracks on site are loose shale or spoil and become heavily churned and rutted in wet weather. The use of these tracks by unauthorised off-road vehicles has also caused damage.
13. Moving north of Lake 1, up the rising track lies Lake 2- the former colliery polishing ponds. This was formally three separate lagoons in parallel layout, which have been opened out into a single, but deep lagoon with an island and shallow bars which remain from its previous form.
14. Following the main track northwards again, as it rises, it passes areas of immature woodland on the slopes before reaching the large expanse of Lake 4 with its surrounding expanse of bare spoil. North of Lake 4, the path level then falls away to reveal Lake 5 in a more secluded situation. These pair of lakes are separated by a embankment and have some marginal vegetation.
15. The track takes a turn to run around Lake 5 at which point the track from Annesley Cutting via the railway bridge runs into the park and joins the internal access track. The remaining Lake 3 is situated on the north-western side of the park on the tip plateau. The layout of the lakes and the main tracks can be seen on the attached plan.
16. The five lakes are therefore characterised as Lake 1 and 2 which are the smallest and in the case of Lake 2 a deep and engineered lagoon and Lakes 3, 4 and 5 which are much larger and in the case of Lake 3 and 5, exist in a more remote situation.
17. A series of interlinking ditches drain water via gravity down the slopes and between the lakes before discharging into local watercourses.

Proposed Development

18. The applicant is a local charity which owns and is developing the country park as part of the Newstead Enterprise partnership and it has a number of schemes in progress to make improvements to the park and support it financially. One of the projects established early on is the CAST (Cornerstone Angling Skills Training) scheme, a separate charity and partner of Newstead Enterprise whose work aims to tackle social exclusion by providing training and angling activities to young people. Linked to CAST is the commercial course fishing business which aims to attract day-anglers to the site and provide an income stream to support the charity and on-going site management and development.
19. Lake 1 is currently the main focus for general course angling, and includes provision for disabled anglers, however in order to develop the income generating side further, it is proposed to remodel the adjacent lake (Lake 2) to make it more suitable and safe for anglers. In addition the importation works would realise a fee for the charity. The proposed works in this planning application therefore comprise the partial in-filling of Lake 2-the former polishing ponds- for angling and additional landscape works to improve the park and help establish vegetation. The application is a County Matter application due to importation material comprising inert waste of circa 17,000 cu.m in volume, typically construction and demolition waste such as crushed concrete or brick and red shale. Waste sub and top soils would be imported for the associated landscaping works.
20. The application when originally submitted also proposed the partial infilling of the large Lake 5 at the northern end of the site in order to develop a carp fishery. This element brought the total volume of materials required to be imported to 40,000 cu.m. However this element of the scheme raised concerns on ecology grounds with objections from the Environment Agency and Nottinghamshire Wildlife Trust and it was assessed that such works would harm the conservation value of the lake environment, a habitat of county importance supporting nationally significant bird species. Environmental benefits were absent and community benefits were considered to be outweighed by the likely ecological harm as well as the magnitude of associated haulage movements. As a result of these concerns the Lake 5 elements were removed from the application resulting in a reduced scheme. Details of the remaining aspects of the proposed development are set out below.

Works to Lake 2

21. Lake 2 formerly existed as three separate 'polishing ponds' arranged in parallel form, however previous works developed this into a single lake, but with shallow bars and an island remaining. At its deepest, the lake is circa 5 metres deep and it remains characteristically a man-made, engineered feature with steep slopes and with areas of sparse vegetation.
22. The proposed works to Lake 2 seek to create a shallow water body with an improved marginal environment, making it safer for angling and also a more

favourable habitat. The current steepness of the lake sides is not conducive to such aims.

23. The proposed works would reduce the depth of the deepest parts to a level between 1.3 and 1.5 metres deep and the steep slope would be re-profiled to create a marginal zone with more moderate gradients. The current island would be slightly remodelled into an island connected on two sides with a spit. In order to undertake the works the lake would be dewatered, before the base is progressively in-filled with a total of 11,000cu.m. of the imported material, following which a 1 metre thick capping of compacted colliery spoil is formed over. This colliery spoil would be sourced from existing stockpiles within the site. Landscaping works around the lake using imported soils would then be completed and seeded with an appropriate seed mix. The eastern-most strip of Lake 2 would not be in-filled and would be left watered in order to provide mitigation for a large population of common toads, which use Lake 2 as their spawning ground.
24. By improving Lake 2, the applicant would be able to develop an improved income stream to assist with the management and development of the country park and the activities it supports. The current income situation has deteriorated with falling grant opportunities and delays in completing the visitor centre. An income would be realised in two ways. The importation of waste would itself realise a one-off sum for the applicant, funds which would cover costs and debt and subsequently the plans would allow RCAN to expand the fee generating angling activities.
25. Typical plant machinery to undertake the works would include an excavator and dumptruck to move material and a bulldozer and self-propelled roller to compact the colliery spoil capping to the lakes.

Landscaping works

26. A proportion of the imported material would comprise soil making materials for use in site landscaping works, to assist in the regeneration of areas of bare spoil by providing a soil base for grass seeding and other planting.
27. Most of the landscaping would be around Lakes 1 and 2, and around the visitor centre where a more amenity character of landscaping is envisaged. Subsoils and top soils to a total depth of 200mm would be spread before a suitable wild grass mix is sown with some additional native planting.
28. Additionally, material would be used to repair and reform the main access track running the length of the park which has been heavily churned and eroded. The improved track would be formed at 5 metres wide and would be hard surfaced with crushed stone. Soil margins would be seeded to re-establish grassland on either side.
29. The proposed works would also seek to address some stability issues arising on site. The embankment between Lakes 4 and 5 would be reinforced with 200mm of imported subsoil material to enable natural re-vegetation to take place so to bind the bank and prevent rainfall erosion. These soils would be required to be

suitably low-nutrient in make-up so not to introduce nutrients into the adjacent lakes, which are more ecologically sensitive.

30. The materials would be sourced locally and governed by a Materials Management Plan. As part of this plan a qualified person would be appointed to check its suitability before acceptance and before it is imported to the site. A breakdown of the volume proposed to be imported and their intended use is set out in the following table.

<i>Details</i>	<i>Volume (cu.m.)</i>
<i>Lake 2 infill</i>	<i>11,000</i>
<i>Soil around Lake 1</i>	<i>800</i>
<i>Soil around Lake 2</i>	<i>2,000</i>
<i>Track Build (up to)</i>	<i>420</i>
<i>Bank between Lakes 4 & 5</i>	<i>2,826</i>
<i>TOTAL</i>	<i>17046</i>

Access and routeing

31. The revised total of circa 17,000cu.m. of material equates to approximately 1,900 vehicle deliveries at 9cu.m. per vehicle. Imported material would be hauled in via Annesley Cutting and the farm track running under the railway bridge into the northern part of the site. No deliveries would enter Newstead village. On average there would be 13 deliveries in and 13 out per day, based on a 5 day operational week, although such haulage operations can typically run on a campaign basis resulting in some peaks and troughs in traffic levels. A maximum of 40 loads per day is therefore proposed as the limit the site could handle. Haulage operations would take place between 8 am and 4 pm, 5 days per week, Monday to Friday (excluding Bank Holidays). An assessment of transport arrangements and implications is set out further in the report.

Phasing

32. The applicant wishes to undertake the works as soon as possible whilst working outside of the spring/summer months to avoid impacts on wildlife, such as the large population of common toads. Depending on a final work schedule a phased approach may therefore take place and which would be agreed with the WPA.
33. The intention would be to utilise imported materials upon delivery, however temporary stockpiles would be used when works are constrained such as during inclement weather and would be limited in size.
34. Following the completion of the main works the new topsoil would be seeded with an appropriate wild mix and the establishment of this vegetation would be

managed in its initial years of establishment to realise the most favourable ecological conditions.

35. The country park would remain open to the public during works, with active working areas secured with suitable safety fencing.

Consultations

36. **Gedling Borough Council** – *Do not wish to make any representation.*
37. **Ashfield District Council** – *No objection however concern is raised in regard to the routeing of vehicles along Annesley Cutting and alternative routes should be considered with less sensitive receptors. Consideration should be given to restricting working hours including deliveries to limit disruption to local residents. Request details are provided of angling platforms and disabled parking. Recommend use of recycled aggregate for path works and suitable planting and seeding.*
38. **Newstead Parish Council** – *Support. "The Parish Council are pleased to welcome the above application and warmly support the attached plans as part of the ongoing proposals to create a country park for the benefit of local residents."*

They acknowledge that the present state of the lagoons present a hazard to the public and that reducing the depth and steepness of the slopes would improve safety.

Annesley & Felley Parish Council - *Objection is raised to the original application scheme/scope.*

In relation to the chosen haul route, this would utilise Annesley Cutting and then a farm track. Previous exportation of materials from the site using the same route, threw up dust which covered local fields and houses and exacerbated breathing problems for those with a lung related illness. Since this time, the residential development was permitted and is now being built out.

The farm track is 460m of limestone/rubble base, within 200 m of the properties along Moseley Road. This is a single track with no provision for lorries to pass each other, noting that around 50 deliveries per day may be expected. The route also runs along a strip of land designated as a SINC. The track is also used by pedestrians, cyclists, and by owners of adjoining farmsteads and livery yards.

Previous evidence has shown that dust thrown up from the track does not disperse/deposit naturally and concern is raised that during dry weather residents will be affected by this dust. In response to the applicant's mitigation to deploy water bowser units, the Parish Council state that this would lead to material clinging to tyres and wheels and that there is no opportunity to establish a wheel wash at the exit to Annesley Cutting. Therefore material would be deposited onto the roads as the lorries left. Only the provision of a wheel wash and a tarmaced area will prevent this.

The Parish Council note that the site is an important area for wildlife and is listed as a SINC and go on to highlight the findings of the ecology report. They believe that the chosen haulage route runs counter to the management objectives in the ecology report and would have a huge detrimental effect on the wildlife present, noting that the upper areas of the tip are important to breeding and over-wintering birds, which are prone to disturbance.

An alternative haulage route is suggested via Tilford Road, through Newstead village, across the railway crossing and into the site via what will be the primary public access in due course. The access could be constructed and tarmaced, allowing an effective wheelwash to be set up. They believe the alternative route would minimise dust generation and conversely allow for mud to be kept off the roads. Total vehicle distances would be minimised. The lorries would not intrude onto areas of the upper tip, until later phases of the work, minimising impact on wildlife. The alternative route would allow for the segregation of pedestrians and vehicles in the interest of highway safety.

Concern is raised over the availability of suitable materials due to the current economic conditions and due to other competing projects. There is therefore a very high possibility that disturbance to local residents will last for a longer period.

The quality of the imported material is noted of being of importance for fishing and for ecological reasons and that preferably this should be sourced from a single site/project. Material should be inspected by a suitably qualified consultant for its acceptability.

The proposed hours of operation, should include all working of on-site plant and machinery, as well as controlling times of deliveries.

Additional comments responding to the additional information have been received raising the following points of objection:

The applicant does not own all the access into the site and cannot demonstrate full control over the intended application area.

Request an independent assessment of the application access route and the alternative Tilford Road route, taking into account; total traffic movements; road safety; potential dust/ noise impact on amenity; and on ecology, noting that the access track is a SINC.

A large part of the required material could be sourced from within the site through re-profiling. The disruption to wildlife would be outweighed by the shorter time span required.

Concern is raised that the scheme is being used to overcome financial difficulties with a short term income and doubts are raised as to whether a viable long term fishery could be established. A fishery assessment coupled with a biological assessment is needed to determine that the correct lake depths and conditions are achieved to support fish, taking into account seasonal variations in water depths. A depth of 1.8 metres is preferable to ensure fish survival, and should be no less than 1.5metres at seasonal minimal levels.

Any comments received on the amended application will be orally reported.

39. **NCC (Highways)** - *Originally commented that the proposed traffic generation [based on 4,400 deliveries] does not unduly concern the Highways Authority; however concern is raised that the type of traffic generation over a prolonged period could impact on the structure of the highway.*

The applicant is requested to enter into a Section 106 agreement to undertake a video recorded condition survey of Annesley Cutting (from its junction with the A611, to the eastern extent outside the Persimmon site) prior to work commencing and subsequently, in order to assess any damage and to undertake any repairs as are agreed as reasonably necessary at the applicant's cost.

The reduced development would require approximately 1,900 HGV deliveries, which will actually be circa 3,000 vehicle movements into and out of the site. The request for a condition survey remains despite the reduced scope of the application scheme.

Measures to control mud and dirt being deposited onto the highway are requested.

40. **NCC (Nature Conservation)** – *Comments on original plans - raise notable concerns for which further information and clarification should be provided.*

The site- Annesley Pit - is a SINC, described as 'A diverse site of botanical and zoological importance'. Much of the site's interest is derived from the fact that large areas of the site have not been intensively restored, which has allowed natural regeneration to take place.

A considerable dataset is available for birds at the site, based on frequent visits by a local bird watcher. In terms of breeding species, Black-necked Grebe, Woodlark and Little Ringed Plover are of particular interest. The presence of breeding Black-necked Grebe is very notable (with only circa 50 pairs nationally- the two pairs breeding at this site therefore constitute around 2% of the national population). Notes they have moved to Lake 4, with some occasional foraging on Lake 5.

Indirect impacts on the Grebes (if on Lake 4) need to be considered. The species may be sensitive to disturbance and research on a closely related species/Grebe has recommended a buffer of 150-300 metres from the source of disturbance. It is clear that the access tracks along which HGVs will travel are somewhat closer to Lake 4 than this. Given the Schedule 1 status of the species and the available research it is recommended that a condition prevents vehicle movements around Lake 4 if they are present.

An amphibian survey has been undertaken which confirms a headline population of circa 600 common toads in Lake 2. Appropriate mitigation will be required, including working around the period March-July and a method statement detailing any phased works and protection measures.

Concern is raised over the proposed top-soiling around Lake 2 as the existing vegetation is naturally regenerating into a diverse habitat. Top-soiling around Lake 1 is accepted.

The importation of top soil has the potential to import nutrients and subsequently enrich water run off. A planning condition should be used to control the nutrient levels to an appropriately low level, to ensure that coarse grass species do not dominate at the expense of wildflowers. This would also reduce the amount of grass cutting required and consequently reduce management costs.

Woodlark are known to be present on site. No impact assessment has been carried out, however their favoured location is known to be on the plateau, which is away from the areas of work and due to this being at a different level to the haul road, means that there should not be significant disturbance to this species. Mitigation to maintain suitable habitat is identified. Mitigation measures to protect Little Ringed Plovers are also identified.

The de-watering of Lake 2 should not take place during the bird breeding season (March-August). The works to stabilise the bank between Lakes 4 and 5 should similarly not take place during this period.

Reptiles are known to be present on site with extensive areas of suitable habitat. It is recommended that a method statement is conditioned to identify suitable mitigation measures. Mitigation for other protected species (should they move on to the site) is also recommended.

Details of any tree or shrub planting, and seeding, including species and mixes should be required by condition.

Comments have been received on the revised application scope and description:

Previous requests for conditions relating to reptiles; other protected species; the works to the bank between Lakes 4 and 5; landscaping; planting/seeding mixes; and the restoration of woodlark habitat remain applicable.

The amphibian survey confirms that a method statement to control works at Lake 2 is still required along with additional measures and mitigation to include details of: how fringing reed vegetation would be retained and fenced; the creation of small ponds/pools around the margins; locations of any temporary stockpiles; and a three year monitoring period.

Works should be phased to ensure that areas of highest value for amphibians are worked first, so to allow time to recover. These should not be worked in March when amphibians may be returning to the lake, however in the event that they do, additional protection measures such as amphibian fencing may be required.

In relation to breeding birds, notes that the works would be completed prior to the onset of the breeding season, and as such there should be no impact on either Little Ringed Plover, Woodlark, or Black-necked Grebe. To ensure this is the case a condition should be made to prevent works taking place during

March-August inclusive. Should works during this period be permitted, requests monitoring of potential breeding activity with the help of the local birdwatchers and mitigation or a halting of works made if evidence indicates activities are causing disturbance.

41. **Nottinghamshire Wildlife Trust (NWT)** – *Maintain an objection to the revised plans on the grounds that it is still not possible to undertake a robust assessment of the likely ecological impacts of the proposals on the basis of the information provided, nor do the mitigation measures appear to be adequate. NWT cannot therefore be certain that this scheme could proceed without severely compromising many ecological features of high value on this site.*

The waste disposal operation would take place on a SINC, which was originally designated for its botanical interest, but also qualifies as a SINC for breeding birds and amphibians, some of which are of national and international rarity. NWT have sympathy for the applicant, but this does not eliminate the need for a proper ecological assessment. For the development to be permitted contrary to Local Plan policy the need for the development would have to be greater than County importance to outweigh the ecological importance of this site.

Particular care and assessment should be given to impact on breeding Black-necked grebe, loss of breeding toad habitat in Lake 2, any impacts arising from the intensification of use of this area and disturbance from people/dogs etc, and whether the imported materials for the 'restoration' of the site could guarantee the retention of the current biodiversity/ecological conditions, which comprise acidic and calcareous habitats.

The recent amphibian survey of Lake 2 clearly demonstrates that it vastly exceeds the criteria for designation as an amphibian SINC. Walkover surveys across the wider site also indicates that there must be a large population of grass snakes. It is quite clear that the whole area is of quite exceptional importance for amphibians and reptiles. No assessment has been made of the areas of terrestrial habitat used by these species for the rest of the year, which may be destroyed by movements of large machinery.

There needs to be a detailed plan for the minimisation of the impacts upon toads using Lake 2 and other amphibians and reptiles. The amphibian report recommends that new ponds should be created to replace habitat lost, however no details have yet been provided, and they would have to be in place in advance of habitat being lost.

The lake clearly contains a range of features that are highly suitable for breeding toads and frogs, perhaps because of the deep water. The stocking of fish in the lake would be fundamentally incompatible with conserving this amphibian population of County importance. Whilst toads can in some cases co-exist in a fishery, the same does not apply to frogs and newts. Fisheries can also introduce infectious amphibian diseases.

In the absence of detailed plans it is not possible that a tipping operation of this scale would not destroy a significant part of the marginal vegetation around Lake 2, due to the use of machinery pushing in material. The surrounding reed beds are noted as an important element in toad spawning.

Concern is raised regarding the mixed range of imported materials, from unknown sources, and whether the testing and acceptance/rejection of loads is feasible given the numbers of loads per day. Need to maintain the current water chemistry in Lake 2 and high nutrient top soils would be incompatible with the site.

A full reptile survey has not been undertaken, however a walkover survey has identified grass snakes. There is a high probability that reptiles will be killed by vehicle/plant movements and damage to habitat.

The applicant has not done a full bird survey and there has been no assessment of the potential impacts on birds, instead relying on information from local bird recorders (which is limited) nevertheless it can be seen that the site supports at least three breeding Schedule 1 birds and that Lake 5 qualifies as a breeding bird SINC due to its use by Black-necked Grebe. It would be an offence to disturb this species whilst breeding. Concern is raised that there has not been an assessment of impact on Woodlark using the north-western part of the site. No noise data has been provided to show that the work of HGVs and machinery would not lead to disturbing this species. It is necessary to assess whether there would be any 'Likely Significant Effects' on Woodlark, both from the waste disposal operation and any subsequent increased human activity.

A full invertebrates survey has not been undertaken although locations for Dingy Skipper butterflies is known and would not be affected. Information on the presence of other invertebrates is not included.

The re-grading of areas of the site, importation and spreading of topsoil and destruction of marginal vegetation would all lead to a loss of the habitat diversity currently present. Subsequent re-seeding and recovery would take some years before the habitats would become as diverse as those which would first be lost.

Have previously suggested to applicant a less ecologically damaging scheme, involving importation of material to create an amphitheatre near Lake 1 and thus avoid the more sensitive areas, but still realising a sum for the charity as a viable compromise.

As the plans stand "it can only be concluded that the applicant is committed to trying to maximise their income from this site through a substantial waste disposal operation and a commercial fishery, despite its designation as a SINC and its value for habitats and a range of species of greater than County importance, including birds protected by UK and EU law."

42. **NCC Reclamation** – No objection subject to an acceptable materials management plan, and its strict adherence and monitoring and further drainage assessments and provisions.

Notes the proposals comprise the shallowing of existing on-site settlement lagoons to comply with the safety requirements for former tips, for public angling and for local wildlife. The scheme would involve the dewatering of the lake and the importation of waste from unknown sources.

The site lies over a principal aquifer with local abstraction points and is adjacent to a SSSI.

The manner of controlling water levels in the lake system is not detailed, the management of such should be identified along with details of a gradual de-watering. The proposal would reduce the storage volume of the drainage system across the site, hence a drainage assessment to confirm that this system has not been compromised should be undertaken prior to the works.

Lake 5 has overtopped in the past and tip inspections have raised this as a concern which needs resolving. A temporary outfall is in place, though a permanent structure has been advised. NCC have sought to encourage the resolution of the overtopping issue and the creation of a fit and proper weir and discharge point for Lake 5. It would appear these have yet to be satisfactorily resolved. A suggested informative has been made.

There would appear to be low level contamination present within the colliery spoil materials analysed; however these were generally at concentrations which would not adversely impact the proposed works or pose a significant threat to either current or future site users. There are also issues related to gas generation with elevated levels of Methane and Carbon Dioxide and depleted Oxygen, these should not pose a significant risk.

The main contamination concern is from the importation of materials of unspecified source and nature. A robust Environmental Management Plan supplemented with a Materials Management Plan rigorously enforced would provide appropriate surety, the plans to be agreed with the Environment Agency/NCC prior to commencement of works.

Acceptance criteria for the material should be agreed with the authority and with the EA. The environmental management plan should address various issues such as noise, dust, emissions and the protection of ground and surface waters.

All materials imported to site should be stringently checked before accepted to site to ensure they are inert and comply with the material management plan and therefore do not pose a risk to surface/ groundwater, site workers or present/future site users. The importation of soil materials will also closely be monitored.

43. **NCC Landscape** – *Comments that the site would benefit from an overall master plan which would set out the overall design aims and objectives of the country park. This should be coupled with an overall design philosophy which should link the function and use of the spaces shown within the Environmental Management Plan and be a comprehensive, planned approach as to how the site will be managed in the medium to longer term.*

The plans should provide more detail regarding planting, seeding and natural vegetation. The maintenance/management of the water bodies and margins/habitats should be described. Questions whether works to Lake 2 will require removal of existing vegetation. Other comments relate to soil types and points of clarification.

44. **Environment Agency Midlands Region** – *No objection to revised plans (objected to original plans) and advises that the works would require an Environmental Permit.*

Notes that the applicant states that on occasions there may be stockpiling of waste material next to the area of intended use - in and around the lakes. Such storage locations would be unacceptable as during rainfall events the material can wash into the lakes to the detriment to micro organisms. Advises that stockpiles should be located at some distance from the lake and sheeted from rainfall.

Work should be undertaken in line with the recommendations made in the ecology report undertaken by the NCC Biodiversity Officer.

Advise that the bed of Lake 2 is designed with a lot of variation in depth to encourage a range of plant and animal communities. Depths should range between 100mm and 2000mm with levels changing across the lake bed.

The nutrient poor and plant free conditions provide an important wildlife habitat. It is important not to plant anything but to leave the lake to colonise naturally over time, leading to a more diverse habitat. Management should only be undertaken to remove invasive species.

The choice of fish species and stocking density should be carefully considered and ideally the lake should be lightly stocked over a number of years as the fishery matures. Notes the applicant is considering measures to maintain adequate water levels.

Planning conditions relating to unexpected contamination were previously recommended.

45. **Network Rail** – *No objection in principle. It is noted that access to the site is via an underbridge. Applications that are likely to generate an increase in trips under such may be of concern where there is the potential for an increase in 'Bridge Strikes'. Developers may be requested to pay for bridge protection barriers. Under no circumstances should the Newstead Stockyard User-Worked Level Crossing be used. Drainage should ensure there is no increase in run off towards the railway embankment.*
46. **NCC (Countryside Access)**- *No definitive public rights of way are affected by the proposed development.*
47. **Severn Trent Water Limited** – *No objection raised.*
48. **Western Power Distribution** - *Provides a network plan.*
49. **National Grid (Gas)** - *have not responded. Any response received will be orally reported.*

Publicity

50. The application has been publicised in accordance with the County Council's adopted Statement of Community Involvement by means of site notices, a press notice and neighbour notification letters to 29 of the nearest occupiers, primarily around the haulage route at Annesley Cutting.
51. A period of re-consultation took place with these neighbours, along with three additional addresses, when additional supporting plans were received. This included a revised set of plans covering all aspects of the proposed works and a supporting statement addressing points of concern raised from the initial round of consultation.
52. A third round of consultation has now taken place on the amended application description and reduced scope of works, following the removal of the planned infill of Lake 5.
53. The applicant has placed a local press notice under Article 11 of the Town and Country Planning (Development Management Procedure) Order 2010 in respect of notifying the owner of the access track, which has not been established.
54. A total of 11 proforma letters of objection have been received during the first round of consultation raising objection to the proposed haulage route and based upon the response from Annesley and Felly Parish Council. The letter proposes that haulage should alternatively be routed via Tilford Road through Newstead Village. The objection to the use of Annesley Cutting (the proposed route) is based on the following grounds:
 - (a) Increased public safety risk to pedestrians utilising the access track.
 - (b) Impact upon wildlife and breeding birds adjacent to the access track which is a SINC and also on the plateau top as lorries enter and manoeuvre within the site.
 - (c) Increased dust emissions impacting on residents, especially those on Byron Road and Moseley Road and particularly for new residents at the Persimmon development.
 - (d) Deposition of mud and debris on Annesley Cutting.
 - (e) Increase in vehicle mileage distance and emissions as opposed to suggested alternative route.

The letter proposes the use of Tilford Road in Newstead due to this being the eventual main access to the park and future visitor centre; that the road is sufficiently wide enough; and that the entrance into the site could be tarmaced allowing the installation of a wheel wash.

55. Persimmon Homes as the lead developer at the adjacent former pit head site has been consulted with regards to implications on their highway obligations to resurface Annesley Cutting. They raised concerns that the haulage operation as part of the proposed development could lead to damage to a new road

surface they plan and are required to install outside their development and how any repair liability would be assigned.

56. From the second round of consultation a further six letters of objection were received raising the following points:

- i. The impact of up to 45 vehicles a day upon the safety of pedestrians, horse riders and cyclists, insufficient information/ surety.
- ii. Impact on livestock in adjacent fields to access track.
- iii. The farm track is narrow with insufficient space for lorries to pass each other. No provision has been made to control traffic movements or speeds.
- iv. The generation of mud and dust; homes and cars have been covered in dust from previous works.
- v. Disruption to wildlife on the site. The land around the access track is a SINC. Concern that there has been no assessment of impacts from HGV movements
- vi. The importation is unnecessary as the site is a tip - waste could be moved around to alter the lakes.
- vii. Access should be through Newstead village as previously this was used to export coal. Alternatively access should be split half and half between Annesley Cutting and Newstead/Tilford Road.
- viii. The railway under-bridge is narrow and susceptible to damage from collision.
- ix. The gate at the head of the track should continue to be closed/locked out of hours to prevent unauthorised access.
- x. Impact on the structural integrity of residential properties from passing HGVs.
- xi. Disagree with the claim that haulage traffic would displace construction traffic from the housing development as only around 10 large vehicles a day have been seen, as opposed to the up to 45 vehicles proposed.
- xii. The commercial aspect of the operation seems to be taking priority over the proposed development headline and whilst the country park needs the revenue, the surrounding villagers have to suffer due to previous mismanagement.
- xiii. Doubt is raised as to whether a viable fishery could be established given the proposed lake depths and water conditions. Concern that the applicant has not taken into account seasonal variations in water depths as shown by the recent low water levels which may lead to low oxygen levels. Doubts there are sufficient lake invertebrates and nutrients to support fish. The applicant should demonstrate, through a fishery assessment undertaken by suitably

qualified person, that a fishery would work, otherwise the application is a landfill operation.

57. Any matters arising from representations made during the third and final consultation period relating to the revised and reduced application scope will be reported to members.
58. Councillor Chris Barnfather has been notified of the application.
59. The issues raised are considered in the Observations Section of this report.

Observations

Background to the country park

60. RCAN's purchase of the former tip site in 2009 secured this extensive site for the community and with a vision of providing a new community and natural resource, one which would offer opportunities to local people to help rehabilitate the site and develop skills in conservation and management. Over the past few years with extensive use of volunteers several projects have been undertaken, however much remains to be completed and the park has yet to be fully opened to the public, with the car park and visitor centre incomplete. Meanwhile unauthorised off-road activity has caused damage. Nevertheless the diversity and quality of wildlife colonising the park is notable and is testament to the management of the site.
61. One of the first initiatives which moved onto the park was the CAST angling scheme, making use of an existing lagoon and this scheme has helped young people with life skills and training around the backdrop of angling. So far this activity has been focussed around the lower Lake 1 where the re-modelling of this lake has included the construction of fishing pegs, some of which are also able to accommodate disabled anglers. The proposed development seeks to expand the angling activities to the adjoining Lake 2 and also address the current poor state of landscaping in certain areas around these lakes.

Principle of the development - Green Belt considerations

62. Newstead and Annesley Country Park is located in the Green Belt for which the Government attaches great importance through the National Planning Policy Framework (NPPF), paragraph 81 of which encourages local authorities to enhance the beneficial use of the Green Belt and provide opportunities for access and recreation and to enhance landscapes, biodiversity or to improve damaged and derelict land. The use of the site as a country park is therefore deemed an appropriate development in this situation, as confirmed by the grant of planning permission for the change of use by Gedling Borough Council.
63. With regards to the present application, the NPPF does not deal with waste disposal and such developments are not expressly listed as an appropriate form of development in the Green Belt, although 'engineering operations' are referenced, nevertheless the proposed development should be considered against paragraphs 87 and 88. These states that as with previous Green Belt

policy, inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the potential harm is clearly outweighed by other considerations.

64. Local policy on waste development is set out by the Nottinghamshire and Nottingham Waste Local Plan (WLP) and the published Nottinghamshire and Nottingham Waste Core Strategy (WCS), as a material consideration which is at an advanced stage and therefore can be given significant weight.
65. Policy W3.17 of the WLP permits waste disposal in the Green Belt only where this would be the *best option* for reclaiming mineral workings or other derelict voids to an after-use appropriate to the Green Belt and where there would be no unacceptable impact on the open character.
66. Policy WCS4 (Disposal sites) of the submitted WCS states that where disposal sites proposed in the Green Belt constitute inappropriate development, very special circumstances would need to be demonstrated in line with national guidance. The supporting text refers to bringing environmental benefits which may include and relate to landscape, heritage, biodiversity, access and recreation. It further states that very special circumstances can include enhancing the beneficial use of the Green Belt, such as opportunities to provide access, outdoor recreation, retaining and enhancing landscapes, visual amenity and biodiversity or to improve damaged and derelict land.
67. Against the relevant Green Belt policy, it is evident that the most recent policy in the NPPF and the submitted WCS gives greater protection to the Green Belt, by requiring 'very special circumstances' to support the development, whereas the adopted WLP requires an assessment in terms of it being the 'best option' to reclaim land to an appropriate after-use whilst not having an unacceptable impact on the open character of the Green Belt.
68. It is considered, in line with the supporting text in the WCS, that very special circumstances can be demonstrated through the development enhancing the beneficial use of the country park, by means of improving visual amenity, improving damaged and derelict land and landscape enhancement, as well as improving access to the park. This is in line with the approach in paragraph 81 of the NPPF. Elements of the proposed development seek to address several outstanding issues, following-on from previous restoration works, notably Lake 2 remains with steep, engineered slopes which are not favourable for wildlife or particularly safe for visitors nor suitable for anglers. Plans to spread top and sub-soils over bare colliery spoil would allow for grassland to be established, thus providing a visual enhancement to areas of degraded land. The formation of a hard-surfaced track network would assist in the year-round access and enjoyment of the park.
69. The importation and disposal of inert waste and soils would therefore enable such enhancements to be made to the country park, with an after-use of angling which would be an appropriate activity in the Green Belt and the completed works for which would not impact upon the open character. A temporary impact on the local character would be expected, in terms of limited plant and HGVs and any temporary stockpiles, however this is not considered unacceptable in this location.

70. The development and all its individual elements should be the 'best option' for the site as required by the adopted WLP policy. Clearly as proposed the total scheme represents the most financially favourable option for the charity, however if this is viewed from a sustainability and environment view, whether the best option has resulted depends on matters of ecology and residential amenity which are of particular relevance and these are explored further in the report.
71. In terms of alternative options, it has been put to the applicant that a greater proportion of the fill materials could be sourced from within the site itself and whilst this has been explored by them, they state that this would lead to wider disturbance to wildlife and habitat and crucially would not realise a financial receipt needed for the parks' survival and sustainability.
72. Against Green Belt policy it is considered that the proposed importation, in general terms, allows improvements to be made to the country park, which would be sufficient to demonstrate very special circumstances. An assessment in terms of whether the development and its constituent parts would be the best option for the site is subject ecological and other considerations which follow.

Disposal need and locations

73. WLP Policy W3.20 states that where a waste development would destroy or degrade defined heathlands, permission would not be granted unless the need for the proposal outweighs the value of the heathland. The site is not a defined heathland as such, though the grassland is naturalising into a heathland environment. The value is thus somewhat limited and, whilst the policy remains applicable, the site as a former colliery tip entails the consideration of WLP Policy W10.1.
74. Policy W10.1 of the WLP permits waste disposal where it would reclaim incomplete colliery spoil heaps or mineral voids, subject to meeting a recognised need for disposal capacity and subject to achieving *environmental benefits* without causing an unacceptable environmental impact.
75. The latest position on the need for disposal capacity is set out in the emerging WCS which states that an indicative additional 3.2 million cu.m. of capacity for inert waste would be required going forward in the context of a high overall recycling target. The importation of 17,000 cu.m. under this proposed development therefore represents a very small proportion in this context. The WCS has completed its public examination, and is therefore at an advanced stage of preparation. Substantial weight therefore can be given to its policies in accordance with paragraph 216 of the NPPF.
76. Policy WCS4 gives locational preference for disposal sites around the Nottingham and Mansfield/Ashfield areas and whilst preferring existing sites, does permit disposal and restoration at former colliery tips and other man-made voids where this would have associated environmental benefits. Policy WCS6 also identifies former un-restored or poorly-restored colliery land as suitable for waste disposal subject to there being no unacceptable environmental impacts.

77. Both the adopted WLP and the emerging WCS therefore provide a level of support for the proposed waste disposal development subject to the environmental considerations. Such considerations include a wide range of impacts on the local population, built and natural environment and are set out in chapter 3 of the WLP and its associated policies. The emerging WCS takes a more positive stance on the environment, under Policy WCS12 seeking to protect and enhance the environment, however under Policies W10.1 and W10.2 of the WLP, environmental benefits should also be realised.
78. The following sections discuss the main environmental considerations which arise from the proposed development.

Ecological Impacts

79. The country park is designated as a SINC (Site of Importance for Nature Conservation), making it of County importance for wildlife and it is a good example of how nature can re-colonise former derelict or degraded land such as this former colliery tip. The development of the country park goes very much in step with the wildlife and habitat on site, but recognising that community access can also be accommodated to appreciate and benefit from the natural resource. The size of the park is such that there are more remote areas at the top of the former tip, which allows room for wildlife, whilst areas nearer to the village at the base, are more popular with the community.
80. Into this mix of nature and human activity, the anglers can be added. The CAST angling project currently makes use of Lake 1 and it is proposed to expand the angling activities and associated revenue by developing Lake 2 as a fishery. Proposals to develop a large carp fishery on one of the larger lakes has been withdrawn from the current application, and may or may not come forward as a subsequent planning application.
81. In planning policy, the WLP, in Policies W3.21, W3.22 and W3.23 relating to water features, biodiversity and nature conservation apply. Policy W3.21 states that development which would destroy or degrade the amenity, setting or nature conservation value of wetlands and lakes will not be permitted unless their value is outweighed by the *need* for the development. Policy W3.22 states that where a development would harm or destroy a species or habitat of county importance planning permission will only be granted where the need for the development outweighs the local conservation interest. Policy W3.23 takes a similar approach for local wildlife sites.
82. Policy ENV36 (Local Nature Conservation Designations) of the Gedling Replacement Local Plan, is also relevant and states that where proposals may have an adverse effect on a SINC, the reason for the proposal will be weighed against the local ecological and community value of the site. Consideration will be given to the long-term ecological viability of the site and any impact upon the public's enjoyment of the site. Impacts should be mitigated or compensated.
83. At a national level, the NPPF, in chapter 11 states that development should minimise impacts on biodiversity and provide for net-gains where possible. Planning should contribute to preserving and re-creating priority habitats and the protection and recovery of priority species. It seeks to direct development to

areas of the least environmental or amenity value. Paragraph 118 states that planning permission should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

84. The proposed works raise several important ecological considerations, given the quality and diversity of wildlife which is known to be present on site. Some impacts would relate only to the construction phase, whilst others relate to the final operation and form of the development.
85. In the absence of a detailed ecology impact assessment, officers with assistance from NCC Nature Conservation Unit, have assessed the proposed development with particular attention paid to species and habitat which would be directly affected. Much of what is known about the on-site ecology is as a result of the work of volunteer record-keepers, such as bird watchers therefore whilst good and up to date information about the wildlife present is known, this has not been coupled with a full assessment of the likely impacts which may arise as a result of the proposed development. An amphibian survey has now been submitted and this supplementary information addresses the impacts which would arise at Lake 2, which is a spawning pond for toads and other common amphibians.
86. The majority of the works within the revised scheme are proposed in and around Lakes 1 and 2 which can be described as the more publicly accessible area of the park and the site of the future visitor centre. The most notable wildlife on site make use of other lakes and terrestrial habitat not affected by this development, such as the Black-necked Grebe which have successfully bred on the upper lakes over the past three years. These are exceptionally rare birds in the county and the Newstead/Annesley population represents 2% of the national population. As a Schedule 1 breeding bird, the species is protected under the Wildlife and Countryside Act 1981 (as amended). It is unlawful to intentionally or recklessly disturb such a bird whilst it is nest-building or is at or near a nest with eggs or young; or to disturb their dependent young. Two further Schedule 1 birds; Little Ringed Plover and Woodlark are also known to be on site, as well as various reptiles and invertebrates.
87. At Lake 2 (the former polishing ponds), a 600 strong population of common toads has been recorded to use this as their spawning ground and could therefore be directly affected by the lake remodelling works. Such a population would qualify for designation as an Amphibian SINC, if it was not for the fact that it already sits within a large site-wide SINC. A recent amphibian survey has been undertaken and a range of mitigation and working methods has been identified and a final method statement can be conditioned as part of any planning permission. As a starting point, the eastern parcel/strip of the lake, which is not proposed to be infilled, would be left with water during works in the other part and also provides ideal habitat in terms of the existing marginal vegetation. Works would take place so to avoid the toad breeding period. Should the toads return during the works, additional protection measures including specialist fencing will be required to direct toads into the retained part

of the lake. Provision of some additional small ponds has also been identified by the survey in order to compensate for loss of frog and common newt habitat, which are less compatible within a fishery.

88. Whilst the lake does support a significant population of common toads and frogs, the assessment is that as long as the works are undertaken in accordance with a method statement and prescribed mitigation measures, the final conditions in the lake would still be suitable for the toads, and the introduction of a fishery should not adversely impact upon the toad population or their reproduction. There are numerous other examples where large toad populations share water bodies with a fishery. The benefits are also clear, in that by remodelling the lake, new marginal areas would replace the steep sides thus providing an environmental enhancement and also serving to address a safety concern for anglers and visitors. Therefore this element of the proposed development is considered ecologically acceptable.
89. The proposed development to import inert waste material and soils into the site could if not properly controlled, change the balance of nutrients on site and in particular in and around the lakes. The landscaping and spreading of top soil around Lake 1 is accepted, as an amenity character has always been the plan in this area, in conjunction with the future visitor centre. Clarification has been sought that soil spreading around Lake 2 would comprise low-nutrient sub-soils to preserve the emerging conditions. In addition, the soil-making materials to be used on the surrounding landscaping works and stabilisation works to the bank between Lakes 4 and 5, also need to be of a suitable low-nutrient condition to prevent nutrient run-off into the lakes and to establish a wild grass/flower sward. The applicant intends to let any contract with the requirement for the appropriate testing and assurance, prior to its delivery on site and conditions are proposed in relation to this.
90. Original proposals to partially infill the larger Lake 5 raised key concerns and objections from officers at the County Council and objections from the Environment Agency and Nottinghamshire Wildlife Trust. This was due to the potential harm to the particular water conditions/chemistry in the lake which is a priority habitat supporting the notable breeding Black-necked Grebe and other breeding and over wintering wildfowl. It was not adequately demonstrated that the particular water chemistry and conditions could be recreated after completion of any works. The impact of the introduction of a specimen carp fishery on the overall ecological balance was unclear and therefore could have adversely impacted on this habitat and the wildfowl it supports. There was also the unknown impact of potentially increased human activity into that area, including night angling and vehicular access for anglers, and whether this would be compatible with the wildlife making use of this tranquil area. As a result of these concerns the applicant agreed to remove this element from the scope of the application. The works to raise the surrounding track are also removed.
91. Despite the removal of the works to Lake 5, there is still potential for disturbance to the Grebe if works overlap with an early spring return of the birds. Over the past years the birds have bred on both Lakes 4 and 5. If they return to Lake 4 they could potentially be disturbed as a result of HGV movements traversing the main access track. The advice is that this species is sensitive to disturbance

(based upon research into a closely related Grebe) and requires a buffer of between 150 and 300 metres from any source of disturbance such as machinery or HGVs. Applying this to the site, would mean that the access tracks would be close enough to lead to disturbance, therefore in order to overcome this impact, works at the site should be prevented during the breeding season (March-August) unless such works can demonstrate that there would be no adverse impact on Schedule 1 breeding birds or amphibians. The attachment of this condition is considered reasonable, given the wildlife present on site and the fact that limited ecological surveys have been completed.

92. The access track commencing at the end of Annesley Cutting has been identified as part of the SINC designation covering the park and although the application does not include a specific assessment of impacts, officer advice has been received that there should be no long term or significant impacts upon it, given that it is already utilised by vehicles to a certain extent and the fact that the track itself only covers a limited part of the land designated.
93. Given the range of other wildlife known to be present on site which could be affected, mitigation for each species or class can be implemented during the construction phase. Such measures can be part of a method statement to be followed by on-site operatives. Measures have been identified which will protect a range of species including reptiles, and other protected species (should they move on to the site), breeding birds and butterflies. The timing of the works outside of the breeding periods, avoids many direct impacts on the species present and additional mitigation measures could be enacted or works temporarily ceased altogether.

Impact from haulage traffic

94. The application is for the importation of 17,000cu.m. of material which would equate to an estimated total of 1,900 deliveries at 9cu.m per delivery. The associated traffic figures have been more than halved following the removal of the proposed element to infill Lake 5 (from a total of 4,400 deliveries to 1,900). The proposed haulage operation may still run on a campaign basis, therefore a maximum of 40 deliveries (80 2-way movements) is proposed, which is a small reduction of 5 deliveries. Clearly the revised haulage figures, whilst lessening impact, still raise concerns due to its nature and volume and the impact such an operation would have upon the amenity of local residents along the proposed access route.
95. The proposed route would take HGVs from the A611 along Annesley Cutting, passing the Persimmon Homes development to the end of the adopted highway. At this point the farm track running north-eastwards would be used passing under the railway bridge, before entering the northern point of the country park. Using this route option, HGVs would pass a grouping of properties at the A611 turning, running past the end terraces of Byron Road and Moseley Road before passing in front of around a dozen newly completed houses at Annesley Cutting. Some of these properties (completed by Persimmon Homes) sit close to or directly on the edge of the highway.
96. Policy W3.14 of the WLP states that development will be permitted where the associated vehicle movements can be satisfactorily accommodated on the

highway network and where this would not cause unacceptable disturbance to local communities.

97. In justifying the level of traffic which would be generated, the applicant contends that Annesley Cutting has been used by Persimmon and Morris Homes as their main construction site access, which until it was recently moved to Newstead Road, was used by a greater volume of mixed traffic than that proposed under their current application. However this claim has been questioned locally.
98. NCC Highways raises no objection to the level of traffic proposed, in terms of highway safety and capacity, subject to a legal agreement to secure a road condition survey and to remediate any damage to Annesley Cutting which might be reasonably attributed to the haulage operations.
99. Local objections have been received from Annesley and Felley Parish Council and from 16 local residents who believe that the proposed haulage route via Annesley Cutting would create adverse impacts upon local amenity, in terms of dust, mud, noise/disturbance and road safety and that an alternative delivery route via Newstead village should instead be used. Ashfield District Council also raise a concern with the chosen route, whilst Newstead Parish Council raise no objection to the development, nor do they raise any highway related concerns.
100. The alternative route put forward by Annesley and Felley Parish Council would take HGVs via Tilford Road through the centre of Newstead village. Not only would this require HGVs to pass directly in front of Newstead Primary School (more than likely during the school term) and a community centre, but also passing the front of in excess of 50 terraced properties on both sides of Tilford Road as well as shops and recreation spaces, before crossing the railway at the level crossing. Whilst it is accepted that this route will be the main access to the country park and its car park, once complete, this is not likely to involve HGV tipper lorries and plant deliveries, which would raise road safety concerns in this built-up area. It has been assessed that this cannot be a viable alternative haulage route to the site and would not be in accordance with WLP Policy W3.14. Officers at the Highways Authority agree with this assessment.
101. A further comment has been made as to whether there is the local availability of suitable inert material, as a result of the decline in the construction market, the concern being that the proposed timescales may slip and lead to an extended operation. The applicant is however confident that a supply is available and have had numerous approaches from house builders, hauliers and construction firms and they have appointed a consultant to assist them.
102. In light of the local concerns raised, the applicant has been asked whether more of the infill material could be sourced from within the site (from the former colliery tips) rather than be imported and thus limit the impact upon residential amenity. However the applicant advises that this would not be possible for two broad reasons. Firstly this would result in disturbance to habitat and wildlife across a greater area of the country park, which is home to important breeding birds for example. Secondly the financial income to the charity and to the ongoing development and maintenance of the park would be reduced, in the context of a declining funding base.

103. A further option whereby both routes are utilised for the haulage, so as to spread the impact and lessen impacts on properties along Annesley Cutting has also been explored, but discounted, due to safety and amenity concerns in the village. The routing of the haulage traffic can be secured by a legal agreement to ensure HGVs use the correct route and avoid the village centre.
104. In assessing the transport and haulage impacts of the proposed development, it is accepted that the traffic could be accommodated on the local road network, however in terms of impact on residential amenity, the local impacts of a haulage campaign in terms of noise, disturbance and mud/dust, cannot entirely be mitigated, and as a result may lead to disturbance to the local community. It is noted that the proposed delivery route has previously been used as a haul route in connection with former restoration works, however this was prior to the housing regeneration taking place on Annesley Cutting, which would result in a greater number of residents living with the impacts of a haulage campaign. Some of these properties are also on comparatively small plots, with a very limited set-back from the highway. The likely impacts of the haulage scheme have substantially reduced following the removal of works to infill Lake 5, this alteration more than halving the total lorry movements into the site, however it is acknowledged that some disturbance to local residential amenity is still possible and a high tempo operation is still possible.

Dust, mud and safety

105. Local residents and Annesley and Felley Parish Council raise concerns over mud and dust arising from the haulage operations. Concern is focussed on the use of the farm track which is not a metalled surface but formed of hardcore. During extended wet periods the track condition can deteriorate and measures to prevent mud being deposited along Annesley Cutting are necessary in accordance with WLP Policy W3.11. The provision of a full wheel-wash is physically constrained, however the operation of a simple jetwash has been identified along with other control measures such as road sweepers which could be deployed if inspections identify a problem. In particularly poor conditions, haulage operations could be halted altogether.
106. Conversely in dry periods, dusty conditions could arise. Local objections have referred to the concern that this could blow over towards properties along Moseley Road and has done so previously. However, due to the distance between the track and this street and the direction of prevailing winds such occurrences would be infrequent. The use of water bowsers and sweepers could be employed in such circumstances, in accordance with WLP Policy W3.10 to combat any significant emissions.
107. It is acknowledged that the farm track is used as access to farmsteads and by some local walkers, it is not however a right of way and remains a private track. Local concern has been raised with regards to the safety of pedestrians and agricultural tenants should they encounter a HGV on the track. Given the narrowness of the track, which would prevent two HGVs passing each other, and the length of the route, the risks require an understanding and measures to ensure safe working. A package of measures and safe working arrangements has been identified, the final details of which can be conditioned as part of any

approval. Measures would include a method of traffic control to ensure lorries do not meet on the track. This could simply be a radio or telephone procedure to give clearance to individual vehicles to proceed, or alternatively a traffic light set-up. This would be coupled with signage to make all users of the track, including pedestrians, cyclists and horse riders, aware of the traffic and the control operation in place. Clear instructions would be given to all haulage companies and to individual drivers, to stop and give way to other users when required and to abide by a speed limit.

Potential for damage to highway

108. Representations have been made by Persimmon Homes, the lead developer of the former pit head site, with regards to the possibility of damage to the road surface. As part of their planning permissions to develop 193 homes they are required to re-surface parts of Annesley Cutting and Newstead Road as secured via a legal agreement and bond. Concern was raised that as these road works were imminent, the proposed haulage operations could damage this newly-laid surface, raising the problem of responsibility.
109. Discussion between the applicant's agent, Persimmons and NCC Highways officers has resulted in an agreement that Persimmon should proceed with the planned works and resurface the end of Annesley Cutting (this option is now available to them following the relocation of their site access). Upon re-adoption by NCC, Persimmon's liability would be fulfilled and their bond could be released. As part of any grant of planning permission, a Section 106 agreement could be secured between the applicant (RCAN) and NCC to survey the length of Annesley Cutting both before and after the haulage operations with a subsequent assessment of any damage which should reasonably be rectified at the applicant's expense. Such an assessment would be mindful of the other traffic using much of Annesley Cutting.
110. Confirmation has been received from NCC Highways that the survey requirement is still necessary as part of the substantially reduced scheme. In order to secure this survey on highway land outside of the development and site boundary, legal agreement is needed. Such a solution is considered to accord with WLP Policy W3.15 and has been used in similar cases involving haulage.

Tip stability

111. The country park is a former colliery spoil tip which needs to be maintained in a stable and safe form to prevent slips and other movements. Effective drainage is central to the maintenance of a stable site. Whilst restoration works previously undertaken in 2007/8 installed a new drainage system, some elements require rectification notably at Lake 5 where a temporary outfall pipe has been installed, which drains into an adjacent brook. A permanent drainage outfall is ultimately needed to regulate water levels, however following the omission of works to Lake 5 and the containing bank, the present opportunity to create a permanent spillway has gone, however the applicant will be advised again of the need to undertake this work.
112. The plans still propose works to the bank between Lakes 4 and 5 to address a current erosion issue caused by rainfall run-off which is creating a series of

fissures or channels affecting the integrity of this bank which supports the water body in the middle level lagoon. To overcome this problem it is proposed to use imported subsoils to a depth of 200mm to build up this bank to prevent water accumulation on the top and then to over-seed this to establish vegetation cover which should prevent rainfall erosion. This is considered acceptable, subject to working around ecological constraints and utilising appropriate low-nutrient soils.

113. Alterations will be made to the lake drainage system between Lake 3 (the upper lagoon) and Lake 2, so that a sluice maintains a minimum water level in Lake 2. Such an arrangement would ensure that a healthy fishery is viable during the summer months, when the water level would otherwise be expected to fall and the exact details will be required through a condition. A drainage assessment has also been requested and a suitable condition can secure this prior to commencement of any works.

Contamination

114. A site survey submitted in support of the application has adopted a conservative and cautionary threshold for the purpose of assessing risks to human health, in the context of its use as a public park. Whilst a level of contamination has been found from samples taken from boreholes and trenches, these were at levels not exceeding the thresholds, to be as expected with such former colliery tips, and would not pose a significant threat to site users.
115. The main contamination consideration arises from the importation of inert waste. The applicant intends, as part of any contract it lets, to require the contractor to have a Materials Management Plan, governing the type and make up of the imported material. NCC officers agree that this is required and to be agreed before the commencement of works. The Materials Management Plan will ensure suitable testing of candidate material to ensure it is of suitable low-nutrient levels, particularly for the soil-making materials, to preserve the ecological conditions around and in the lakes. Testing will identify any potential contaminants and set thresholds and applicable standards. Unsuitable material will not be admitted onto the site, and the operation would be monitored for compliance. Precautionary conditions relating to unexpected contamination is also recommended in line with advice from the EA.

Other matters

Railway Bridge

116. The proposed haulage route would involve utilising quite a narrow arched under-bridge, under the Robin Hood Line. Network Rail has been consulted and raises no objection. It should be noted that previous restoration works has used this route for associated haulage without an impact on the railway. A speed limit along this track would also protect the structure and drivers.

Impact on the Conservation Area

117. Annesley Conservation Area is formed by two areas of land adjacent to Annesley Cutting, along which is the proposed haulage route. The mining terraces along Moseley Road and Byron Road, along with Moseley Farm form

one area. The former pit head site, now being redeveloped forms the second part. The movement of HGVs along Annesley Cutting between these two areas would not significantly impact upon the status of the Conservation Area and is already frequented by various construction traffic.

Noise emissions

118. The application proposes to receive materials on site during the hours of 8am to 4pm, five days a week, Monday-Friday (excluding Bank Holidays). Conditions can be attached to define these hours and in addition to stipulate the operating times of on-site machinery. A requirement for white noise type reversing alarms on plant should further limit noise emissions. Clearly there will be a noise impact, for residents along Annesley Cutting from delivery vehicles, however the scheme has been reduced substantially, thereby limiting the amounts of materials required and reducing the time frame during which noise and possible disturbance could arise. It is recognised that some level of disturbance would still occur, albeit this would be temporary in nature.

Aftercare

119. An aftercare regime would ensure that the soil seeding successfully establishes an ecologically favourable sward and does not become predominated by weeds and unfavourable species. Such measures would include over-seeding if required, stone picking and cutting. Landscaping and aftercare measures are in accordance with WLP Policy W4.5 and W4.9.

Fishery viability/sustainability

120. Representations have been made questioning the design of the lake(s), particularly in terms of the depth and water conditions, and whether they could support a fishery. The initial plans resulted in an objection from the Environment Agency which also raised concerns relating to the maintenance of adequate water levels. The applicant has clarified that additional sluices would be installed on the existing drainage network, which would maintain a minimum water level within Lake 2, as fed from the upper lagoons. Advice has been sought from a suitably qualified fisheries management consultant, the Environment Agency (EA), the British Disabled Anglers Association and the Nottinghamshire Angling Group. A fisheries appraisal report dated March 2010 has been provided in support of the plans, it states that the lakes are suitable for angling and makes a series of recommended development works. The average water depth should be 1.5 metres, with some 'holes' and shallows. It further recommends that marginal ledges should be created along fishable banks to improve safety and provide habitat for marginal plants. It does not address or refer to the importation and fill of materials in order to reduce lake depth and simply states that the creation of the ledges could be through simple re-sculpting of the bank side. The applicant is currently looking to commission a full management plan for the proposed fishery.
121. The Environment Agency in their response has also made recommendations that the lake bed should be designed with a variation in depths and that it is important not to plant anything, but allow natural plant colonisation to take place. The applicant can be advised accordingly and there is scope for some shallows

and 'holes' to be formed in the lake bed. The ecological and chemical conditions of the water in Lake 2 is not as sensitive or notable as in Lake 5, where many of the Agency's concerns related to.

Socio-economic benefits

122. RCAN state that as a local charity with extremely limited resources, they need the finance which the importation of material would bring, in order to manage, maintain, and develop the site. They state that they do not have any other source of funds with which to employ a ranger, or to undertake day to day maintenance.
123. Part of their emerging vision for the site is the need to operate an economic activity upon the site by using Lakes 1, 2 and 5 for angling. They state that the activity is of great importance and that the income would be used to maintain and improve the site as a whole, indicating that they would have to seriously re-consider their continuing running of the park should the plan be unsuccessful.

"We unfortunately do not have any other finance available for this, and without this income, RCAN would have to seriously consider if our intention to continue running the site as a country park is feasible. Were it not feasible- and we do not see that it could be in this scenario- RCAN would be left with little option other than to sell the site to the highest bidder and dispose of our plans for NACP."

124. Clearly a certain amount of human management is required to manage the impact of the local community utilising the park and to favour suitable habitat to achieve a successful balance. Some limited weight can be afforded to the financial gain to support the wider site, however there are other plans and schemes being explored, which could support the site's management.

Concluding assessment

125. The proposed development has raised key concerns related to ecology, residential amenity and highways impacts. The impacts relating to individual elements of the proposed development have been assessed against key policies in the WLP. These policies generally weigh up the principle and merits of the proposal against the environmental considerations, whether on the natural environment or on matters relating to the impact upon the local community.
126. A starting point is WLP Policy W10.1 which permits disposal for reclamation purposes in former colliery spoil heaps, but this is subject to there being no unacceptable environmental impacts, whilst realising environmental benefits. The site has been largely restored into a country park and the imported material for the lakes would address outstanding safety and erosion issues, whilst benefits would be realised from the associated landscaping works and from the generated angling income which would allow the continuation of the wider site management and its development over the long term.
127. During the course of the application it was assessed that environmental benefits would not be achieved with the works to infill Lake 5, indeed an unacceptable

impact was likely. This likely harm to the environment and habitat of Lake 5 was also considered to outweigh any financial benefits which would arise from the waste disposal operation and any subsequent angling income at this lake. Following discussions, the applicant agreed to remove this element of the proposed application.

128. The ecological effects relating to the remaining elements of the proposed works have been carefully assessed. WLP Policies W3.21, W3.22 and W3.23 weigh up the impact on water features, biodiversity and nature conservation respectively, against the benefits of the proposed development. The assessment has not identified a conflict on ecological grounds, subject to careful mitigation around Lake 2.
129. The removal of the large Lake 5 element from the proposals has cut the volume of imported material by more than half, thus the total vehicle movements has similarly reduced thereby greatly mitigating the impact of the haulage of material on the amenity of local residents. The resulting scheme would still lead to some impact on local amenity with disturbance from deliveries during the haulage campaign. Daily HGV deliveries may run up to a maximum of 40, given the likely campaign basis of moving waste materials, however the overall duration of the operation would be significantly reduced and consequently impacts upon local and residential amenity in terms of possible associated noise, dust and mud would be mitigated in accordance with WLP Policies W3.9, W3.10, W3.11, W3.14 and W3.15 and which would be monitored for their effectiveness. A high tempo delivery campaign with a much smaller quantity of imported material would hasten the completion of the works, and is considered favourable as opposed to a longer duration operation. Measures to address road safety concerns and a routing requirement can be controlled. The proposed hours of operation are also considered to be acceptable.
130. The benefits which would be delivered need to be kept in mind, despite the remaining highway/amenity impact. Benefits which would arise from the development include the wider landscaping works; improving grassland and heathland habitat; and measures which would address erosion and drainage. Community benefits from increasing the scope of angling to Lake 2 and improving its amenity and safety would be achieved and a notable financial gain to the applicant to assist with the management of the country park would still be realised. It is recognised that the original proposals for Lake 5 would have entailed a significant amount of imported waste thus realising a larger fee income, as well as an on-going angling income, however the granting of a limited permission would still realise benefits for the applicant and the organisation are studying a large range of other schemes on the site, which may financially support the park. The removal of works at Lake 5 enables this part of the site to remain favourable to protected species and provides an opportunity for a more thorough ecological assessment to be made of this lake should a subsequent application be made.
131. The revised development is considered to achieve a necessary balance between wildlife and the community and is itself more in line with the ecological /management plan for the country park. The parts of the original scheme which

were assessed to be in conflict with policy have been removed, enabling the acceptable elements of the proposed development to now proceed.

132. The County Council is therefore of the opinion that the proposed development (as revised) is in accordance with WLP Policies W10.1 (waste disposal in...incomplete colliery spoil heaps), W3.17 (Green Belt), W3.20 (heathlands), W3.21 (water features), W3.22 (biodiversity) and W3.23 (nature conservation sites). Conditions are recommended to mitigate impacts arising against WLP Policies W3.9 (noise); W3.10 (dust); W3.11 (mud); W3.13 (drainage); W3.14 (vehicular movements); and W3.15 (vehicle routing). Landscaping and aftercare measures are in accordance with WLP Policy W4.5 and W4.9.
133. The County Council considers that any potential harm as a result of the acceptable elements of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Other Options Considered

134. The report relates to the determination of a planning application. Consideration was given to whether the original application scheme in its totality could be supported, however officer and consultee concerns were raised regarding one aspect of the works. Whilst the option of split decision was explored, the applicant opted to continue with the application in a reduced form, omitting the unsupported aspects and therefore the County Council is under a duty to consider the revised planning application as submitted.

Statutory and Policy Implications

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

Implications for service users

136. There are no implications on County Council services.

Financial Implications

137. There are no financial implications for the County Council. The recommendation would require the sealing of a Section 106 agreement, the costs of which would be recovered from the applicant. The financial situation with the applicant's management of the country park is noted in the report.

Equalities Implications

138. Newstead and Annesley Country Park is managed for the benefit of the community. The CAST venture is a community run project working with disadvantaged young adults around an angling backdrop. The fishing lakes have been designed with guidance from the British Disabled Anglers Association.

Crime and Disorder Implications

139. The country park has seen incidences of unauthorised access by off-road vehicles, which has caused erosion and damage to ground conditions. The development would realise funds to support the maintenance of the site, as well as increasing authorised access to the angling lakes, which would provide passive surveillance over the park.

Human Rights Implications

140. 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 may be affected. The proposals have the potential to introduce impacts of traffic noise and disruption upon local residents along the haul route. However, this would be a temporary impact which needs to be balanced against the wider benefits the proposals would provide for the improvement to the country park. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

141. The development would utilise inert waste to undertake works on the country park. The ecological or environmental impacts which would arise have been identified and considered in the report.

Statement of Positive and Proactive Engagement

142. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; meetings during the course of the application; identifying the scope of information necessary to assess the proposal and liaising between interested stakeholders. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; and have progressed the proposals towards a timely determination. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

143. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section

106 of the Town and Country Planning Act 1990 (as amended) to cover highway condition surveys and rectification works relating to an element of the public highway and the routeing of HGV traffic via the A611 and Annesley Cutting.

144. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for; the importation and deposition of inert waste into Lake 2; the importation and spreading of soils around Lakes 1 and 2; the reinforcement of the embankment between Lakes 4 and 5; and improvement of tracks. The approval is subject to the conditions set out in Appendix 2 of this report. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

The Planning and Licensing Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference. (NAB 31.10.13)

Comments of the Service Director - Finance (SEM 01/11/13)

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

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Newstead - Councillor Chris Barnfather

Report Author / Case Officer
Joel Marshall /Mike Hankin
0115 9696511

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

APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

Commencement /notification

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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 or re-commencement of any phase 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.

Approved details

3. Unless otherwise agreed in writing by the WPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
 - Planning application forms received by the WPA on 17/10/12 and ownership certificate D, signed 02/04/2013 and received by the WPA on 05/04/13
 - Revised site Location Plan – NACP Plan 001 Rev C, dated 19/09/13 and received by the WPA on 27/09/13
 - Supporting Statement received by the WPA on 17/10/12
 - Drawing no. 1-375/801 Rev B, titled Drawing Showing Proposed Part Filling of Lake 2, dated 24/07/13 and received by the WPA on 29/07/13
 - Drawing no. 1-375/802 Rev B, titled Drawing Showing Part Filling of Lagoon 5, dated 23/07/13 and received by the WPA on 29/07/13. Works relating to imported subsoil on the bank between Lakes 4 and 5 only.
 - Drawing no. 1-375/804 Rev A, titled Drawing Showing Landscaping Around Lake 1, dated 20/02/2013 and received by the WPA on 29/07/13
 - Drawing no. 1-375/805 Rev B, titled Drawing Showing Landscaping Around Lake 2, dated 23/07/13 and received by the WPA on 29/07/13
 - Drawing titled NACP Plan-002 Rev A, titled Paths at Newstead and Annesley Country Park, dated 24/07/13 and received by the WPA on 29/07/13

- Drawing no. 1-375/807 Rev A, titled Lagoon Drainage and Interlinking Strategy, dated 20/02/2013 and received by the WPA on 29/07/13
- Site survey report (Opus Jones Pyke Ltd), dated June 2009 and received by the WPA on 17/10/12
- Ecology Report (EMEC) dated September 2012 and received by the WPA on 09/11/12
- Toad/Herpetofauna survey dated 28/08/13
- Letters from RCAN dated 02/07/13, 24/07/13 and 27/09/13

Reason: To define the permission. For the avoidance of doubt works to remodel and infill Lake 5 and the building up of the surrounding track do not form part of this grant of permission. The north-eastern strip of Lake 2 is also not part of this permission.

Duration of works

4. The importation of waste materials, landscaping and lake infilling works into/at the application site shall be completed no later than 24 months from the date of the commencement of the first phase of works as notified under the requirements of conditions 2 and 21, including the removal/use of any stockpiled material.

Reason: To ensure that works are completed within a reasonable timeframe.

Material importation and movements

5. Prior to any importation of waste as approved by this planning permission, a Materials Management Plan shall be produced and submitted to the WPA for its written approval. The plan should include details of:
 - a. The types and characteristics of waste materials proposed to be imported (including details of pH levels and soil phosphorous (P) at no more than Index 2) and the targeting of types to specific work areas.
 - b. A material testing/sampling regime to certify that the materials are clean and contaminant free.
 - c. The locations of existing stockpiles of colliery spoil to be used in lake capping and the routes needed to move this material.
 - d. The locations for any temporary stockpiling of inert imported materials and soils.
 - e. Soil handling procedures.
 - f. A methodology for compacting deposited material in Lake 2.
 - g. A methodology for keying in subsoil on the bank between Lakes 4 and 5.

Waste material importation shall not commence prior to the approval of the Materials Management Plan. Thereafter all works shall be undertaken in accordance with the approved management plan.

Reason: To provide the optimum reclamation solution for the site thus ensuring compliance with Policy W10.1 of the Nottinghamshire and Nottingham Waste Local Plan.

6. Notwithstanding the requirements of Condition 5, nothing other than uncontaminated materials shall be imported onto the site comprising of soils, concrete, hardcore and other inert construction/demolition waste.

Reason: To provide the optimum reclamation solution for the site thus ensuring compliance with Policy W10.1 of the Nottinghamshire and Nottingham Waste Local Plan.

7. No more than 11,420m³ of waste material shall be imported onto the site to facilitate the lake remodelling and path works, of which no more than 5,626m³ of sub and top soils shall be imported onto the site for landscaping works.

Reason: To provide the optimum reclamation solution for the site thus ensuring compliance with Policy W10.1 of the Nottinghamshire and Nottingham Waste Local Plan.

8. Any temporary stockpiles formed from imported waste and soils shall be limited to no more than 4 metres in height, as agreed under condition 5(d) and shall be sited away from any lake. Alternatively stockpiles shall be sheeted during particularly inclement weather.

Reason: To control the temporary nature of any approved works and to prevent nutrients washing into water bodies to accord with Policy W3.21 of the Nottinghamshire and Nottingham Waste Local Plan.

9. Prior to the re-watering of Lake 2, the finished bed of Lake 2 shall be capped with layers of colliery spoil sourced from within the site, to a total depth of 1 metre. The layers should be compacted during the process in accordance with the methodology agreed under condition 5(f).

Reason: To provide the optimum reclamation solution for the lake thus ensuring compliance with Policy W10.1 of the Nottinghamshire and Nottingham Waste Local Plan.

Unexpected contamination

10. If, during development, contamination not previously identified is found to be present in the imported material then no further development (unless otherwise agreed in writing with the WPA) shall be carried out until the developer has submitted a remediation strategy to the WPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the WPA. The remediation strategy shall be implemented as approved.

Reason: Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to

or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Hours of operation

11. Unless in an emergency, which shall be notified to the WPA in writing within no more than 48 hours of its occurrence or with the prior written agreement of the WPA, works associated with the development shall only be permitted between the following hours:

<i>Operation</i>	<i>Permitted Working Hours</i>
Deliveries of inert waste, soils or other earth.	Mondays to Friday: 08.00 hours to 16.00 hours. Not at all on Saturdays, Sundays, or Bank and other holidays.
Operation of on-site plant and machinery.	Mondays to Friday: 08.00 hours to 18.00 hours. Not at all on Saturdays, Sundays, or Bank and other holidays.

Reason: To minimise impacts arising from the haulage operation, so to protect the amenity of local residents, in accordance with Policy W3.9 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Drainage

12. Prior to the commencement of the development hereby approved, a Site Drainage Scheme, shall be prepared and submitted to the WPA for its written approval. The Scheme shall assess the storage volumes required for the site and ensure that the system has not been compromised. The current rates of run-off/discharge into local watercourses should be maintained.

Reason: To ensure the former tip remains stable, through effective drainage and to ensure surface water is attenuated on-site, in accordance with paragraphs 103 and 109 of the NPPF.

13. Prior to the dewatering of Lake 2 a project plan for the drawdown of the water within the respective lake shall be prepared and submitted to the WPA for its written approval. The plan should address potential impacts of the drawdown.

The methodology should ensure that a gradual reduction of water is undertaken to maintain ground stability and to avoid potential flooding downstream.

Reason: To ensure the former tip remains stable, through effective drainage in accordance with paragraph 109 of the NPPF.

14. Prior to the commencement of works at Lake 2, details of how water levels will be maintained at an agreed minimum depth, by means of a sluice system linked to the upper lagoon, shall be submitted to the WPA for its written approval. The approved scheme shall thereafter be installed and maintained for as long as a fishery is operating.

Reason: To ensure adequate water levels are maintained at all times to support a fishery and aquatic wildlife, in accordance with Policy W3.21 of the Nottinghamshire and Nottingham Waste Local Plan.

Haulage

15. Prior to the commencement of the importation of waste materials and soils, a traffic management plan detailing measures to ensure the safe operation of HGVs into and out of the site shall be submitted to the WPA for its written approval. The scheme shall incorporate a methodology for enforcing a variable one-way system on the access track, the locations of signage and details of speed limits and driver instructions. The scheme shall be implemented in accordance with the approved details and maintained throughout all haulage periods.

Reason: To ensure that HGVs are able to safely use the access track without endangering each other or other users, in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

16. Signage and instructions to delivery drivers shall be provided, so to direct associated HGV traffic solely via the A611 and Annesley Cutting. Under no circumstances should the user-worked level crossing at the terminus of Annesley Cutting be used by any vehicles associated with the permitted development.

Reason: To protect the residential amenity of Newstead village, in the interest of road safety and to protect the operational railway, in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

Control of mud

17. Measures shall be employed to ensure that mud and detritus from the site and from any associated vehicle movements is controlled and prevented from being deposited on the public highway. These shall include taking all or any of the following steps as appropriate:

- a. Daily environmental site inspections to monitor conditions in and around the site and access track.

- b. The use of a wheel wash facility and/or pressure washer to clean HGVs leaving the site and entering the highway including any associated drainage arrangements.
- c. Any additional steps or measures as requested by the WPA, should these measures prove inadequate.

In the event that these measures prove inadequate, then upon the written request of the WPA, a temporary cessation of material importation and/or material movements and site re-profiling (as prescribed) shall be made in order to prevent the deposit of materials upon the public highway.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (mud, debris etc), in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

Control of dust

18. Measures shall be employed to ensure that dust emissions from the site and associated vehicle movements is controlled and fugitive dust is prevented from leaving the site. These shall include taking all or any of the following steps as appropriate:
- a. Daily environmental site inspections to monitor conditions in and around the site and access track.
 - b. The use of water bowsers and/or spray systems to dampen the haul route, stockpiles, and working areas.
 - c. Any additional steps or measures as requested by the WPA, should these measures prove inadequate.

In the event that these measures prove inadequate, then upon the written request of the WPA, a temporary cessation of material importation and/or material movements and site re-profiling (as prescribed) shall be made in order to prevent the release of fugitive dust

Reason: To minimise potential dust disturbance upon residential amenity in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

19. All plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the applicant) used on the site shall incorporate white noise reversing warning devices and be fitted with noise abatement measures and silencers maintained in accordance with the manufacturers' recommendations and specifications.

Reason: To minimise potential noise disturbance at the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Ecology

20. All reclamation works involving use of plant and machinery and all importation of materials shall cease by 1st March and shall not recommence until 1st September, unless the prior written approval of the WPA has been secured, and unless it can be demonstrated that Schedule 1 birds and amphibians would not be adversely impacted.

Reason: To control the timing of the works around breeding Schedule 1 birds using the site, to minimise impacts on ecology and biodiversity in accordance with Policy W3.22 and W3.23.

21. Prior to the commencement of works, a phasing schedule shall be submitted to the WPA for its approval in writing. The phasing shall aim to avoid ecologically sensitive periods. Restoration works shall thereafter be undertaken in accordance with the approved phasing plan.

Reason: To minimise impacts on ecology and biodiversity in accordance with Policy W3.22 and W3.23.

22. Prior to the remodelling works to Lake 2 commencing, final detailed plans of the contours of the proposed lake bed shall be submitted to the WPA for its consideration and written approval. The design should provide for a mix of differing water depths to create a variety of micro-conditions and habitats.

Reason: To provide optimum aquatic conditions to support a fishery and other wildlife, in line with fishery advice and in accordance with Policy W3.21 of the Nottinghamshire and Nottingham Waste Local Plan.

23. Unless with the prior approval of the WPA there shall be no planting made within Lake 2 and marginal vegetation shall be allowed to naturally re-colonise.

Reason: To preserve the ecological conditions on this SINC site, in accordance with Policy W3.21 of the Nottinghamshire and Nottingham Waste Local Plan.

24. Prior to the commencement of works at Lake 2, a method statement shall be submitted to the WPA for its consideration and written approval. The statement shall detail how areas of fringing vegetation shall be retained and protected during the works.

Reason: In the interests of biodiversity and to provide satisfactory protection to a SINC qualifying population of common toads in accordance with Policies W3.21 and W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

25. As part of the works to Lake 2, the north-eastern strip of water shall be left watered and shall not be drained down. Re-modelling works in this area shall be limited to the island and land bridges.

Reason: To provide available habitat for a large amphibian population, whilst works to the remaining lake area is completed in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

26. Prior to the commencement of works at Lake 2, plans detailing the provision of new compensatory frog pool(s)/pond(s) in the vicinity of the lake shall be submitted to the WPA for its consideration. The agreed plans shall be implemented as part of the overall programme of landscaping at the site.

Reason: To provide compensatory habitat for other amphibians which would not be compatible within a fishery, in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

27. Prior to the commencement of works a method statement to protect reptiles and amphibians shall be submitted to the WPA for its written approval. The statement should identify mitigation measures which may include, but is not limited to; vegetation manipulation to displace reptiles/amphibians from the working areas; the provision of any temporary fencing to limit the working areas; and the creation of hibernaculae. Operatives undertaking works should be made aware of the potential presence of reptiles/amphibians on site and the recommendations of the method statement shall be implemented throughout the programme of works.

Reason: In the interests of biodiversity and to provide satisfactory protection to species protected by the Wildlife and Countryside Act 1981 (as amended).

28. Immediately prior to works commencing in any given working area, a survey for the presence of other protected species shall be made to ensure they have not become established. The survey findings shall be presented to the WPA and agreed in writing prior to the commencement of works. In the event that other protected species are found to use the site, additional mitigation measures shall be drawn up in consultation with the WPA

Reason: In order to ensure the protection of wildlife and in the interests of nature conservation by safeguarding mammals in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

29. Following the completion of works at Lake 2, an annual survey of the amphibian populations shall be undertaken and its results submitted in writing to the WPA for the subsequent three years.

Reason: To monitor the impacts of the development on the reproductive success of the amphibian populations and identify any corrective works in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

Landscaping

30. Prior to the completion of soil spreading works a plan and statement of areas to be seeded and any other planting shall be submitted to the WPA for its approval in writing. Seed mixes and/or planting should be of native genetic origin and suitable for the local area, with the chosen mixes agreed with the WPA.

The scheme shall incorporate arrangements and methodology for a maintenance schedule of 5 years aftercare for consideration and approval.

Reason: To provide for a satisfactory restoration scheme in the context of a SINC and to accord with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

31. As part of the submitted after-care scheme, a programme of works and established maintenance regimes should be identified for each year of the 5-year period and may include, but is not limited to, details of cultivations; weed control; vegetation management and remedial works to ensure suitable habitat conditions re-establish.

Reason: To provide for a satisfactory restoration scheme in the context of a SINC and to accord with Policy W4.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Alternative Restoration

32. Should, for any reason, lake infill or landscaping works at the application site cease for a period in excess of 12 months, then, within three months of the receipt of a written request from the WPA, a revised scheme for the restoration of the site shall be submitted in writing to the WPA for its approval in writing. Such a scheme shall include details of the final form of Lake 2, the provision and extent of soiling and seeding/planting in a similar manner to that submitted with the application and subsequently approved pursuant to conditions attached to this permission. The revised restoration scheme shall be implemented within 12 months of its approval by the WPA.

Reason: To secure the site is satisfactory restored within an acceptable timescale and to accord with Policy W4.7 of the Nottinghamshire and Nottingham Waste Local Plan.

Other measures

33. Suitable protective fencing and signage shall be deployed around active or incomplete areas of works so to protect members of the public utilising the rest of the park.

Reason: In the interests of public safety whilst works are undertaken.

34. Details of any fishing pegs, or platforms or other ancillary works shall be provided as a scheme to the WPA for its written approval. Works should be completed in accordance with the agreed scheme.

Reason: To control any ancillary development.

35. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Informatives to applicant

1. The works will require an Environmental Permit under the Environmental Permitting Regulations 2010. The applicant is advised to contact the Environment Agency (Everal Burrell on 0115 8463725) for further information. A regulatory guide (EPR:13- Defining Waste Recovery: Permanent Deposit of Waste on Land) is included for your attention. Additional 'Environmental Permitting Guidance' can be accessed via the Environment Agency website.

The supporting information refers to a CL:AIRE and you should be aware that in order to comply with the CL:AIRE Code of Practice, a declaration needs to be signed by a Qualified Person and submitted to the Environment Agency at:

Permitting Support Centre
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF

Or emailed to psc@environment-agency.gov.uk

A template of a Code of Practice declaration can be found in Appendix 5 of the CL:AIRE The Definition of Waste: Industry Code of Practice. Appendix 6 explains what is meant by a Qualified Person.

Any waste materials used on site which do not comply with the requirements of the above, would be subject to Environmental Permitting Regulations and other relevant legislative controls on waste. For further information please contact the Leics & South Notts EPR Waste Management Team on 03708 506506.

2. The Environment Agency advise that the choice of fish species and stocking density should be carefully considered and ideally the lake should be lightly stocked over a number of years as the fishery is allowed to mature.
3. There still remains the requirement to construct a permanent weir and discharge flume for Lagoon 5 to prevent the overtopping of the lagoon. This should remain a priority and the WPA are able to advise on its design.
4. The site would benefit from an overall master plan (or a revised master plan in the context of the application) to guide in a more comprehensive, planned approach, how the site will be developed in the medium to longer term. This could geographically illustrate the overall design aims and objectives of the Country Park and could be coupled with a design philosophy relating to the function and use of the various spaces, linked to the aims of the Environmental Management Plan.
5. You are advised to consult Network Rail Asset Protection (AssetProtectionLNE@networkrail.co.uk) prior to haulage operations commencing in order to clarify whether a temporary licence is required and/or if bridge protection measures are necessary.

You are advised to provide the (when completed) Drainage Assessment to Network Rail for their consideration. The plans should ensure that there would be no increase to average or peak flows of surface water run-off leading towards Network Rail Assets.

All roads, paths or way of providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

6. A plan of Western Power Distribution's local network is attached.
7. With regards to condition no.15, signage to enact a 15 MPH speed limit along the access track is considered appropriate, with the exception of the approach to and passing under the railway bridge, where vehicles should be advised to proceed with particular care at a 'dead slow' speed.

6th December 2013

Agenda Item:

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

GEDLING DISTRICT REF. NO.: 7/2012/1493
ASHFIELD DISTRICT REF. NO.: 4/V2012/0570

PROPOSAL: IMPROVEMENT WORKS TO THE COUNTRY PARK INVOLVING THE REMODELLING AND PARTIAL IN-FILLING OF LAKE 2 FOR DEVELOPMENT AS A FISHERY, AND WIDER LANDSCAPE IMPROVEMENT WORKS AND PATH UPGRADES, IN TOTAL REQUIRING THE IMPORTATION OF CIRCA 17,000M3 OF INERT MATERIALS AND SOILS.

LOCATION: NEWSTEAD AND ANNESLEY COUNTRY PARK, NEWSTEAD VILLAGE

APPLICANT: RURAL COMMUNITY ACTION NOTTINGHAMSHIRE (RCAN)

Purpose of Report

1. Members will recall that Committee resolved to defer the determination of this application at the previous meeting held on the 12th November, in order to explore a number of highway related issues, associated with the proposed importation of inert materials and soils into the application site.
2. This supplementary report seeks to inform members of the outcome of additional discussions which have taken place since the last meeting. The original report is attached as Appendix A.
3. The application is now re-presented to Committee for consideration. The recommendation is to grant planning permission subject to a legal agreement to control lorry routeing to and from the A611; the requirement for pre and post development road condition surveys; and to undertake any remedial works directly attributable to the development and subject to the conditions set out at Appendix 1 of the main report, as attached as Appendix A.

Highway issues*HGV routeing*

4. Previous discussions between officers and the applicant related to the access options into the Country Park. It was agreed that the most suitable point of access would be via the end of Annesley Cutting and via the railway

underbridge, thereby avoiding the built up centre of Newstead village around Tilford Road. This is discussed in the main report (paragraphs 100 to 104).

5. Member discussion at the previous meeting focussed on access to/from the A611 corridor and in particular the conditions at the Annesley Cutting junction, which is not signalised and can be at capacity and congested in peak periods. The question was raised as to whether the HGV movements resulting from the proposed development should not be permitted to use this access route and instead be directed along Newstead Road/Hucknall Road to the south. The Hucknall Road junction is a signalised junction at the point where the two carriageways split and diverge. Both options are available to use by the applicant and their haulage contractors and both serve Newstead village and the Hazelford Way Industrial Estate. The local highway network is shown on plan 2.
6. Access routes to/from the A611 were not formally specified in the application submissions, although it was apparent that Annesley Cutting was a viable option and would be operationally practical if the source of the material lies to the north in the Mansfield/Ashfield area. Conversely Newstead Road/Hucknall Road may be favoured if the material is sourced from Nottingham to the south. Until a contract for the material has been signed, the exact source(s) cannot be identified, however the likelihood is that such material would be sourced from local construction/civil engineering sites.
7. NCC Highways have no objection to routeing HGVs along Newstead Road/Hucknall Road although the requirement for a video-recorded condition survey along Annesley Cutting would need to be extended along Newstead Road/Hucknall Road. Whilst traffic would be going past the edge of Newstead village, impacts on residential amenity should be minimal, given the use of this road by regular commercial and local traffic.
8. The routeing agreement, to be agreed as part of a Section 106 agreement, has yet to be drafted, however the original basis of this was to prevent HGVs accessing the site through the centre of Newstead village. A series of routeing options/scenarios is explored below for members to consider.

Access options from/to the A611:

(a) Unrestricted routeing

This option would permit flexible routeing allowing HGVs to use either the Annesley Cutting junction or the Hucknall Road junction without restrictions.

This would allow hauliers to minimise vehicle mileage and respond to any particular congestion occurrences along the A611. The applicant and contractor would be encouraged to split the routeing impact of HGVs, where practicable, to use both routes.

NCC Highways comment - No real objections from a highway point of view due to the low vehicle movements associated with the proposal. However, there may be an amenity issue for dwellings and their

occupants in and around the Musters Road junction. Also the right turning HGV's at the Annesley Cutting / A611 Derby Road junction would cause delay in the am and pm peak hours.

(b) Newstead Road/Hucknall Road only

This option would route all HGVs along Newstead Road/Hucknall Road from/to the signalised junction on the A611. This option would be operationally favourable for waste sourced from the south, however if the waste is sourced to the north (from the Mansfield/Ashfield area) or west (from Derbyshire via the A608), then a diversion south to the signalised junction would be entailed.

A small number of residential properties on Hucknall Road, at the junction with Musters Road in Newstead, would experience additional traffic, however this would be against the backdrop of a well used road for local and commercial traffic.

NCC Highways comment - No real objections from a highway point of view due to the low vehicle movements associated with the proposal. However, there may be an amenity issue for dwellings and their occupants in and around the Musters Road junction

(c) No right turn into and out of Annesley Cutting

This option would allow HGVs sourcing waste from the north to enter Annesley Cutting, but on exiting would be required to turn left and divert south to the A611/A608 roundabout and then back up the A611.

Any HGVs from the west (A608 and Derbyshire) would have to divert south to the Hucknall Road junction and run up Hucknall Road/Newstead Road. However on exiting the option of turning left onto the A611 at Annesley Cutting would be available.

For HGVs sourcing material from the south, Hucknall Road would be used inbound and either Annesley Cutting or Hucknall road could be used outbound.

NCC Highways comment - No real objections from a highway point of view due to the low vehicle movements associated with the proposal. However, there may be an amenity issue for dwellings and their occupants in and around the Musters Road junction

(d) Left turn into Annesley Cutting only

This would in effect have only an in-bound flow of HGV's along Annesley Cutting and would only be of use if the waste material was sourced from the north. Exiting vehicles would have to divert south along Newstead Road to the signalised junction and then back up the A611.

HGVs from all other directions would use the Hucknall Road route, both in and out-bound and Annesley Cutting would not be used.

NCC Highways comment - No real objections from a highway point of view due to the low vehicle movements associated with the proposal. However, there may be an amenity issue for dwellings and their occupants in and around the Musters Road junction

9. It should also be noted that the proposed hours of operation from 08.00 to 16.00 as set out in the recommended condition no.11 would mean that impacts of such vehicles on evening peak traffic flows should in the main be avoided.

Junction improvements at A611/Annesley Cutting

10. The issue of traffic control at this junction was raised. The relevant background to this is that junction improvements were explored in detail in around 2004/2005 by the County Council in connection with the redevelopment of the Newstead/Annesley pit heads and also in connection with bus priority measures along the A611. A large number of design options were modelled either with the provision of a mini-roundabout, or with the provision of a traffic signalled junction.
11. The mini-roundabout option was discounted at that time as there were insufficient numbers of vehicles turning right into Annesley Cutting to break up the steady flow of traffic southbound on the A611 and which, in turn, would not provide opportunity by which traffic emerging from Annesley Cutting could emerge. The mini-roundabout option did not perform well in peak periods and the position of driveways of neighbouring properties directly accessing onto the roundabout was a safety concern.
12. A number of variations involving the installation of traffic signals was investigated and modelled. Signalisation without road widening would have led to increased queues and congestion on all approaches in the peak periods and was predicted to be at its maximum capacity from day one. A number of widening options were modelled whereby extra lanes both northbound and southbound would be created, however this still performed worse than the existing situation and would require additional third party land acquisition and drainage works. The priority with this assessment was the flow of traffic on the A611 and in particular the improvement of bus journey times. The signalisation scheme in modelling did not demonstrate that sufficient benefits would arise against the cost and complexity of the design options. There is therefore no live scheme for junction improvements.
13. Members also wished to explore the option of temporary signalisation for the duration of the haulage operations associated with the proposed development. NCC Highways however considers that the same issues arising from the modelling of a permanent arrangement would equally be applicable to a temporary setup. It should also be noted that due to the possible ad-hoc or campaign basis of the proposed haulage operation and due to the restrictive workings during the spring/summer months to safeguard the site's ecological value, the practicality of temporary lights is difficult to achieve on this occasion.

Controls on access track

14. Upon leaving the public highway at the end of Annesley Cutting HGVs would bear left/ northwards onto the private access track towards the railway underbridge. Members will note that as part of recommended condition no.15, the Waste Planning Authority would require the submission of a traffic management plan, to implement measures to protect other users of this route such as local walkers. Such a plan would require as a minimum; a method of enacting a variable one-way system to ensure vehicles do not flow in both directions at the same time; site signage to inform other users of the likelihood of vehicles being operational; a speed limit and instructions to be given to drivers on the safe and proper use of the track. Whilst the condition does not specify a speed limit, the applicant accepts that signage restricting vehicles to 15 MPH would be appropriate, however at the point of the railway underbridge 'dead slow' would be needed. An additional informative has been added address this. The narrow track nature of the access would itself restrict excess speeds to some extent. As the track is not an adopted highway, nor a public right of way, the contractor and landowner would be legally responsible for site safety.

Implications at the railway underbridge

15. Site access is via the bridge under the Robin Hood railway line (Bridge 22). This is a narrow arch and whilst the type of tipper HGVs envisaged can negotiate this, caution and care must be taken to avoid impacting the bridge. Informative no.5 on the main report would advise the applicant to contact Network Rail prior to operations commencing to satisfy them and to identify any protection measures which may be needed. There is therefore no objection from Network Rail.
16. It has however come to the Waste Planning Authority's attention that Network Rail are drawing up a project to improve clearances under this bridge, so to provide a diversionary access to permit the vehicular closure of a nearby level crossing (the Warren House crossing) serving a farm and other lawful users to the north of Bridge 22. The implications of this on the present application and the timing of any works by Network Rail is currently unknown, however the project offers the prospect of improving this access for the HGVs associated with the improvements to the country park. It is also possible that the status quo is maintained in the near term, however as stated, the attached informative should provide the necessary assurance to Network Rail and in the interests of protecting the railway infrastructure. This issue has also been discussed with the applicant.

Conclusions

17. Members will note that both routes to the A611 are available and suitable for the HGV traffic associated with the proposed development. Neither route gives rise to objections from NCC Highways. There is scope within the routing agreement to specify certain HGV traffic flows, however given that the location of the waste material is not known at the planning stage, a relatively flexible approach (*Option C*) for any haulage contractor is recommended, whereby the impact of HGV traffic can be split between

Annesley Cutting (using left turn manoeuvres only) and/or Newstead Road/Hucknall Road, depending on the source(s) of the material.

18. The HGVs would be running on roads utilised by local and commercial traffic from Newstead, whilst still avoiding the centre of the village. The amenity of residents would not therefore be significantly affected, however the balance of impacts would vary depending on the routeing of HGVs. Some properties on Newstead Road/Hucknall Road would experience some additional passing traffic, whilst properties on the main stretch of Annesley Cutting potentially may experience less passing traffic. Clearly the properties at the Persimmon Homes development site would still be subject to possible disturbance however as explored in the main report, the impacts are considered on balance to be acceptable.
19. Mitigation measures will be secured for the access track and to protect the railway bridge, however junction improvements at the A611 and Annesley Cutting cannot be delivered.
20. The revised recommendation is set out in paragraphs 28 and 29 and removes reference to stipulating routeing via Annesley Cutting, but which would enable Members to input into the terms of the agreement. Clarification is also added relating to the extent of road condition surveys.

Other Options Considered

21. The report provides additional commentary in respect of access options and other highway related matters.

Statutory and Policy Implications

22. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, 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

23. There are no financial implications for the County Council. The recommendation would require the completion of a Section 106 agreement, the costs of which would be recovered from the applicant. The road condition surveys would need extending along Hucknall Road./Newstead Road and again costs would be met by the applicant.

Human Rights Implications

24. 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 may be affected. The proposals have

the potential to introduce impacts of traffic noise and disruption upon local residents although the use of Newstead Road/Hucknall Road has the potential to generate impacts for residents on the fringe of Newstead village. Residents at the end of Annesley Cutting would be most affected. However, this would be a temporary impact which needs to be balanced against the wider benefits the proposals would provide for the improvement to the country park. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

25. The development would utilise inert waste to undertake works on the country park. The ecological or environmental impacts which would arise have been identified and considered in the main report. The routing of HGVs under certain scenarios would entail additional mileage, fuel use and engine emissions.

Implications for service users

26. There are no implications on County Council services.

Equalities Implications and Crime and Disorder Implications are discussed in the original report.

Statement of Positive and Proactive Engagement

27. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; meetings during the course of the application; identifying the scope of information necessary to assess the proposal and liaising between interested stakeholders. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; and have progressed the proposals towards a timely determination. The applicant has been involved in discussing various access options. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

28. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) or section 278 of the Highways Act 1980 to cover a) highway condition surveys of Annesley Cutting, Newstead Road and Hucknall Road, before and after the development; b) the routing of HGV traffic associated with the development to and from the A611 avoiding Newstead village centre and avoiding right turns into and out of Annesley Cutting; c) remediation works to cover any damage to the public

highway up to the A611 directly attributable to HGV traffic associated with the development.

29. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for; the importation and deposition of inert waste into Lake 2; the importation and spreading of soils around Lakes 1 and 2; the reinforcement of the embankment between Lakes 4 and 5; and improvement of tracks. The approval is subject to the conditions set out in Appendix 1 of the main report, attached as Appendix A. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference.

[NAB 25.11.13]

Comments of the Service Director - Finance (SEM 25/11/13)

The financial implications are set out in the report.

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Newstead - Councillor Chris Barnfather

Report Author / Case Officer

Joel Marshall/ Mike Hankin

0115 9696511

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

25th February 2014**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

GEDLING DISTRICT REF. NO.: 7/2012/1493
ASHFIELD DISTRICT REF. NO.: 4/V2012/0570

PROPOSAL: IMPROVEMENT WORKS TO THE COUNTRY PARK INVOLVING THE REMODELLING AND PARTIAL IN-FILLING OF LAKE 2 FOR DEVELOPMENT AS A FISHERY, AND WIDER LANDSCAPE IMPROVEMENT WORKS AND PATH UPGRADES, IN TOTAL REQUIRING THE IMPORTATION OF CIRCA 17,000M3 OF INERT MATERIALS AND SOILS.

LOCATION: NEWSTEAD AND ANNESLEY COUNTRY PARK, NEWSTEAD VILLAGE

APPLICANT: RURAL COMMUNITY ACTION NOTTINGHAMSHIRE

Purpose of Report

1. Members will recall that Committee resolved to defer the determination of this application at the meeting held on the 12th November, in order to explore a number of highway related issues, associated with the proposed importation of inert materials and soils into the application site. Further work to study the available routeing options to/from the A611 was undertaken and a report on these options was published as part of the papers for the 6th December meeting. Consideration of the application was again deferred to allow for a wider consultation exercise to take place, particularly as some residents on the fringes of Newstead village had not previously been consulted and who, under some of the routeing scenarios now drawn up, could potentially be impacted by the haulage operation.
2. This supplementary report seeks to inform Members of the outcome of the additional consultation and discussions which have taken place since the original deferral, how this has led to the HGV routeing options identified and, finally, how this has led to a preferred option as recommended to Committee. The original report addressing all other issues is attached as Appendix A.
3. The application is now re-presented to Committee for consideration. The recommendation is to grant planning permission subject to a legal agreement to control lorry routeing to and from the A611; the requirement for pre and post development road condition surveys; and to undertake any remedial works directly attributable to the development and subject to the conditions set out at

Appendix 1 of the main report, as attached as Appendix A, and as revised by the schedule of amendments at the end of this report.

Policy update

4. Since the consideration of the application at the previous Committee, the Waste Core Strategy has been formally adopted by the County and City Councils under its new title of the Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: Waste Core Strategy. This has resulted in some of the Waste Local Plan policies falling from the adopted development plan, which now consists of the new Replacement Waste Local Plan and the saved policies of the Waste Local Plan (WLP).
5. Of relevance to the application is the removal of Policy W10.1 (Waste Disposal in Mineral Voids, Other Voids and Colliery Spoil Heaps), it being superseded by Policy WCS5 (Disposal Sites) (formally referred to as WCS4). The original report considered both policies in determining the principle of the proposed development and it is considered that the formal adoption of the Waste Core Strategy does not change the recommendation. Both policies require the realisation of environmental benefits as part of the restoration/disposal in formal spoil heaps.
6. Policies covering the environmental impacts (chapter 3 policies of the WLP) remain in place as part of the development plan, however Policy WCS13 (Protecting and Enhancing our Environment) is now adopted and requires that proposals for waste disposal facilities should ensure there would be *“no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact.”* Additionally the policy seeks to maximise landscape, habitat and community enhancements. Reference to this policy will be made against the highway related impacts discussed below.

Monitoring update

7. In the last week of November 2013 the Waste Planning Authority (WPA) received reports of a haulage operation importing soils into the country park, through Newstead Village (Tilford Road), these soils were deposited and spread around lake 1. The WPA undertook an investigation and cautioned the applicant that it was considered that the soils formed part of the present planning application and did not benefit from any planning permission.
8. As a result of these works, part of the proposed development- the landscaping around lake 1- has been substantially completed, pending the final seeding and/or planting. The requirement to import circa 800cu.m of material for this area is therefore no longer required and this has also revised down the overall estimated HGV deliveries from 1,900 to 1,800.
9. Of note is that the applicant and the contractor undertook to move the material through Newstead village, resulting in multiple episodes of mud being deposited, requiring the deployment of a road sweeper and which led to local complaints being received.

Highway issues

HGV routeing

10. Previous discussions between officers and the applicant related to the access options into the Country Park. It was agreed that the most suitable point of access would be via the end of Annesley Cutting and via the railway underbridge, thereby avoiding the built up centre of Newstead village around Tilford Road. This is discussed in the main report (paragraphs 100 to 104). Access routes to/from the A611 were not formally specified in the application submissions, although it was apparent that Annesley Cutting was a viable option especially if the source of the material to be imported was to originate from the north in the Mansfield/Ashfield area. The source(s) of any future material is unknown at this stage.
11. At the November committee Members discussed the vehicular access to/from the A611 corridor and in particular the current conditions at its junction with Annesley Cutting, which is not signalised and can experience congestion in peak periods. The question was raised as to whether the HGV movements resulting from the proposed development should instead be directed along Newstead Road/Hucknall Road to the south and to the signalised junction with the A611 at the point where the two carriageways split and diverge.
12. Clearly access to the site from/to the A611 is achievable only by either or both of Annesley Cutting or Newstead Road/Hucknall Road. (see Plan 2, Appendix A) Both are local roads serving Newstead village and the Hazelford Way Industrial Estate and both pass a number of residential properties en route. They are though, of differing character and this affects their suitability for the proposed haulage operation and this is further considered later in this report.
13. Until a contract for the inert material has been signed, (assuming planning permission is granted) the exact source(s) cannot be identified, however the likelihood is that such material would be sourced from local construction/civil engineering sites and could come from broadly three directions: from the north in the Mansfield/Ashfield area; from the south Hucknall/Nottingham area; or from the west, M1/Derbyshire border. The local highway network is shown on Plan 2.
14. Previously, a series of routeing options were drawn up, based on the two available routes and taking into account the unknown source location of the inert material. These are set out below and include an additional option (e) which was put back into consideration as part of the wider public consultation on all these routeing options.

Access options from/to the A611:

(a) Unrestricted routeing

This option would permit flexible routeing allowing HGVs to use either the Annesley Cutting junction or the Hucknall Road junction without restrictions.

This would allow hauliers to minimise vehicle mileage and respond to any particular congestion occurrences along the A611. The applicant and contractor would be encouraged to split the routeing impact of HGVs, where practicable, to use both routes.

(b) Newstead Road/Hucknall Road only

This option would route all HGVs along Newstead Road/Hucknall Road from/to the signalised junction on the A611. This option would be operationally favourable for material sourced from the south, however if it is sourced in the north (from the Mansfield/Ashfield area) or west (from Derbyshire via the A608), then a diversion south to the signalised junction would be entailed.

A small number of residential properties on Hucknall Road, at the junction with Musters Road in Newstead, would experience additional traffic, however this would be against the backdrop of a well used road for local and commercial traffic.

(c) No right turn into or out of Annesley Cutting

This option would allow HGVs sourcing waste from the north to enter Annesley Cutting, but on exiting would be required to turn left and divert south to the A611/A608 roundabout and then back up the A611.

Any HGVs from the west (A608 and Derbyshire) would have to divert south to the Hucknall Road junction and run up Hucknall Road/Newstead Road. However, on exiting the option of turning left onto the A611 at Annesley Cutting would be available.

For HGVs sourcing material from the south, Hucknall Road would be used inbound and either Annesley Cutting or Hucknall road could be used outbound.

(d) Left turn into Annesley Cutting only

This would in effect have only an in-bound flow of HGVs along Annesley Cutting and would only be of use if the material was sourced from the north. Exiting vehicles would have to divert south along Newstead Road to the signalised junction and then back up the A611.

HGVs from all other directions would use the Hucknall Road route, both in and out-bound and Annesley Cutting would not be used.

(e) Annesley Cutting Only

Lorries would use Annesley Cutting both in-bound and out-bound, without using Newstead Road/Hucknall Road.

This would require right hand turns to be made at the Annesley Cutting /A611 junction, either in-bound (if from the south) or out-bound (if travelling to the north).

15. These options/scenarios were the basis of an additional consultation with local residents, including those along Annesley Cutting and Newstead Road and with the two local Parish Councils. Discussions have also taken place with the County Highways Authority and with the Accident Investigation Unit. The following section summarises these responses.

Consultations

Newstead Parish Council - *The Parish Council provides total support for the proposed project and the goal of restoring the lagoon(s) to provide fishing lake(s). However based on previous information provided to the Parish Council by the County Planning Authority and also by the applicants direct, it was agreed that the most suitable point of access would be via Annesley Cutting alone and for this reason the proposal was supported. The routeing options presented to the Planning and Licencing Committee all involved lorries using Newstead Road/Hucknall Road to some extent. Subsequent routeing proposals do contain an option to route lorries via Annesley Cutting only (option E) and it is this option which is supported.*

The Parish Council have severe misgivings regarding the use of Hucknall Road/Newstead Road. The original route proposed (Annesley Cutting) is the shortest route to the Category A road network (0.4 miles, as opposed to 1.5 miles via Hucknall Road), is fairly straight and is lit throughout. By definition it is subject to a 30mph speed limit. The road passes directly adjacent few homes (three at most) and rises above the main urban area of Annesley village, most residents of which would not be directly affected. Whilst it is accepted that turning right at rush hour is not always easy, NCC Highways did not believe this to be a hazard, nor were objections raised. If it is perceived to be hazardous, then remedial measures should be made to benefit all users, rather than re-route development traffic.

In contrast Hucknall Road is unlit for the majority of the route down to the signalised junction and it is not straight, containing a number of deceptive bends and hidden entrances to local farms. Most of the road is derestricted, though the Council has made unsuccessful attempts to reduce the speed limit from 60mph to 50 mph and to extend further out from the village the 30mph limit.

Concern is raised that lorries would be tempted to travel faster than the road conditions would allow and that on dark winter/autumn days/evenings there would be potential for accidents, should the lorry meet an oncoming vehicle or cyclist. The existence of a narrow pavement is also noted. The existence of gaps in fences and damage to walls are testament to previous road accidents, where drivers have lost control of their vehicle along this stretch of road.

Further concerns are raised with regard to the impact on local residential amenity and the detrimental impact of additional noise, fumes and dust impacting on additional residents fronting Newstead/Huckall Road.

Whilst lorries would not pass directly in front of the primary school, the close proximity could affect classroom learning and create additional noise, fumes

and dust. Haulage operations, would be impacted by congestion created by parents at the beginning and end of the school day and would pose a danger to parents and children at these times.

Routeing lorries along Newstead Road/Hucknall Road would also result in a hazard to local children using the play park at the entrance to the village, which has a concealed access point onto Newstead Road, where there is no footway.

Visitors to Newstead Cemetery would also be impacted, particular in the case of a funeral where the presence of additional lorries would be incongruous in a peaceful environment. Cars and the hearse would be parked on the road at these times.

Routeing lorries past the entrance to the Industrial Park poses a greater accident risk.

16. **Annesley & Felley Parish Council** – *No additional response received, any comments will be orally reported.*

17. **NCC Highways**

NCC Highways raises no objection to the routeing of HGVs along either Annesley Cutting or Newstead Road/Hucknall Road due to the low vehicle movements associated with the proposal. It is though noted that there may be an amenity issue for dwellings and their occupants in and around the Musters Road junction, on the edge of Newstead village, should lorries be directed this way. It is also noted that lorries undertaking right hand turns at the Annesley Cutting/A611 junction would cause some delay in the morning and evening peak periods.

In the event that the routeing involved Newstead Road/Hucknall Road, then the requirement for a video-recorded condition survey along Annesley Cutting would need to be extended along these lengths.

18. **NCC Road Safety Team**

Currently it is not obvious whether HGVs would access the site from the north or south nor is it known in which direction they may wish to re-join the A611. Certain options become preferable based on the origin and destination of the HGVs and the lack of such information is reflected in the following comments.

Based solely on the accident data it would seem preferable to use the A611 as little as possible. However using the junction with Annesley Cutting for all manoeuvres appears to be most desirable on accident grounds, though it should be noted that there is currently not the demand to use this junction by HGVs which the proposals would create.

If the HGVs would be arriving from and going back to the M1, using Annesley Cutting appears preferable as this would probably involve a right turn into

Annesley Cutting and a left turn out. However other manoeuvres may be problematic.

If the HGVs wish to go to the north, turning right out from Annesley Cutting across the A611 is never easy and HGVs may lead to considerable queues. It should also be noted that the alternative left turn down to the signalised roundabout junction with the A608 and then back up the A611 is a viable option and could allow the banning of the right hand turns out from Annesley Cutting onto the A611.

For HGVs running from/to the south, in choosing between Hucknall Road or Annesley Cutting, on accident grounds, the difference is considered marginal. Both options have issues but it is suggested HGVs are directed along the A611 around the A 608 roundabout and then right into Annesley Cutting. This avoids a residential setting and as an A road is better designed to cope with such manoeuvres compared with a distributor road.

With regards to the proposed prohibition on Tilford Road, it is agreed that it would be far from ideal when a non-residential alternative route is available. The road is lined by terraced housing and on-street parking.

Publicity

19. As mentioned above, additional consultation was undertaken specifically on the routing options and additional letters were sent to residents along Hucknall Road. Four letters of response have been received from members of the public, two of which reside on Hucknall Road.
20. Two letters consider that option B (Newstead Road/Hucknall Road only) is preferable. The use of the un-signalised and often congested junction at Annesley Cutting/A611 should be ruled out, whereas the alternative is to a signalised/controlled junction. Annesley Cutting is narrow as it passes the church and there is concern for pedestrians as the road is badly lit. Lorries may have difficulty passing each other. One of these letters considers option D as a second choice, only if a box junction is provided and marked out.
21. One letter considers option E (Annesley Cutting only) to be the most logical and safest route. Hucknall Road is extremely busy during the day with general and through traffic, including the local bus service. Traffic is increasing with the new housing developments and at peak periods motorists can be seen using Hucknall Road to reach the A611, rather than experience congestion at Annesley Cutting. Little consideration is given to the 30mph speed restriction. Lorries would also have to pass the immediate vicinity of the primary school and which, due to the proposed start and finish times of the haulage operations, would clash with parents and children accessing the school at these times, posing a road danger.
22. One letter favours option D (left turn into Annesley Cutting only) with a second choice of option C (No right turn into and out of Annesley Cutting), recognising the importance of sensible access for the vehicles, but also that right hand turns exiting Annesley Cutting is difficult in peak periods.

23. One of the letters separately considers that lorries should enter the site via Tilford Road, rather than take the longer route around the top of the former tip site.
24. Separately concern has been raised regarding the issue of vehicle damage liability outside of the Persimmon Homes development. This is answered in paragraph 39.
25. The applicant responds that they see option C (No right turn into and out of Annesley Cutting) has merit, however they would not favour option B (Newstead Road/Hucknall Road only) which would lead to longer journeys for loads coming from the north, west or Derbyshire.

Highways issues- observations

Amenity issues

26. In weighing up the potential impacts additional lorries could have upon local residential amenity, the use of Annesley Cutting would appear to have the least impact. Four or five properties are situated at or just east of its junction with the A611 and, with the exception of the corner property, are set back from the road. Further properties at the southern ends of Byron Road and Moseley Road with Annesley Cutting would also experience some additional passing traffic, but again are not directly fronting the route.
27. The use of Newstead Road/Hucknall Road on the other hand is likely to have a greater impact on residential amenity. Two groups of residential properties at the junction with Musters Road front the route, although benefiting from front gardens. A second group of properties are further north on both sides of the route, now that the Persimmon Homes development is progressing and all of which front the road, with small front gardens.
28. In addition to these properties, a number of other land uses, some more sensitive than others, are to be found along Hucknall Road. These include a play/skate park at the entrance to Newstead village, and the primary school located just off the triangle. Representations have also been made concerning any possible impact upon the cemetery on the southern approach to Newstead.
29. In any routeing scenario (where traffic is prohibited via Tilford Road/through Newstead village), the passing of HGV traffic along the dead-end of Annesley Cutting, in front of new properties in the Persimmon Homes development, has not been disregarded, but has been weighed up against the greater impact such haulage movements would have through the centre of Newstead village.
30. In accordance with Policy WCS13, impacts have previously been identified and mitigation measures devised to address issues of mud, dust and speed past the properties and which as a temporary operation has to be weighed up against the long-term remedial benefits which would be realised within the country park and which local residents could enjoy. The residual impacts on

the quality of life of these local residents are therefore considered to be acceptable, in order to deliver the lasting landscape, habitat and community enhancements.

Road Safety

31. The additional consultation and feedback from Members has raised concerns relating to the safety and risks involved in such a haulage operation and the suitability of various routes to the site. The County Council Accident Investigation Unit (AIU) has been consulted on the above routing options/scenarios and comments have been summarised above. The AIU has undertaken a study of reported injury accidents in the area encompassing the A611, Annesley Cutting and Newstead Road/Hucknall Road, in the period between January 2010 and September 2013.
32. In total there were 46 such accidents in that period, including two fatal and eight serious, most of which took place along the A611, reflecting the volume of traffic on this route.
33. There have been nine accidents recorded on Hucknall Road, five (two serious) were south of Newstead, which appear to involve the loss of vehicle control, and there have been four accidents in the village, all at junctions.
34. Along Annesley Cutting, three accidents are recorded, two (one serious) near to Byron Road and one (serious) at the junction with the new housing development. There is also a further accident (slight injury) recorded in 2012 at the Annesley Cutting/A611 junction.
35. Further incidents of note include two slight injury accidents at the signalised junction with the A611 and three in the village itself.
36. The AIU state that due to the record on the A611, ideally it should be used as little as possible, however in recognising the limited access options, it is advised that the Annesley Cutting route is the best option, as opposed to using Newstead Road/Hucknall Road.
37. In weighing up the accident risk, Annesley Cutting has been shown to have a better road safety record and it is a direct route to the site, which is straight, lit and has fewer junctions along its length. Hucknall Road conversely has had a number of accidents involving loss of control at the various bends and dips in the road and runs in proximity to the school and play park. The AIU advise that right hand turns out of Annesley Cutting should be prohibited, however right hand turns in would be acceptable, as the flow of southbound traffic is broken up by the operation of the nearby 'Badger Box' junction. The option to prohibit the use of Hucknall Road by the development traffic is available and the prohibition of the use of Tilford Road is supported.
38. The issue of potential damage to vehicles parked outside the Persimmon Homes site, along the dead end of Annesley Cutting has been raised in representations. It has been claimed that an insurance case would not pay out if the road was not adopted. It has now been clarified that this section of road is currently adopted highway, though subject to Persimmon Homes

resurfacing it. The applicant states that the haulage contractor would have all the necessary insurance in place for the operations. Vehicles would be expected to proceed with caution taking into account the conditions.

Junction improvements at A611/Annesley Cutting

39. In the previous consideration of the application, Members commented on the issue of traffic control at this junction. The following was included in the papers for the 6th December meeting, but is included again here for completeness.
40. The relevant background to this is that junction improvements were explored in detail in around 2004/2005 by the County Council in connection with the redevelopment of the Newstead/Annesley pit heads and also in connection with bus priority measures along the A611. A large number of design options were modelled either with the provision of a mini-roundabout, or with the provision of a traffic signalled junction.
41. The mini-roundabout option was discounted at that time as there were insufficient numbers of vehicles turning right into Annesley Cutting to break up the steady flow of traffic southbound on the A611 and which, in turn, would not provide opportunity by which traffic emerging from Annesley Cutting could emerge. The mini-roundabout option did not perform well in peak periods and the position of driveways of neighbouring properties directly accessing onto the roundabout was a safety concern.
42. A number of variations involving the installation of traffic signals was investigated and modelled. Signalisation without road widening would have led to increased queues and congestion on all approaches in the peak periods and was predicted to be at its maximum capacity from day one. A number of widening options were modelled whereby extra lanes both northbound and southbound would be created, however this still performed worse than the existing situation and would require additional third party land acquisition and drainage works. The priority with this assessment was the flow of traffic on the A611 and in particular the improvement of bus journey times. The signalisation scheme in modelling did not demonstrate that sufficient benefits would arise against the cost and complexity of the design options. There is therefore no live scheme for junction improvements.
43. Members also wished to explore the option of temporary signalisation for the duration of the haulage operations associated with the proposed development. NCC Highways however considers that the same issues arising from the modelling of a permanent arrangement would equally be applicable to a temporary setup. It should also be noted that due to the possible ad-hoc or campaign basis of the proposed haulage operation and due to the restrictive workings during the spring/summer months to safeguard the site's ecological value, the practicality of temporary lights is difficult to achieve on this occasion.

Controls on access track

44. Upon leaving the public highway at the end of Annesley Cutting HGVs would bear left/ northwards onto the private access track towards the railway underbridge. Members will note that as part of recommended condition no.15,

the Waste Planning Authority would require the submission of a traffic management plan to implement measures to protect other users of this route such as local walkers. Such a plan would require as a minimum; a method of enacting a variable one-way system to ensure vehicles do not flow in both directions at the same time; site signage to inform other users of the likelihood of vehicles being operational; a speed limit and instructions to be given to drivers on the safe and proper use of the track. Whilst the condition does not specify a speed limit, the applicant accepts that signage restricting vehicles to 15 mph would be appropriate, however at the point of the railway underbridge 'dead slow' would be needed. An additional informative has been added to address this. The narrow track nature of the access would itself restrict excess speeds to some extent. As the track is not an adopted highway, nor a public right of way, the contractor and landowner would be legally responsible for site safety.

Implications at the railway underbridge

45. Site access is via the bridge under the Robin Hood railway line (Bridge 22). This is a narrow arch and whilst the type of tipper HGVs envisaged can negotiate this, caution and care must be taken to avoid impacting the bridge. Informative No.5 on the main report would advise the applicant to contact Network Rail prior to operations commencing to satisfy them and to identify any protection measures which may be needed. There is therefore no objection from Network Rail.
46. It has, however, come to the Waste Planning Authority's attention that Network Rail are drawing up a project to improve clearances under this bridge, so to provide a diversionary access to permit the vehicular closure of a nearby level crossing (the Warren House crossing) serving a farm and other lawful users to the north of Bridge 22. The implications of this on the present application and the timing of any works by Network Rail is currently unknown, however the project offers the prospect of improving this access for the HGVs associated with the improvements to the country park. It is also possible that the status quo is maintained in the near term, however as stated, the attached informative should provide the necessary assurance to Network Rail and in the interests of protecting the railway infrastructure. This issue has also been discussed with the applicant.

Schedule of changes to recommended planning conditions

47. Conditions have been previously recommended should Members be minded to approve the application. At the request of the applicant revisions to the following conditions are now recommended.
48. Condition 11 (Hours of Operation). The applicant requests a change from 08.00hrs to 07.00hrs relating to the operation of on-site plant and machinery. The commencement of importation would remain at 08.00hrs. This change is considered acceptable given the remoteness of the working areas from residences in the village.

49. Condition 16 (Signage and instructions to drivers). It is proposed to remove this condition as its purpose to direct traffic is better served in a Lorry Routeing Agreement as part of an accompanying Section 106 agreement.
50. Condition 29 (Post development amphibian surveys). Additional text is proposed at the end of the condition to clarify its purpose in protecting the population of common amphibians.

Following the completion of works at Lake 2, an annual survey of the amphibian populations shall be undertaken and its results submitted in writing to the WPA for the subsequent three years *to identify any corrective works and timetable which may be considered reasonable and necessary, such works thereafter being implemented following written agreement by the WPA.*

Reason: To monitor the impacts of the development on the reproductive success of the amphibian populations and identify any corrective works in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

51. Informative No. 1 is to be amended to clarify the means of satisfying the Environment Agency with regards to Environmental Permitting.
52. A new informative No.8 is recommended to encourage the use of community liaison, following discussion at the previous committee, as follows.

You are encouraged to liaise closely with the local community during the works to the country park and in particular during periods of haulage operations and to respond to concerns in a timely and appropriate manner. The use of informal liaison groups or parish meetings is an effective model to achieve cooperation and understanding.

Conclusions

53. Members will note that there are two routes available to and from the A611, both of which are part of the adopted local road network and used by a variety of local traffic, including some commercial movements associated with the local industrial estate. Neither route for the use of the lorry movements proposed gives rise to objections from NCC Highways. An objection has though been made by Newstead Parish Council and the County Council's AIU has provided further advice on the suitability of the available routes.
54. The County Council is able to control the movement of HGVs associated with the proposed development via the making of a lorry routeing agreement, which would be included as part of a Section 106 agreement, should Members resolve to grant the application. The options A~E have been developed as a useful scoping exercise, however following the re-consultation it is considered that a hybrid of option e (Annesley Cutting only) but with a prohibited right turn

out, is the optimal routeing scenario in order to protect residential amenity as much as possible and minimise accident risks to road users.

55. In this new hybrid option e, lorries would use Annesley Cutting both in-bound and out-bound, without using Newstead Road/Hucknall Road. Right hand turns out of Annesley Cutting would be prohibited. As has been detailed, the location of the source material is unknown at this planning stage. In the scenario whereby lorries are running to and from the north, the right hand out restriction would require a small diversion south to the roundabout, before resuming the northbound leg. If the lorries were to run from the west via the A608, then these would proceed up to the junction and turn right into Annesley Cutting. In the final scenario, where lorries would be running from the south, these would have to continue on the A611 and turn right as per the last scenario. This would add an extra 1km to the journey.
56. This option is now favoured and along with the prohibition of development related HGVs through Newstead Village (Tilford Road), is considered to result in a workable solution which would not result in an unacceptable amenity impact on neighbours. Whilst Members raised observations with regards to the congestion experienced at the junction of the A611 and Annesley Cutting, it is considered that the alternative(s) of using Newstead Road/Hucknall Road raises additional issues and concerns. These include the fact that the haulage operation would conflict with the start and end of the school day and changes to the hours of operation would likely be needed to be secured if the lorries were to use this route. Other factors such as the character of the road, its bends and junctions are not readily remedied by condition or otherwise.
57. Clearly the properties at the Persimmon Homes development site would still be subject to possible disturbance however as explored above and in the main report, the impacts, which are temporary, are considered on balance to be acceptable.
58. Mitigation measures could be secured for along the access track and to protect the railway bridge, however junction improvements at the A611 and Annesley Cutting cannot be delivered.
59. The revised recommendation is set out in paragraphs 69 and 70. Members should consider the routeing options A~E and the new recommended option developed following the additional consultation and weigh up the amenity and road safety considerations.

Other Options Considered

60. The report provides additional commentary in respect of access options and other highway related matters. A series of routeing options, including an unrestricted option, have been identified and impacts analysed.

Statutory and Policy Implications

61. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, 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

62. The recommendation would require the completion of a Section 106 agreement, the costs of which would be recovered from the applicant. The road condition surveys would need to cover any road extending to/from the A611 and again costs would be met by the applicant.

Human Rights Implications

63. 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)/Article 6.1 (Right to a Fair Trial) may be affected due to the impacts of a haulage operation. The proposals have the potential to introduce impacts such as traffic noise and disruption upon local residents. Residents at the end of Annesley Cutting would be most affected. However, these potential temporary impacts need to be balanced against the wider benefits the proposals would provide for the improvements to the country park. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Sustainability and the Environment

64. The development would utilise inert waste to undertake works on the country park. The ecological or environmental impacts which would arise have been identified and considered in the main report. The routing of HGVs under certain scenarios would entail additional mileage, fuel use and engine emissions.

Implications for service users

65. There are no implications on County Council services.

Equalities Implications and Crime and Disorder Implications

66. These are discussed in the original report.

Statement of Positive and Proactive Engagement

67. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; meetings during the course of the application; identifying the scope of information necessary to assess the proposal and liaising between interested stakeholders. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; and have progressed the proposals towards a timely determination. The applicant has been involved in discussing various access options. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

68. It is **RECOMMENDED** that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) or section 278 of the Highways Act 1980 to cover a) highway condition surveys of adopted roads as used by HGVs associated with the development, to/from the junction with the A611 at Annesley Cutting, before and after the development; b) the routing of HGV traffic associated with the development to and from the A611 using Annesley Cutting only, with the prohibition of right hand turns out of Annesley Cutting onto the A611; c) remediation works to cover any damage to the public highway up to the A611 at Annesley Cutting directly attributable to HGV traffic associated with the development.
69. It is **FURTHER RECOMMENDED** that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for; the importation and deposition of inert waste into Lake 2; the importation and spreading of soils around Lakes 1 and 2; the reinforcement of the embankment between Lakes 4 and 5; and improvement of tracks. The approval is subject to the conditions set out in Appendix 1 of the main report, attached as Appendix A. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Committee have power to decide the Recommendation.SHB.11.02.14.

Comments of the Service Director - Finance (SEM 13/02/14)

The financial implications are set out in the report.

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Newstead - Councillor Chris Barnfather

Kirkby in Ashfield South – Councillor Rachel Madden

Report Author / Case Officer

Joel Marshall/ Mike Hankin

0115 9696511

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

W001237.doc – DLGS REFERENCE

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

19 July 2016**Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE****MANSFIELD DISTRICT REF. NO.:****2/2016/0206/ST**

PROPOSAL: CONSTRUCTION OF NEW 8-CLASS SINGLE STOREY FREESTANDING BUILDING INCLUDING HALL AND ANCILLARY SPACES. CONSTRUCTION OF SPRINKLER TANK COMPOUND; NEW 3.2M HIGH TIMBER ENCLOSURE AND 2.4M HIGH SECURITY FENCE TO BOUNDARY; 2 NEW 5-A-SIDE GRASS PITCHES; ENLARGE STAFF CAR PARK, RETAINING WALLS, NEW FOOTPATHS, STEPS, RAMP AND MACADAM HARD PLAY AREAS. DEMOLITION OF SECTION OF EXISTING MASONRY WALL AND RAMP. CONSTRUCTION OF NEW TIMBER SCREEN TO STAFF CAR PARK AND ASSOCIATED RE-GRADING AND EXTERNAL WORKS. CHANGE OF USE OF FORMER RAILWAY LAND TO SCHOOL USE (CLASS D1) AND CROSSING WORKS AND UPGRADES TO HIGHWAY.

LOCATION: KING EDWARD PRIMARY SCHOOL, ST ANDREW STREET, MANSFIELD

APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for an eight-classroom building, sprinkler tank, provision of grass pitches, associated works and fencing at King Edward Primary School, Littleworth, Mansfield. The key issue relates to the highway effects 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. King Edward Primary and Nursery School, a 420 place Primary School, is located 600m to the south-east of Mansfield town centre in an area of late 19th century terrace housing. Few houses locally have off-street car parking. The school occupies an elevated site on the frontage to St Andrew Street and St Catherine Street. The school playing fields, in an elevated position, extend to the south-east and have an extensive frontage to Littleworth (Plan 1).
3. Key Stage (KS) 1 is located in a Victorian building at the junction of St Catherine Street and St Margaret Street, with nursery education provided in an adjacent

detached hipped roof building erected in 2001 (application reference 2/2001/217/ET). The school buildings occupy an elevated site enclosed by a brick wall. The St Andrew Street frontage is enclosed by a wall and railings approximately 3.4m in height with a hard play area elevated by approximately 1.5m on the school side of the wall. A pitch roof two-classroom KS1 building was erected adjacent to the St Andrew Street frontage in 2013.

4. KS2 is located in a Victorian building to the south of the school main outdoor hard play area, to the north of properties on Meadow Avenue. A single KS2 classroom was erected to the south-east of the Victorian school building on a former school garden on the edge of the playing field in 2013.
5. Pedestrian access to the school is gained either from St Catherine Street, St Andrew Street or Littleworth at the beginning and end of the school day. During the school day, pedestrian access can be gained from St Andrew Street only.
6. Vehicular access to a 42 space staff and visitor car park, including one disability parking space is gained at a 90⁰ bend in St Andrew Street.
7. Traffic Regulation Orders control on-street parking in the vicinity of the school (Plans 2 and 3). On-street parking is permitted on both sides of Littleworth adjacent to the school playing field.
8. A triangle of land to the south-west of the school playing field is poorly managed but is part of the school site. The land has historically been fenced to reduce the secured area of the site area required for the current operational needs of the school, making the site easier to manage. The land is accessed through a gate in the school fence enclosing the current playing field. There is no access to the land from Meadow Avenue although Meadow Avenue was used as a temporary construction access for the KS2 extension built in 2013.
9. The application site comprises the existing school site and playing field, the triangle of poorly managed school land to the south-west of the existing school playing field and a linear strip of former railway land between Blackthorn Drive/Forest Avenue and Littleworth.
10. The existing school site including the playing field is the subject of Mansfield District Local Plan 1998 (MDLP) Policy LT7 *Playing Fields at Education Establishments* which seeks to safeguard school playing fields from development unless only a small part of the area is lost and, amongst other criteria, would be for educational use essential for the continued operation of the establishment (Plan 4).
11. The route of the former railway line at the southern end of the site is the subject of MDLP Policy M12(c) *Footpaths, Bridleways and Byways* although the route is not a definitive right of way. The land is identified as a strategic route to be safeguarded from development unless acceptable alternative provision is made. However the land is no longer identified as a strategic route in the Mansfield District Local Plan Consultation Draft (Jan 2016), but is identified as an area of Green Infrastructure. Consultation Draft Policy NE2 *Green Infrastructure* allows development within or adjacent to areas of strategic green infrastructure where it

enhances its role in providing an accessible, functional, healthy and robust natural environment.

12. A shared pedestrian/cycle path has been constructed on Blackthorn Drive, at the western end of the former railway line leading up to the boundary with the application site. A timber fence at the site boundary prevents public access beyond that point. It is understood that there is a ransom strip between the end of the cycle path and the boundary of land in the control of the applicant.
13. There is informal pedestrian access to the former railway land from Littleworth, although the area is not managed and is largely overgrown by vegetation.
14. The school currently employs 31 full-time and six part-time staff (34 FTE). Core teaching hours are from 08:55 – 15:15 hours although a Breakfast Club and After-School Club extend the operational hours from 07:30 to 18:00 hours, with occasional later opening for school events.

Proposed Development

Background and Relevant Planning History

15. King Edward Primary School is in the Mansfield East pupil place planning area. The school was expanded in 2013 along with other schools in the Mansfield area. The 2013 expansion allowed an increase in the Published Admission Number (PAN) from 50 to 60. The school has had three years of an enlarged intake at first admission and at January 2016 had 404 children on roll. Pressure for school places continues to increase and schools in the area continue to be oversubscribed, with particular pressure at first admissions. The addition of the proposed additional classrooms would allow the school to accommodate a PAN of 90, and increase accommodation across all cohorts by 210 places. The school roll at first admission would increase by 30 (over current PAN), with the school reaching its 630 capacity after seven years.
16. 2/2012/0574/ST (Feb 2013) – permission granted for the erection of a stand-alone two-classroom building (adjacent to St Andrew Street), single classroom extension to the south-east of the main school building, and extension of the school car park to provide a total of 42 car parking spaces.

Proposed Development

17. Planning permission is sought for the erection of a detached single storey eight-classroom building on the existing hard court and grassed area at the northern edge of the playing field, with a new hard court proposed to the east of the new building (Plan 5). This element of the development would require the removal of three trees.
18. The 925m² classroom block would have a generally rectangular footprint with maximum dimensions of 46.2m x 23.2m and would provide eight KS2 classrooms, school hall and ancillary spaces (Plan 6). Four classrooms would be provided to either side of a central corridor. Internal school reorganisation would allow existing KS2 classrooms to be used by KS1. The building would have an eaves height of 3.35m above finished floor level and maximum ridge

height of 4.65m with the exception of the centrally positioned school hall. The hall would be of mono-pitch design with an eaves height of 5.4m rising to 7.1m (Plan 7).

19. The building would be faced principally in white coloured render with wood effect laminate Trespa accent panels above a red brick plinth. The profiled metal roof, verge and guttering would be coloured dark grey (RAL 7039). Window frames and doors would be of white coloured aluminium construction. Bulkhead lighting not exceeding 20lux would be installed, but no additional details are provided.
20. The existing car park would be enlarged from its existing capacity of 43 spaces including one disabled space to provide 57 parking spaces, including two disability parking spaces, and would require the removal of four trees forward of the existing car park towards Littleworth. The car parking spaces adjacent to Littleworth would be elevated above road level and a 1.2m high woven fence would be erected within the school security fence. A sprinkler tank and storage area for bins and containers, to be provided between the new building and car park, would be enclosed by fencing between 2.4m-3.2m in height (Plan 8).
21. Cycle parking spaces would be provided to the south of the car park, although the proposed number of cycle spaces has not been specified.
22. An existing ramped access to the main school building would be removed and a part of a retaining wall would be removed to create a new opening. A 1.5m high retaining wall would be erected adjacent to the existing main school building entrance and steps and an access ramp would be constructed to provide suitable access between the existing school and proposed classroom block. The proposed classroom block would be sited at a level 0.9m above the level of the hard play area outside the original school building.
23. The new classroom block would be sited 2.4m above the retained hard court and pedestrian access route from Littleworth. The ground to the north of the new classroom block would be graded down, but would require the erection of a 1.4m high log retaining structure adjacent to the play area.
24. The proposed development would require the removal of nine trees in total which would be mitigated by the planting of six trees. Three lime trees would be planted in a gap in a row of trees along the Littleworth frontage, while three replacement hawthorn would be planted at the end of Meadow Avenue. No additional details of proposed tree planting or seeding have been provided.
25. The siting of the new classroom building would impact on the school playing field. The grass margin adjacent to a new footpath around the building would be re-seeded. A U-11 football playing pitch would be provided to the south-east of the new classroom block. The poorly managed area of land to the south west of the fence subdividing the school playing field would be brought back into active school use, although the present security fence would remain. Two new 5-a-side grass pitches would be provided on the triangle of land.
26. Permission is also sought for the change of use to bring the area of former railway along the southern boundary of the site into school use, enlarging the

site from 2.6ha to 3.3ha. The land is needed to fulfil the requirements for playing field at the enlarged school although there are no specific proposals in the application for development of the land. The land is separated on its northern side by a hedge which would remain. The triangle of land being brought back into active school use and the former railway land would be enclosed by 2.4m high green coloured Heras security fencing.

27. An additional six full-time additional teachers and six teaching assistants would be employed over the period 2016-2023. 15 additional parking spaces, including one additional disability parking space, would be provided. Core school hours would remain as at present, with the extended school day continuing to operate between 07:30-18:00 hours.
28. The Transport Statement Addendum supporting the application recommends that a *Puffin* light controlled crossing is provided on Littleworth close to the school pedestrian entrance (Plan 5), which would require the relocation of a nearby bus stop. The applicant has confirmed that the proposed off-site highway works would be fully funded by the project. The *Puffin* crossing, to be provided under the provisions of S23 of the Road Traffic Regulation Act 1984, would be advertised, and any comments received would be considered by the Highway Authority.
29. A temporary construction access to be formed at the end of Meadow Avenue, requiring the removal of two trees, would be closed and the boundary reinstated once the works have been completed.

Consultations

30. **Mansfield District Council** – No objection subject to conditions to control hours of working during construction; management plan for the method of working including access; and a detailed scheme of landscaping and tree planting.
31. **NCC Planning Policy** – No objection. *Mansfield District Local Plan (1998) Policy M12(c) skirts the edge of the site and refers to a former mineral railway line that provides a link between the centre of Mansfield to Rainworth. Policy M12 seeks to prevent the loss of such sites. The new emerging Mansfield Local Plan intends to divert this route.*
32. *The proposal would positively contribute to the wider community and provide school places to meet the needs of the local community in line with national planning policy.*
33. **NCC Highways Development Control** – No objection subject to conditions to control hours of deliveries; highway impacts related to construction; provision of cycle parking spaces; timely provision of parking and service areas; development and implementation of a School Travel Plan (including a review of parent parking around the school) with regular review; review of the School Zone; and provision of a *Puffin* crossing on Littleworth.
34. *Fifteen additional car parking spaces would be provided. The expansion of the on-site car parking facility is considered to be appropriate to accommodate*

future staff and visitor demand. It is also worth noting that during a recent visit to the school, the County Planning Authority has advised that there were several empty spaces during a normal working day.

35. *The main area of concern is increased parking demand to the surrounding streets for additional drop-off and pick-up vehicle activity. The report indicates that 55% of current pupils live outside the catchment so are more likely to arrive by car. A parking beat survey indicates a spare capacity of 73 car parking spaces in the pm peak, (worse traffic generation period). The Highway Authority considers that this is enough to accommodate traffic increases for the first four years without a fully implemented School Travel Plan designed to reduce reliance on car trips to school or free up spaces immediately adjacent the school on Littleworth.*
36. *As far as the Highway Authority is aware, there are no reported incidents that current traffic associated with the school causes unsafe operation of the highway. Although it is acknowledged that school traffic and indiscriminate parking can cause irritation to nearby residents, this rarely results in a proliferation of accidents. There are no specific safety concerns that can be attributed to the existing road layout or design. Perceived safety concerns are frequently raised by nearby residents or road users, but the reality is that the impolite practises of parents attending a school at peak drop-off and pick-up times rarely result in significant injury collision problems outside the facility. Ordinarily, the increased vehicle/pedestrian activity outside a school during peak hours reduces average vehicle speeds. This is further enhanced by the frequent stopping of traffic by the School Crossing Patrol. Slower vehicle speeds reduce both occurrence of incidents and potential severity of road traffic accidents.*
37. *The proposed Puffin crossing on Littleworth outside the main entrance to the school is welcomed by the Highway Authority and would assist safe pedestrian movement from the south-east catchment and promote environmental sustainability.*
38. *The provision of well-located sheltered cycle parking on site would help to encourage cycling as a means of transport for staff and pupils. This would also assist with reducing demand for on-street parking by parents if more children cycled to school.*
39. *Increased traffic levels are not a unique problem and are prevalent at most schools throughout the country in local neighbourhoods. However, this only occurs over a short duration and soon after the highway network returns to normal operation. To assist with the issue of inconsiderate parking outside schools and parents blatantly 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.*
40. *Current ministerial guidance and the National Planning Policy Framework – Promoting Sustainable Development identifies that to refuse development on highway grounds, the impact must be ‘severe’ (Paragraph 32). The Highway Authority considers that the measure of ‘severe’ cannot be made in relation to*

the impact of any additional traffic associated with the school. The applicant has proposed different measures of mitigation to reduce school traffic congestion. There are also several features restricting on street parking and vacant areas available for considerate parent parking. The provision of a Puffin crossing, cycle facilities and the successful implementation of a 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 School Travel Plan initiatives by a school can significantly reduce the number of single car occupancy trips generated by the facility.

41. *Implementation of a revised School Travel Plan would help to encourage active travel behaviour and improve the environment around the school, as well as children's health and well-being. The School Travel Plan should include measures, targets, and practical steps to reduce congestion and encourage walking, cycling or use of public transport as an alternative to travelling by car. The School Travel Plan should contain a series of requirements for the school to constantly monitor travel pattern behaviour and periodically review on-street parking arrangements and/or implement improvement schemes as necessary.*
42. *A nominated Travel Plan Coordinator should hold frequent community liaison meetings with Civil Enforcement Officers, who manage parking enforcement, to achieve best utilisation of resources to tackle any issues raised by surrounding residents. It should be noted that Mansfield District Council has additional powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to implement Public Space Protection Orders to deal with issues that have a detrimental effect on the quality of life of the local community. The school should manage peak demands through a combination of rigorous parking enforcement and the School Travel Plan initiatives prompting use of other modes of travel, instead of single occupancy vehicles.*
43. *The feasibility of providing additional pedestrian access points which could potentially assist in reducing parent parking congestion during peak times has been considered. At the point where the former railway land meets Forest Avenue (south-west) there is a double fence with intervening land which is likely to be a ransom strip. A separate pedestrian access on Littleworth opposite Fisher Lane has also been considered, but is undesirable from a highways viewpoint due to the close proximity of the busy Forest Road junction and bus stop. It is likely that the wide footway/cycleway would attract pavement parking at peak drop-off/pick-up times and vehicle manoeuvres could conflict with pedestrians. The current footway/cycleway on Littleworth is more favourable as it is accessible to people with restricted mobility and is well lit.*
44. **NCC Road Safety Team** – No response received. [Comment: Road Safety issues are considered in the NCC Highways Development Control consultation response].
45. **Sport England** – No objection subject to a condition to require the proposed 5-a-side pitches to be available for use prior to the classroom block being brought in to use. *It is suggested that the loss of existing playing fields would be mitigated by the provision of replacement playing fields. It therefore needs to*

be considered against Sport England policy to protect playing fields 'A Sporting Future for the Playing Fields of England' exception Policy E4 which states:

E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

46. *The proposal involves the reuse of an area of land, previously used as playing field, to provide/create two new 5 a-side pitches. The area of land appears to have been separated from the school between 2007 and 2010, the last use of the separated site was as playing field but it appears not to have been used for formal sport for a period in excess of 5 years. Given the growth of the school, Sport England supports the reuse of this playing field area. The area cannot, however, be considered as replacement playing field as it is not new playing field. On closer inspection, however, it appears that the area which would be restored to the 5-a-side pitch area had limited capability to be used as sport pitches before it was separated, given the site undulations and the presence of trees. It is accepted therefore that the area which would be provided as 5-a-side pitches, whilst not being replacement playing field does, however, involve the creation of new usable playing field on the majority of an area which in the past, based on the evidence available, was not capable of being marked out as a pitch.*

47. The proposal broadly meets exception Policy E3:

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.

48. If the recommended condition to require 5-a-side pitches to be available for use prior to the classroom block being brought into use is not included, Sport England would object and require the application to be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009.
49. **NCC Landscape Team** – No objection subject to conditions to require submission of a landscaping scheme to include Extra Heavy Standard tree specimens; sports pitch construction, drainage and seeding; management plan for the former railway land; retaining walls and provision of the woven fence screen. *Following the removal of trees, without the proposed woven screening, the extended car park would be clearly visible. The woven fence screen detail is of satisfactory height and construction to screen car headlights from Littleworth. The woven fence is likely to degrade more rapidly than a standard fence and will need to be retained and maintained.*
50. **NCC Nature Conservation Team** - No objection subject to conditions to require the control of vegetation during the bird nesting season, replacement planting

through a landscaping scheme, and a methodology to deal with a fox earth during construction.

51. **NCC Land Reclamation Team** - No objection subject to conditions to require pre-demolition asbestos survey related to demolition of a wall and ramp, and a watching brief related to unexpected contamination that may be encountered. *Recommendations in the two site investigation reports should be followed, especially where the use of soakaways are proposed.*
52. **NCC Project Engineer (Noise)** – No objection subject to a condition to control times of deliveries to site, construction hours, and control of noise arising from construction.
53. *It is rare for noise from children playing outdoors to cause a strong adverse reaction. To put the proposed increase in pupil numbers into context; a doubling of pupil numbers would give rise to a theoretical increase in external activity noise level of approximately 3dB, an increase which is widely accepted as the minimum perceptible increase of an existing noise source by the human ear. The proposed increase from 420 to 630 pupils would lead to a theoretical activity noise increase of less than 2dB when all 630 pupils are playing outdoors, which is considered negligible.*
54. *Properties on Littleworth would continue to be dominated by road traffic noise. Properties on Meadow Avenue closest to the new school development lie at the end of the cul-de-sac. While these properties are likely to be more sensitive to noise increase due to lower existing background noise levels, the proposed new school building would screen the existing hard play area immediately to the north of the new school building and partially screen the new hard play area to the north-east of the new school building. Any marginal increase in noise level as a result of the additional pupil numbers would be likely to be offset by the additional screening of the proposed building and distance of hard play areas from the nearest residential property.*
55. *While the two proposed 5-a-side pitches are close to the Meadow Avenue properties, the fence-line would remain and would help regulate times when the pitches are used. While formalising the grassed playing areas with marked out pitches may lead to increased activity in these areas when compared to existing levels of use, it is not expected that this would lead to noise complaints given that the pitches would be used exclusively by the school during normal school hours in term time. There are no known proposals for any part of the school to be used by outside groups/organisations outside of normal school hours, with the exception of before/after school clubs as at present.*
56. *Proposed external plant is not expected to give rise to any noticeable noise impact at nearby properties. An acoustic specification report should be commissioned to inform the acoustic design standards of the new school building.*
57. *There is potential for noise disturbance from construction plant/activities and from delivery vehicles. The contractor should employ appropriate controls, following recommended guidance in BS5228-1:2009 (Code of practice for*

noise and vibration control on construction and open sites) to ensure that any noise impacts are kept to a minimum.

58. **NCC Countryside Access Team, NCC Design Services, Police Force Architectural Liaison Officer, NCC Flood Risk Management Team, Severn Trent Water Limited, Western Power Distribution, and National Grid (Gas) -**
No response received.

Publicity

59. The application has been advertised as a Departure from the Development Plan (see Paragraph 69) by press notice, site notices and neighbour notification in accordance with the County Council's Adopted Statement of Community Involvement Review.
60. Councillor Stephen Garner and Councillor Andy Sissons have been notified of the application.
61. Six letters of representation have been received from residents of St Margaret Street (2), St Catherine Street, Littleworth, Meadow Avenue and Birch Grove making the following objections:
- a) The school requires improvement following its last inspection. How are leaders to manage this going forward with more children, staff and parents?

Highways/Traffic

- b) Parking is already problematic (3). Inappropriate /inconsiderate parent parking (2). Damage to vehicles.
- c) Safety risks from traffic (2).
- d) Lack of proposed parent parking (2).
- e) Abusive behaviour by parents.
- f) All-day commuter parking by staff at Meadow House – cannot park near home during the day (2).
- g) Resident-only parking should be provided.
- h) Parking restrictions on Littleworth would impact on residents. A one-way system on St Margaret Street/St Andrew Street would be an inconvenience to local residents. Parking restrictions would need to be enforced.
- i) Facilitating car parking is not sustainable.
- j) A crossing on Baum's Lane is a good idea as the road is difficult to cross and might increase use of parking spaces at Water Meadows car park.

Construction

- k) Trees have been removed and need to be replaced.
- l) Residents should be informed how/when works will commence.

Other Matters

- m) Traffic has an impact on sale of property.
62. The resident of Birch Grove (south-east Mansfield) objects that no provision is made for cycle parking. Mansfield District Local Plan and NCC Transport Plan state that proposals for sustainable transport should be included and encouraged.
63. The issues raised are considered in the Observations Section of this report.

Observations

Strategic Education Provision

64. Mansfield District Local Plan 1998 (MLP) Policy ECH1 *Community Facilities* will allow the development of community facilities within the urban boundary, which integrate with surrounding land uses, will not have a detrimental effect on the character, quality and amenity of the surrounding area, are located with easy access to public transport, and have regard to security and crime prevention.
65. The proposal would expand the existing school, increasing the school Published Admission Number (PAN) by 30 to meet demand for identified school places in the Mansfield East pupil place planning area. Great importance is attached to ensuring that sufficient choice of school places is available to meet the needs of new and existing communities in NPPF *Promoting Healthy Communities* (Paragraph 72). The school has historically been oversubscribed and the PAN increased from 45 to 60 in 2013. There is continuing pressure for school places in the local area and by bringing part of the existing school site back into active use and the addition of former railway land as part of the school green space, the school is considered to be suitable for expansion. Issues related to the change of use of the former railway land are discussed at Paragraphs 68-70.
66. 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).
67. 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.

Change of Use of Former Railway Lane

68. The provision of adequate green outdoor space for the enlarged school would require the linear strip of former railway land to be incorporated in the school site
69. MLP – Policy M12(C) *Footpaths, Bridleways and Byways* will not allow development that would prevent implementation or lead to the loss of strategic routes for walkers, horse riders and cyclists unless acceptable alternatives are provided. The proposed use of the former railway land as part of the school would not comply with the adopted policy. However, Mansfield District Local Plan Consultation Draft 2016 proposes to re-route the strategic trail along Littleworth. The former railway land and currently used areas of school playing field are identified as *strategic green infrastructure* (Plan 4). Draft Mansfield District Local Plan Consultation Draft 2016 Policy NE2 *Green Infrastructure* will permit development where it enhances its role in providing an accessible, functional, healthy and robust natural environment. Although the application has been advertised as a Departure from the 1998 Development Plan, the proposed change of use would be consistent with policies in the Mansfield District Local Plan Consultation Draft 2016 and is considered to be acceptable. Mansfield District Council has not objected to the proposed change of use.
70. The triangle of land at the end of Meadow Avenue is identified as a site for housing development in the Mansfield District Local Plan Consultation Draft 2016 (Plan 4). However, NCC Property has advised Mansfield District Council that the site is required to meet the operational needs of the school.

Highway Impact, Traffic and Movement

71. MLP – Policy M16 *Development Requirements* will allow development that has regard to the needs of all modes of travel including public transport, walking and cycling, does not have a detrimental impact on the highway network, and provides the minimal operational level of car parking (amongst other criteria).
72. The proposed development is easily accessible by public transport with bus stops on Littleworth adjacent to the school pedestrian entrance and opposite the junction with St Andrew Street. The footway on Littleworth outside the school is shared by both pedestrians and cyclists and is considered to be satisfactory. The school currently has three pedestrian access points situated on St Catherine Street, St Andrew Street and Littleworth, these provide the school with satisfactory pedestrian access. The feasibility of providing an additional pedestrian entrance to improve the accessibility of the school has been assessed but is not considered to be suitable for the reasons set out in the consultation response from NCC Highways Development Control (Paragraph 43).
73. The Highway Authority consider the expansion of the on-site car park would be appropriate to accommodate future increased staff and additional visitor parking demand. On inspection of the site it has been noted that there were 12 car parking spaces available during a normal working day.
74. NPPF *Promoting Sustainable Transport* (Paragraph 32) advises that development should only be prevented or refused on transport grounds where

the residual cumulative impacts of development are severe. The Highway Authority considers that the measure of 'severe' cannot be made in relation to the impact of any additional traffic associated with this school. The main area of potential highways concern relates to increased parking demand on streets surrounding the school. Existing traffic issues have been identified in representations from residents of St Margaret Street and St Catherine Street (Paragraph 61b)). Enforceable parking restrictions are already in place outside and close to the school (Plans 2 and 3).

75. It is estimated that an additional 30 pupils at first admission would attract an additional 16 parent vehicles each year over the seven year period as the school fills. The arrivals are likely to be spread over a 15-30 minute interval, with a relatively short parking duration of 1-15 minutes, while the peaks would be further attenuated by the school Breakfast and After School Clubs that operate over a different time period. There are no facilities for parental parking within the school site and therefore these cars would be required to park on-street on the roads surrounding the school. Survey data supporting the application has identified 116 vacant spaces in the morning and 73 spaces in the afternoon peak. The highway network in the vicinity of the school has a finite capacity for on-street parking. Having regard to the proximity to the school it is considered unlikely that the impacts of traffic would worsen on St Margaret Street, St Catherine Street and St Andrew Street. However, it is expected that the impacts of traffic would be spread further afield on the highway network.
76. The Highway Authority considers there is adequate capacity in the wider area to accommodate traffic increases for the first four years without a fully implemented School Travel Plan designed to reduce reliance on car trips to school or free up spaces immediately adjacent the school. The need to annually review parking and traffic impacts are the subject of recommended Condition 22 and Condition 23.
77. The proposed installation of a *Puffin* pedestrian crossing on Littleworth would assist with safe pedestrian movement and is welcomed. Proposed cycle parking would offer a sustainable travel alternative for staff and pupils which may encourage a change in the mode of travel to school. The provision of the *Puffin* crossing, cycle parking facilities and the successful implementation of a 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 School travel plan initiatives by a school can significantly reduce the number of single car occupancy trips generated by the facility and NPPF paragraph 36 supports this approach.
78. MLP – Policy M16 *Development Requirements* will permit development that does not have a detrimental effect on the surrounding highway network. In considering the amenity impacts of traffic it is considered that an increase in on-street parking would not unacceptably alter the character of the area although may extend further afield than at present. On-street parking may become an inconvenience to residents but it is considered that the parking of cars on the public highway for relatively short periods on weekdays during school terms would not cause significant detriment to residential amenity. However, inconsiderate parking by parents, parking on pavements, or in breach of a

Traffic Regulation Order can be a source of irritation and is a matter that can be best addressed through parental education through the School Travel Plan. Visible presence of the County Council CCTV car which can monitor and issue Penalty Charge Notices may also be effective in influencing parent behaviour.

79. Whilst respondents have identified that there are existing parking issues (Paragraph 61h)), imposing traffic management measures would apply equally to neighbouring occupiers and may adversely impact on local residents. Given the initial increase of 30 pupils the making of a Traffic Regulation Order is not considered to be essential when the expanded school first opens, but should be regularly reviewed through the School Travel Plan. The making of a Traffic Regulation Order would be the subject of separate procedure including public consultation.
80. With reference to the representation reported at Paragraph 62, the application has been amended to include the proposed provision of cycle spaces within the secured fence-line within the school which would offer an alternative to travel by car for both staff and pupils. Although the number of proposed cycle spaces has not been specified, following discussion with NCC Highways Development Control it is recommended that 20 covered cycle spaces are provided. Whilst the proposed number of cycle spaces is relatively small for a 630 place school, there is currently no cycle parking provision on the site and the demand and future provision of additional covered cycle spaces is a matter to be considered in the annual review of the School Travel Plan. (Condition 20i)).
81. It has been suggested in representations that no provision is made for parent parking (Paragraph 61d)). However, the provision of car parking for parents would be likely to encourage travel to school by car and is not considered to be sustainable.
82. It is recommended that a review of the School Zone is carried out to ensure that any necessary guardrail, signage and highway markings are correctly in place and appropriate for the expanded school (Condition 21).

Built Development, Trees and Amenity Impact

83. MLP – Policy BE1 *New Development* will allow development of a high standard of design where the scale, density, massing, height, layout and access relate well to neighbouring buildings and the local area, materials are in keeping, hard and soft landscaping is consistent with the type and design of the development, and the proposal integrates existing landscape and nature conservation features.
84. The proposed classroom building would be sited positioned centrally on the site. Although the structure would be up to 7.1m in height, the building would be sited at closest 55m from the nearest residential property on Littleworth. There would be no material impact on properties on Meadow Avenue. The scale and massing of the classroom block is considered to be acceptable, and whilst elevated in relation to Littleworth the development would sit well in the landscape, and the design and proposed facing materials are considered to be acceptable in compliance with MLP – Policy BE1 *New Development*. Proposed

facing materials specified in the application are considered to be satisfactory and samples do not need to be submitted for approval.

85. Although bulkhead lighting is proposed on the building, no additional details have been submitted. A lighting scheme designed to comply with Institute of Lighting Professionals *Guidance Notes for the Reduction of Obtrusive Light: 2011 – Table 2 Environmental Zone E2* would be acceptable and is specified in recommended Condition 14.
86. The proposed sprinkler tank, pump housing and bin storage area, sited forward of the classroom block towards Littleworth, would be suitably screened and the visual impact of the enclosure is considered to be satisfactory. Satisfactory details of proposed log retaining walls have been provided (Condition 3t)).
87. Parking spaces in the enlarged car park would be provided in an elevated position closer to the frontage of Littleworth. There is the potential for car headlights to shine towards facing properties which could detract from residential amenity. However, the proposed 1.2m high woven screen fencing to be provided between the car parking spaces and boundary Heras security fencing would satisfactorily mitigate potential impacts. A condition is recommended to require the provision of the woven fencing and its subsequent retention (Condition 15).
88. The extension of the car park would require the removal of trees on the frontage to Littleworth which would be acceptably mitigated by replacement planting on the frontage to the south-east. The provision of replacement tree planting adjacent to the construction access on the completion of works is also considered to be acceptable. The submission of a detailed landscaping scheme of proposed works, to include the planting of Extra Heavy Standard trees, is the subject of recommended Condition 20.
89. No proposals have been submitted for how the former railway land would be used by the school and no development proposals affecting that area are specified in the application. The area would need to be managed by the school as part of a wider maintenance regime but is not a matter than needs to be controlled through the planning system.
90. NCC Project Engineer (Noise) has advised that noise from school sites is generally of short duration and it is rare for this type of transient noise to cause a strong adverse reaction. To put the proposed increase in pupil numbers into context; a doubling of pupil numbers would give rise to a theoretical increase in external activity noise level of approximately 3dB, an increase which is widely accepted as the minimum perceptible increase of an existing noise source by the human ear. The proposed increase from 420 to 630 pupils would lead to a theoretical activity noise increase of less than 2dB when all 630 pupils are playing outdoors, which is considered to be negligible. Although the areas for outdoor play would be elevated relative to Littleworth, the dominant noise factor at the front of properties would be from passing traffic. The relationship of outdoor hard play areas to properties on Meadow Avenue is such that the proposed classroom building would partially screen noise impact. Although the background noise level at Meadow Avenue would be lower, the increase in outdoor noise from additional pupil numbers would

be offset by the screening of the building and distance from the nearest residential property.

91. While the two 5-a-side pitches are proposed closer to the Meadow Avenue properties, the existing internal fence-line would remain which would help regulate activity on the pitches. While formalising the grassed playing areas with marked out pitches may lead to increased activity in these areas when compared to existing levels of use, it is not expected that this would lead to noise complaints.

Impact on Playing Field

92. The current playing field and triangle of school land at the end of Meadow Avenue is subject to MLP – Policy LT7 *Playing Fields at Educational Establishments* which seeks to safeguard playing fields from development unless only a small part of the recreational area would be lost and, amongst other criteria would be for educational use essential for the continued use of the establishment. The development would be in compliance with MLP – Policy LT7 *Playing Fields at Educational Establishments*. The siting of the classroom block would impact on playing field but would be acceptably mitigated by the creation of new 5-a-side pitches on an area not currently capable of being marked out as a pitch. Sport England does not object to the proposed development subject to the timely provision of the 5-a-side pitches. The applicant has confirmed that the pitches would be made available before the eight classroom building is brought into use. The submission of a specification for sports pitch construction, drainage and seeding, is the subject of recommended Condition 19.

Sustainability

93. The proposed classroom building would incorporate sustainable design features, including low maintenance materials, high levels of natural daylight, water management through the low flush toilets, high efficiency mechanical equipment, and the use of over-sized guttering to accommodate increased storm load through climate change, which satisfactorily demonstrates the sustainable character of the development.

Ecology

94. The site is not one of ecological significance. Conditions are recommended to control vegetation clearance during the bird nesting season (Condition 4). The methodology for the removal/abandonment of the fox earth identified on the site in the submitted ecology survey is considered to be acceptable and development to proceed following the methodology is specified in recommended Condition 5.

Contamination

95. No significant issues related to site contamination have been identified. A precautionary approach to potential asbestos related to the removal of the existing ramp and wall is the subject of recommended Condition 13. A condition to require the submission of a watching brief for contamination which may be encountered during site excavations is recommended (Condition 12).

Construction

96. Although construction traffic has the potential to give rise to conflict with pedestrian movements at the beginning and end of the school day, the proposed use of Meadow Avenue for construction is considered to be suitably remote from the school entrances and is unlikely to give rise to concern.
97. Deliveries to site and construction activities should not give rise to significant impacts. The submission of an Environment Management Plan providing details of construction management and impacts is recommended (Condition 9). Restrictions on the timing of deliveries to site, permissible hours of construction, and noise generated by construction activities are the subject of recommended Condition 8.
98. With reference to the representation reported at Paragraph 61 I) the engaged contractor would be from the Considerate Constructor's Scheme and there is an expectation that the developer will carry out appropriate liaison with local residents.

Other Options Considered

99. 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

100. 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

101. The development would benefit from existing perimeter security fencing and additional security fencing enclosing the enlarged school site.

Safeguarding of Children Implications

102. Security fencing within the wider secured school boundary would segregate operational school areas, making activities on the site easier to manage.
103. Implications for Sustainability and the Environment are considered in the report.

Human Rights Implications

104. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a

Fair Trial) are those to be considered and may be affected due to expansion of the school. The proposals have the potential to introduce impact on amenity from comings and goings associated with a more intensive use of the site. However, these potential impacts need to be balanced against the wider benefits the proposals would provide through the provision of additional school places. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

105. There are no Implications for Service Users, Financial Implications, Equalities Implications or Human Resources Implications arising from the development.

Statement of Positive and Proactive Engagement

106. 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. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

107. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 2. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report.

[RHC 08.07.2016]

Comments of the Service Director - Finance

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

[SES 08.07.2016]

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Mansfield South Councillor Stephen Garner

Councillor Andy Sissons

Report Author/Case Officer

David Marsh

0115 9932574

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

FR3/3495

W001609.doc



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 (as amended), including documents and recommendations of reports, and the following plans:

- (a) Location Plan (Drawing AL(0) 300) received by the CPA on 5 April 2016;
- (b) Area of Change of Use (Drawing AL(0) 314) received by the CPA on 29 March 2016;
- (c) Proposed Site Plan 1:1000 (Drawing AL(0) 302) received by the CPA on 14 March 2016 (as amended by Drawing AL(0) 318 Rev A) ;
- (d) Neighbourhood Context 1 Site Plan 1:500 (Drawing AL(0) 316) received by the CPA on 5 April 2016 (as amended by Drawing AL(0) 318 Rev A);
- (e) Neighbourhood Context 2 Site Plan 1:500 (Drawing AL(0) 317) received by the CPA on 5 April 2016 (as amended by Drawing AL(0) 318 Rev A);
- (f) Site Context 1 1:250 (Drawing AL(0) 318 Rev A) received by the CPA on 28 June 2016;
- (g) Site Context 2 1:250 (Drawing AL(0) 319) received by the CPA on 29 March 2016 (as amended by Drawing AL(0) 318 Rev A);
- (h) Floor Plan (Drawing AL(0) 303) received by the CPA on 14 March 2016;
- (i) Building Sections (Drawing AL(0) 305) received by the CPA on 14 March 2016;
- (j) Building Sections (Drawing AL(0) 306) received by the CPA on 14 March 2016;

- (k) Elevations (Drawing AL(0) 304 Rev A) received by the CPA on 8 July 2016;
- (l) Site Section to Littleworth (Drawing AL(0) 315 Rev A) received by the CPA on 28 June 2016;
- (m) Site Sections (Drawing AL(0) 307) received by the CPA on 5 April 2016;
- (n) Site Sections (Drawing AL(0) 308) received by the CPA on 6 April 2016;
- (o) Context Elevation (Drawing AL(0) 310) received by the CPA on 29 March 2016;
- (p) Context Elevation (Drawing AL(0) 311) received by the CPA on 29 March 2016;
- (q) Section/ Context Elevation (Drawing AL(0) 312) received by the CPA on 5 April 2016;
- (r) Section/ Context Elevation (Drawing AL(0) 313) received by the CPA on 29 March 2016;
- (s) Sprinkler Tank Detail (Drawing 8757-05 Rev D) received by the CPA on 29 March 2016; and
- (t) Unilog Pro Log Wall Brochure Detail received by the CPA on 14 March 2016.

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

4. Should any tree, shrub, scrub or other vegetation clearance works be carried out between the months of March to August inclusive, the works shall be undertaken in accordance with a methodology which shall first be submitted to and approved in writing by the CPA. Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist and written confirmation from the ecologist first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

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

5. Development impacting on red fox identified on the site shall proceed in accordance with the methodology set out in Paragraphs 5.4-5.9 of the Ecology Survey (BJ Collins - November 2015) received by the CPA on 14 March 2016.

Reason: To safeguard a species from unnecessary suffering in accordance with The Animal Welfare Act 2006.

6. Notwithstanding details shown on plans of the appendices of the Arboricultural Implications Assessment - Tree Protection Plan supporting the application received by the CPA on 8 April 2016, prior to the commencement of

development, a plan identifying the location of barriers for the protection of trees to be retained during the period of demolition shall be submitted to and approved in writing by the CPA. Tree protection fencing shall be installed to the satisfaction of the CPA in accordance with the approved details prior to the commencement of main site works and shall be so retained (unless otherwise approved in compliance with Condition 7) throughout the period of construction.

Reason: Details are required to be submitted prior to the commencement of development to ensure that the health of trees on the site will be satisfactorily safeguarded during the period of construction in the interest of the visual amenity and ecology of the site.

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

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

8. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA ;
- a) no works of construction shall be carried out or plant operated except between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;
 - b) construction deliveries or 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) noise generated by construction activities on the site shall not exceed 65dB (L_{Aeq,1hr}) measures at a distance of 3.5m from the nearest facade of a property.

Reason: To safeguard the amenity of nearby residents during the period of construction.

9. Prior to the commencement of development, details of the proposed method of working in the form of an Environment Management Plan, providing specific detail of:
- (a) construction vehicle numbers, type and routing;
 - (b) traffic management requirements;
 - (c) measures to prevent the deposit of debris on the public highway;

- (d) management of parking by persons involved in construction of the development;
- (e) proposals for operational staff parking during the period of construction;
- (f) segregation of construction vehicle and pedestrian movements on site;
- (g) measures for the control of noise (to comply with Condition 8d)), vibration and dust emissions (including mitigation measures in the event of a complaint);
- (h) a scheme for the recycling/disposal of surplus soils and waste resulting from construction;

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

Reason: Details are required to be submitted prior to the commencement of development to provide adequate information and satisfactory detail in the interest of highway safety, and to protect the amenities at present enjoyed by the occupiers of nearby properties.

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

Reason: Details are required to be submitted prior to the commencement of main site works to provide appropriate detail to safeguard against increased risk of flooding and minimise pollution by ensuring the provision of a satisfactory means of foul water disposal.

11. Prior to the commencement of main site works a scheme of surface water drainage works, incorporating sustainable drainage principles, shall be submitted to and approved in writing by the CPA. The scheme shall subsequently be implemented in accordance with the approved details and shall be completed prior to the development hereby approved first being brought into use.

Reason: Details are required to be submitted prior to the commencement of main site works to provide appropriate detail to safeguard against increased risk of flooding.

12. Prior to the commencement of main site works, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. 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.

Reason: Details are required to be submitted prior to the commencement of main site works to provide an appropriate methodology that will ensure that the site is remediated to an appropriate standard.

13. Works related to the demolition of the wall and ramped access (Drawing AL(0)301), shall be carried out with caution, with the site/works tested for the presence of asbestos in accordance with Nottinghamshire County Council's *Code of Practice for Carrying Out Work that may Disturb ACMs (Asbestos Containing Materials)* (NCC Code of Practice). In the event that the presence of asbestos is identified, details of the steps to be followed in the NCC Code of Practice to manage the risk associated with asbestos shall be submitted to the CPA, and development shall be carried out in accordance with the approved details.

Reason: To ensure that the risk associated with asbestos containing materials is appropriately managed.

14. Prior to being installed, the location and design details of external light fittings, in a scheme complying with Institute of Lighting Professionals *Guidance for the Reduction of Obtrusive Light – Zone E2*, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

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

15. The woven fencing detailed in the Planning Statement Addendum dated 26 June 2016 shall be installed to the satisfaction of the CPA prior to the extended car park first being brought into use, and shall be maintained and retained at a height of 1.2m so as to prevent car headlights shining on to facing properties on Littleworth throughout the life of the development.

Reason: For the avoidance of doubt as to the development permitted and to safeguard the amenity which facing residents of Littleworth could reasonably expect to enjoy in compliance with Mansfield District Local Plan 1998 – Policy BE1 New Development.

16. Prior to the eight classroom building first being brought into use the parking, turning and servicing areas of the extended car park shall be constructed, drained, and surfaced, and marked out in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

Reason: In the interests of Highway safety.

17. 20 covered cycle parking spaces shall be provided. Prior to being installed design details of the covered cycle spaces shall be submitted to and approved in

writing by the CPA. The covered cycle spaces shall be provided in accordance with the approved details to the satisfaction of the CPA prior to the eight classroom building first being brought into use.

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

18. Within 3 months of the commencement of development, a scheme for the provision of a signalised *Puffin* crossing on Littleworth and relocation of the adjacent bus stop shall be submitted to and approved in writing by the CPA. Prior to the eight classroom building first being brought into use, the approved scheme shall be provided to the satisfaction of the CPA unless some other timescale for the provision of the signalised crossing has first been agreed in writing by the CPA in consultation with NCC Highways.

Reason: In the interest of highway safety.

19. Within 3 months of the commencement of development, design details of;
- a) new playing field construction (to include drainage, composition and seeding);
 - b) construction specification for new hard play areas;
 - c) drainage of new areas used for outdoor play; and
 - d) a grid of new playing field levels and new areas of hard play;

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

New playing field and new areas of hard play shall be constructed and provided in accordance with the approved details prior to the approved eight classroom building first being brought into beneficial use.

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

20. Within 6 months of the commencement of development a scheme, including a programme for the provision of landscaping to include:
- a) species, locations, planting size and planting density of plants;
 - b) species (not to include ash (*Fraxinus excelsior*)) and location of nine Extra Heavy Standard trees;
 - c) seed mix specification;
 - d) establishment methods (including tree pit detail); and
 - e) 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 season following the development first being brought into use. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

Reason: In the interest of visual amenity.

21. Prior to the eight classroom building first being brought into use, a review of the School Zone on Littleworth, St Andrew Street, St Catherine Street, St Andrew Street and Baum's Lane shall be carried out, and a report with recommendations shall be submitted to the CPA. Recommendations for the modification of the School Zone and/or increasing the opportunity for short-term school related parking on Littleworth shall be implemented within 3 months of the date of submission of the report.

Reason: In the interest of highway safety.

22. The Head Teacher of King Edward Primary School, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives. The Travel Plan Coordinator shall within 3 months of the eight classroom building first being brought into use provide a completed King Edward Primary School Travel Plan aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school, including timelines for monitoring, review and implementation, to the written satisfaction of the CPA. The King Edward Primary School Travel Plan include initiatives to:
 - a) promote education relating to sustainable travel and road safety education, in consultation with NCC Road Safety Team;
 - b) raise awareness of the problems car journeys can create;
 - c) reduce travel by vehicle to and from school;
 - d) promote car sharing;
 - e) raise awareness amongst parents of the issues of travel to school; and
 - f) manage student drop-off and pick-up.

The School Travel Plan shall include:

- g) the scope and a programme for monitoring school related short-term parking on the public highway, and any potential highway safety issues arising;
- h) the scope and a programme for monitoring pedestrian-cyclist movements associated with the school's peak operation times;

- i) a proposal to attain periodic staff-pupil travel pattern behaviours, through origin-destination-post code-multi modal surveys;
- j) modal shift targets; and
- k) demand for, and future provision of additional covered cycle spaces;

and demonstrate that active engagement has taken place with the local community and civil enforcement officers.

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

23. The Travel Plan Coordinator shall first submit a report to the CPA within 6 months following the eight classroom building first being brought into use, and thereafter submit annual reports for a minimum period of 5 years and until King Edward Primary School Travel Plan single occupancy car passenger targets have been met. The annual monitoring reports shall summarise the data collected over the monitoring period (Condition 22g-22j)), consider the requirement for a Traffic Regulation Order to be made and/or the provision of a School Crossing Patrol on Baum's Lane (including programme for delivery if required), evidence consultation with NCC Road Safety Team in the promotion of sustainable travel and road safety education, and propose revised initiatives and measures where King Edward Primary School Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA.

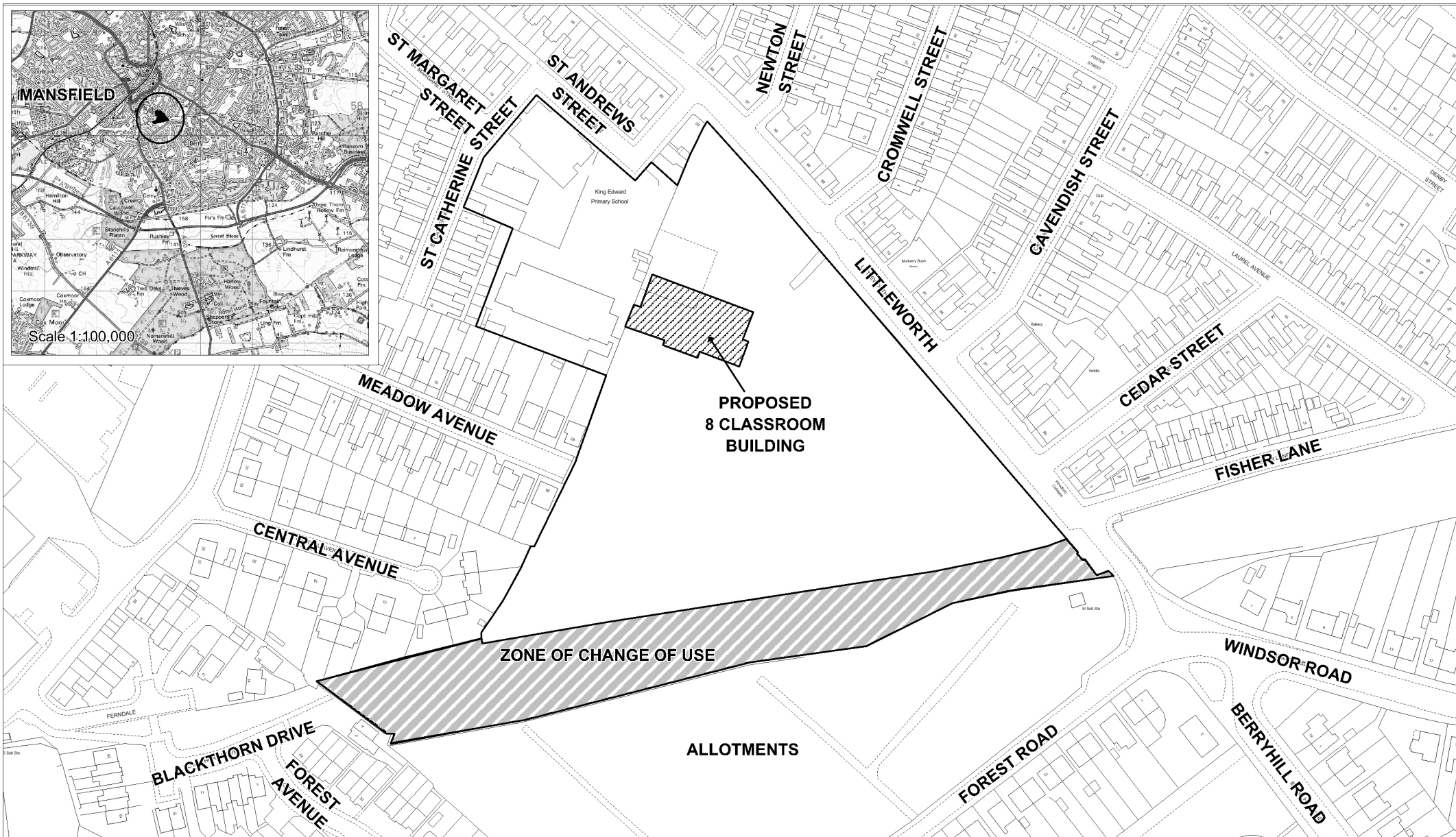
Reason: In the interest of highway safety and to promote sustainable travel.

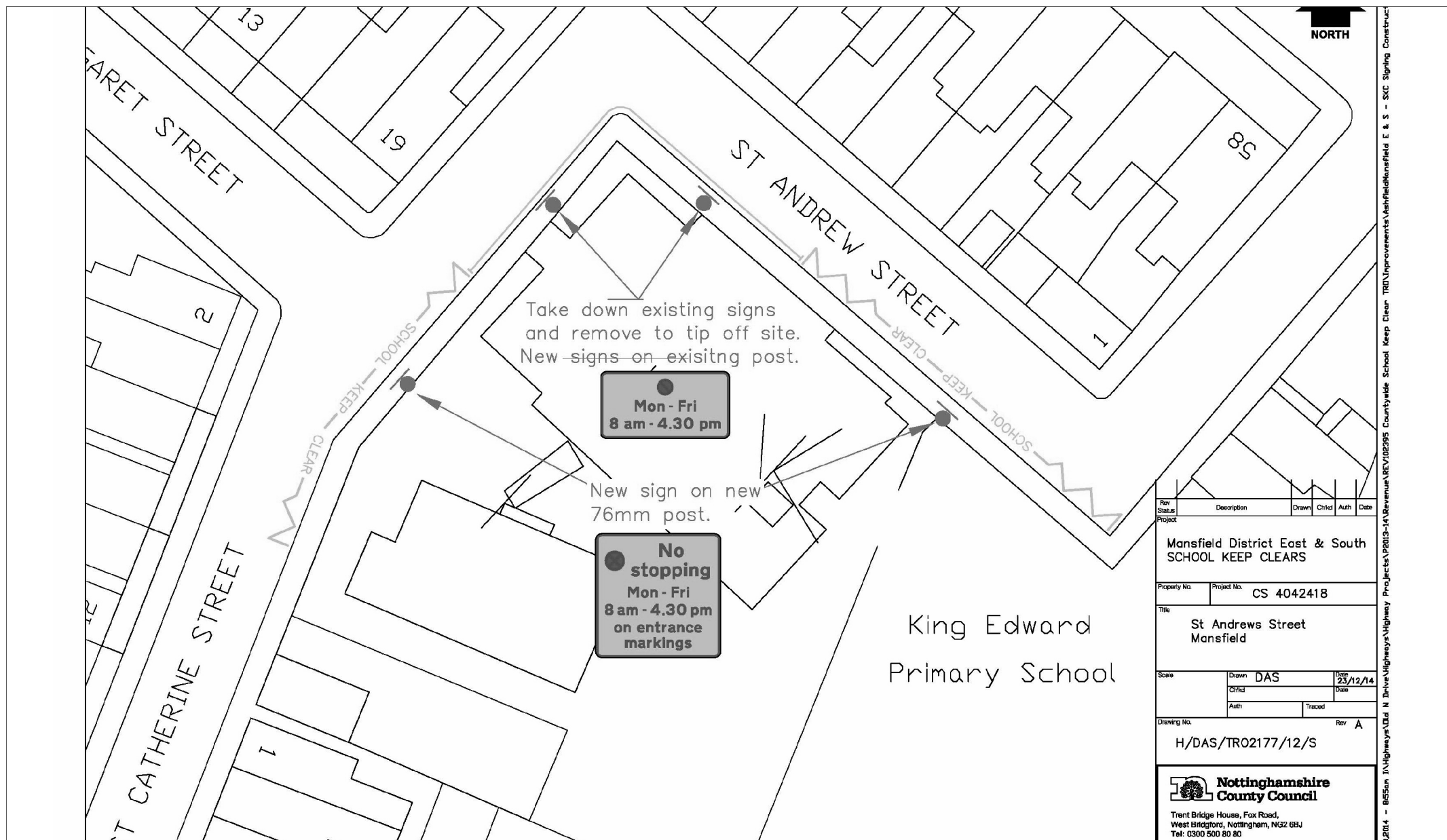
Notes/Informatives

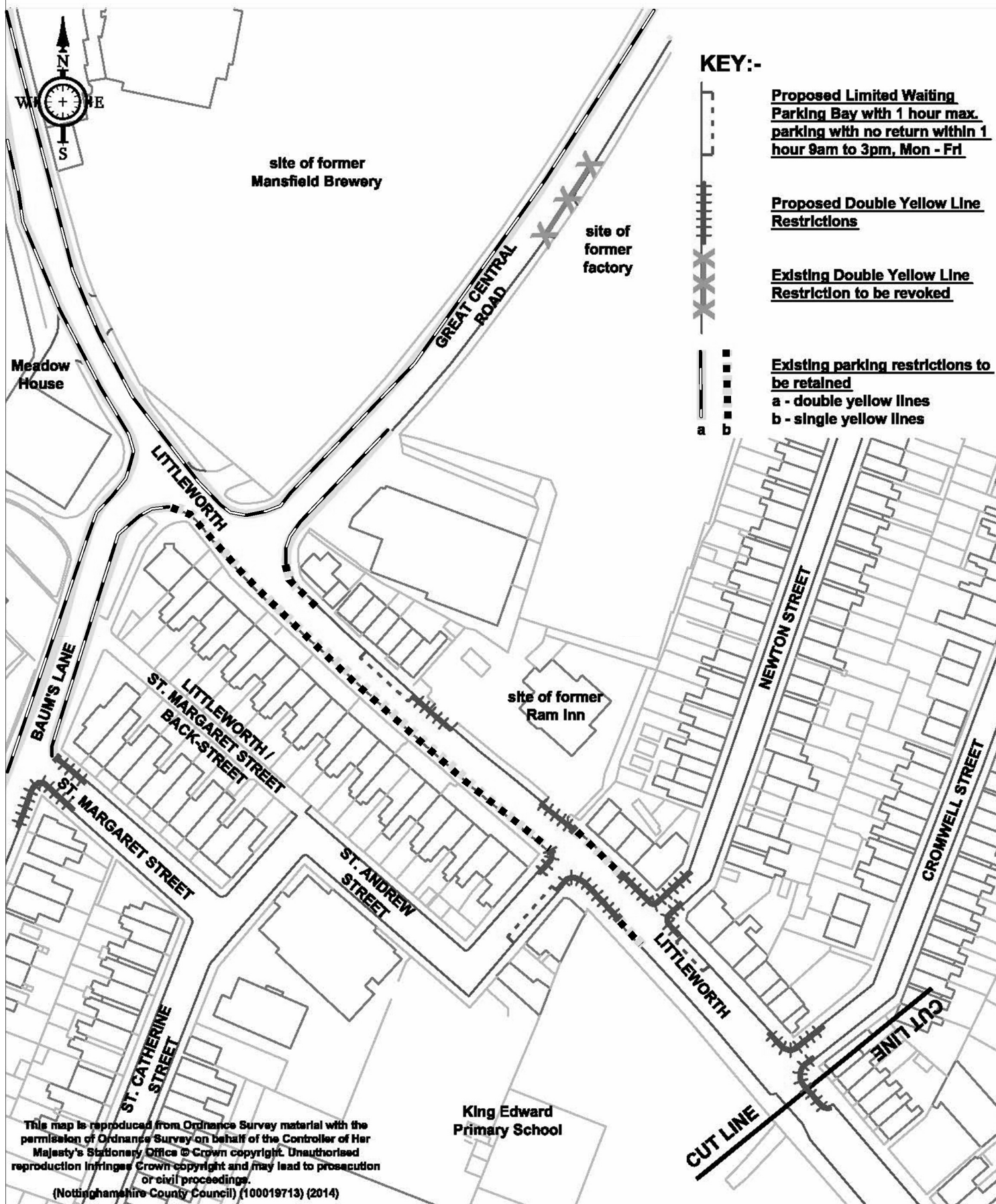
1. With reference to Condition 9c), the Highway Authority will require a proactive approach to be taken rather than cleansing the adjacent public highway with sweepers after material has been deposited.
2. With reference to Condition 2, where the Environmental Management Plan affects public highway, or restoration works may need to be carried out on the highway where construction traffic accesses the site, the applicant will be required to contact the Mansfield District Manager for Highways - Kendra Hourd (highwaysnorth.en@nottsscc.gov.uk 0115-9772127) to agree the plans details and pre-commencement and post construction highway inspections.
3. With reference to Conditions 21-23, NCC Highways Development Control advises that it is commonly known that the principal problem outside schools is caused by discourteous parents ignoring any parking restrictions that may exist. The Highway Authority recommends that the school liaises with Mansfield District Council's Civil Enforcement Officers who manage parking enforcement in the area, to address any potential issues. This could be implemented through

appropriate initiatives and mechanisms in the School Travel Plan. Through the revised School Travel Plan, the nominated Travel Plan Coordinator should hold frequent community liaison meetings with Civil Enforcement Officers to achieve best utilisation of resources to tackle any issues raised by surrounding residents.

4. With reference to Condition18 and the relocation of the bus stop, the applicant will need to contact NCC Transport Facilities transport.facilities@nottsc.gov.uk
5. NCC Project Engineer (Noise) advises that the design and construction of the new school building must comply with Section 8 of Approved Document E to the Building Regulations 2010 and Building Bulletin 93 (BB93). An acoustic specification report should be commissioned to inform the acoustic design standards of the new school building.

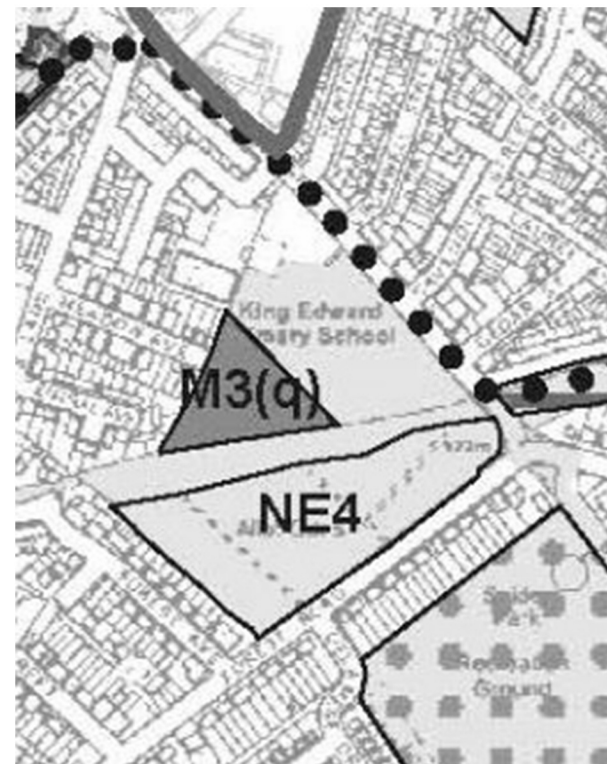








Mansfield District Local Plan 1998



Mansfield District Local Plan Consultation Draft 2016



**Nottinghamshire
County Council**

Construction of new 8-class single storey freestanding building including hall and ancillary spaces. Construction of sprinkler tank compound; new 3.2m high timber enclosure and 2.4m high security fence to boundary; 2 new 5-a-side grass pitches; enlarge staff car park, retaining walls, new footpaths, steps, ramp and macadam hard play areas. Demolition of section of existing masonry wall and ramp. Construction of new timber screen to staff car park and associated re-grading and external works. Change of use of former railway land to school use (Class D1) and crossing works and upgrades to highway.

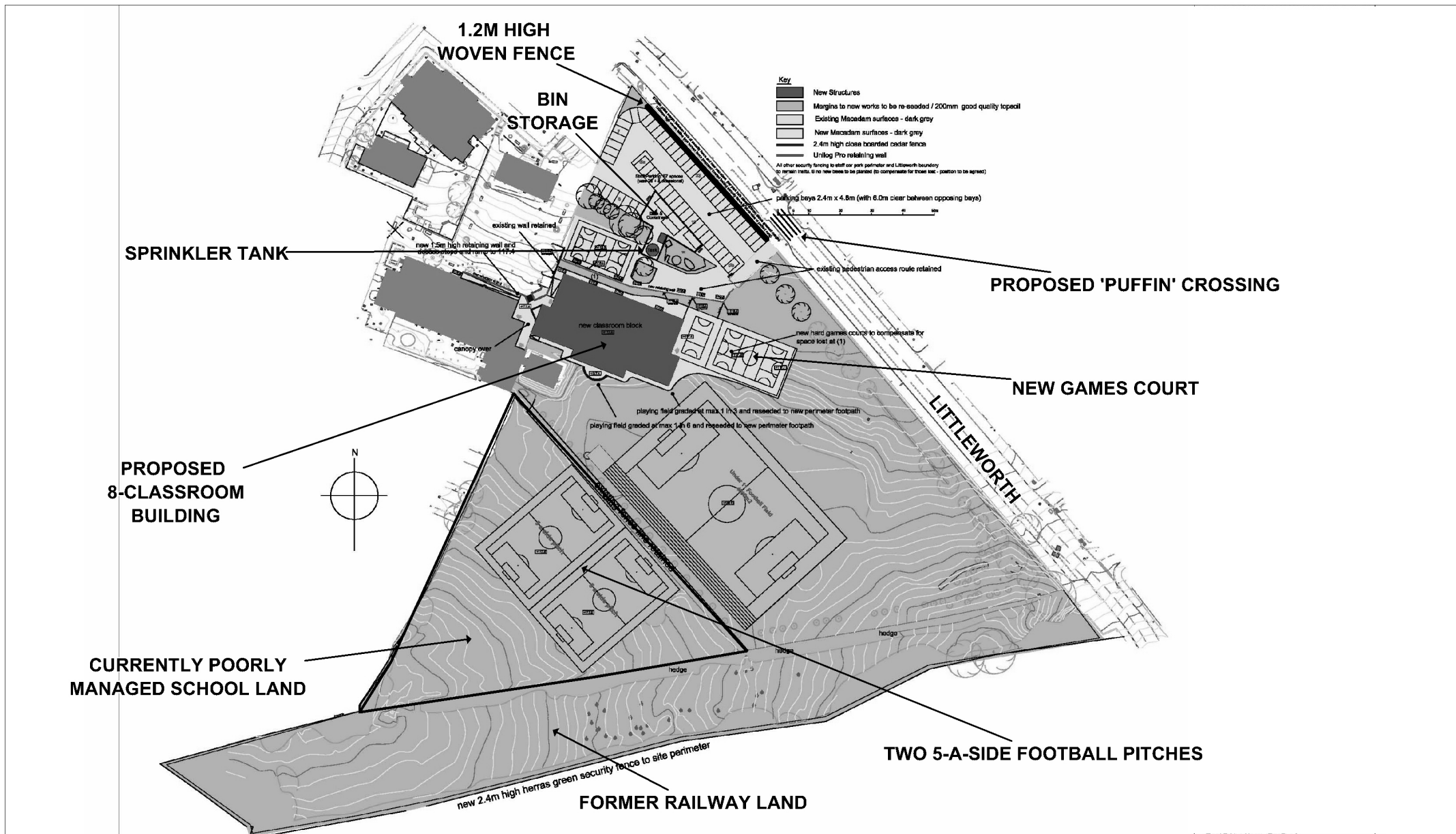
King Edward Primary School, St Andrew Street, Mansfield, Nottinghamshire.
Planning Application No. 2/2016/0206/ST

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2016)



Not to Scale
Produced by: JW
Date: JULY 2016

PLAN 4



**Nottinghamshire
County Council**

Construction of new 8-class single storey freestanding building including hall and ancillary spaces. Construction of sprinkler tank compound; new 3.2m high timber enclosure and 2.4m high security fence to boundary; 2 new 5-a-side grass pitches; enlarge staff car park, retaining walls, new footpaths, steps, ramp and macadam hard play areas. Demolition of section of existing masonry wall and ramp. Construction of new timber screen to staff car park and associated re-grading and external works. Change of use of former railway land to school use (Class D1) and crossing works and upgrades to highway.

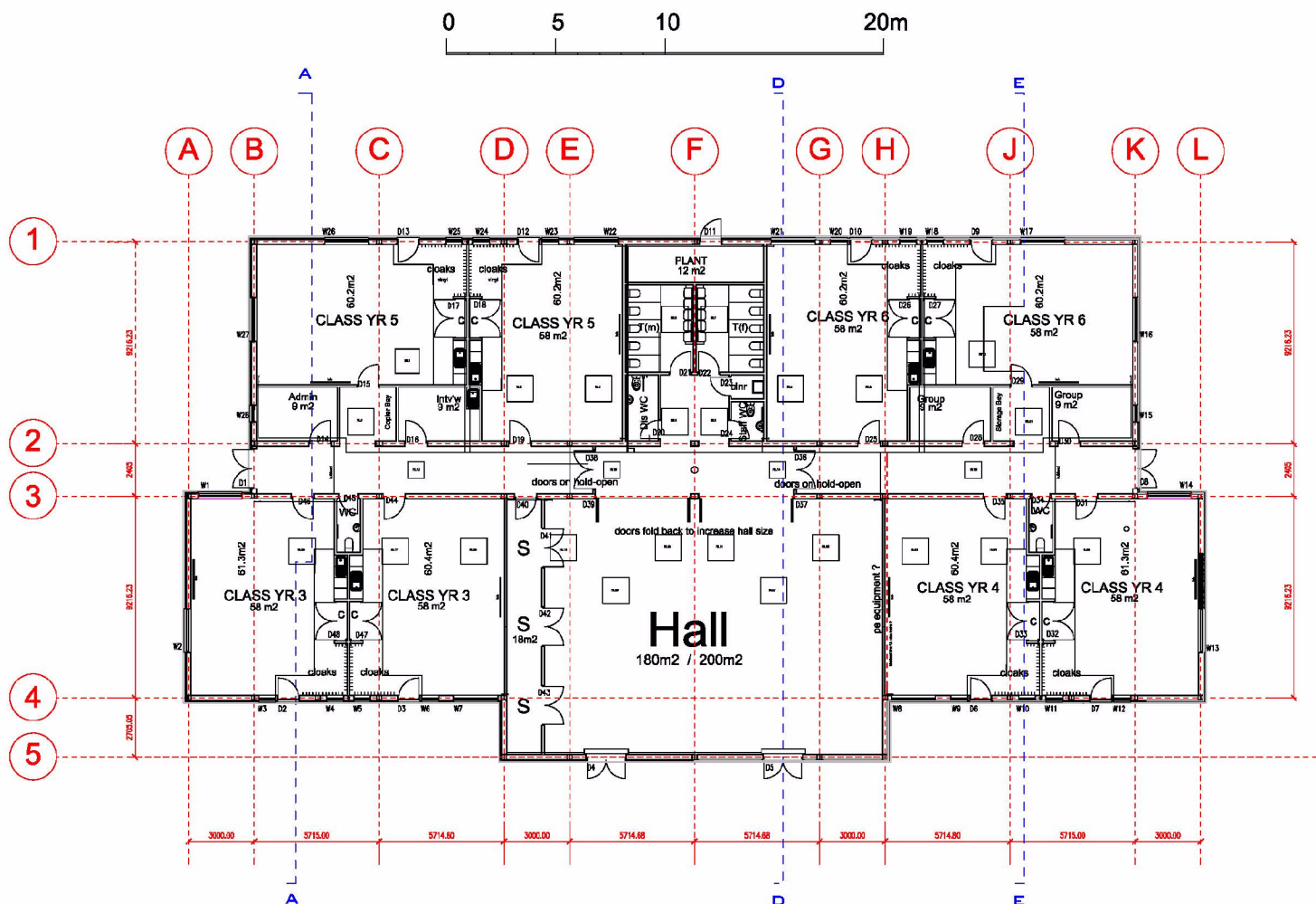
King Edward Primary School, St Andrew Street, Mansfield, Nottinghamshire.
Planning Application No. 2/2016/0206/ST

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2016)



Not to Scale
Produced by: JW
Date: JULY 2016

PLAN 5



**Nottinghamshire
County Council**

Construction of new 8-class single storey freestanding building including hall and ancillary spaces. Construction of sprinkler tank compound; new 3.2m high timber enclosure and 2.4m high security fence to boundary; 2 new 5-a-side grass pitches; enlarge staff car park, retaining walls, new footpaths, steps, ramp and macadam hard play areas. Demolition of section of existing masonry wall and ramp. Construction of new timber screen to staff car park and associated re-grading and external works. Change of use of former railway land to school use (Class D1) and crossing works and upgrades to highway.

King Edward Primary School, St Andrew Street, Mansfield, Nottinghamshire.
Planning Application No. 2/2016/0206/ST

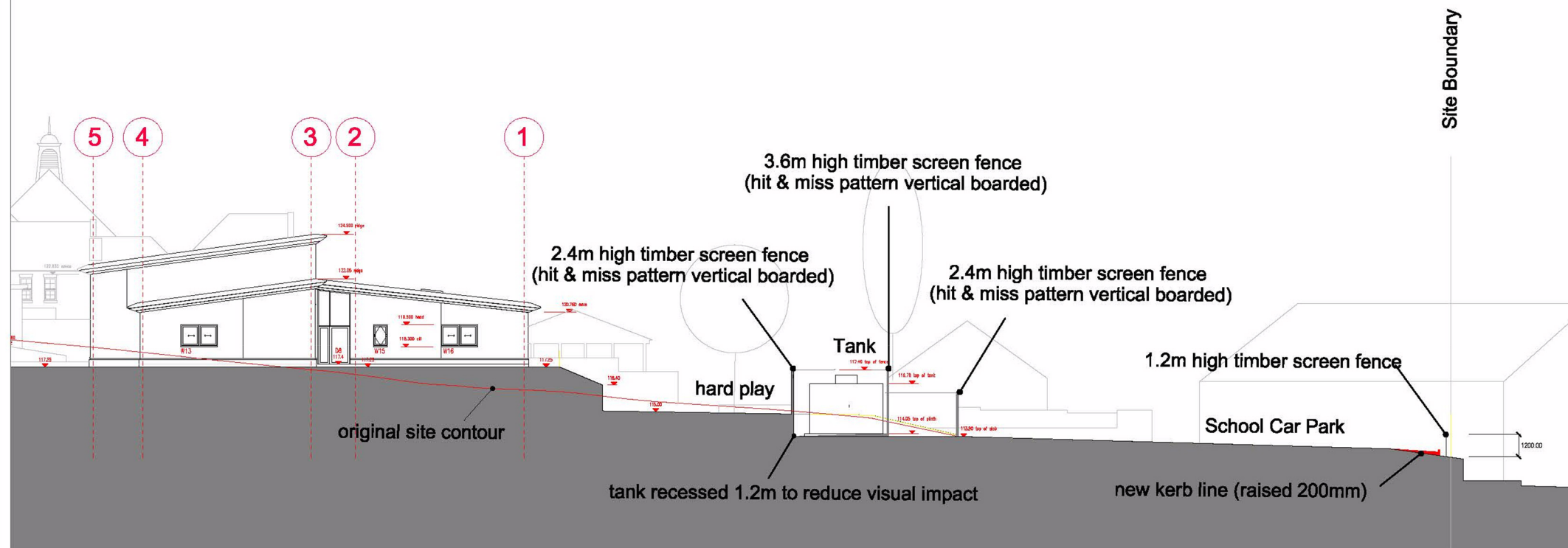
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2016)



Not to Scale
Produced by: JW
Date: JULY 2016

PLAN 6

SECTION KK AS PROPOSED



**Nottinghamshire
County Council**

Construction of new 8-class single storey freestanding building including hall and ancillary spaces. Construction of sprinkler tank compound; new 3.2m high timber enclosure and 2.4m high security fence to boundary; 2 new 5-a-side grass pitches; enlarge staff car park, retaining walls, new footpaths, steps, ramp and macadam hard play areas. Demolition of section of existing masonry wall and ramp. Construction of new timber screen to staff car park and associated re-grading and external works. Change of use of former railway land to school use (Class D1) and crossing works and upgrades to highway.

King Edward Primary School, St Andrew Street, Mansfield, Nottinghamshire.
Planning Application No. 2/2016/0206/ST

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2016)



Not to Scale
Produced by: JW
Date: JULY 2016

PLAN 8



19 July 2016

Agenda Item:

REPORT OF CORPORATE DIRECTOR - PLACE

DEVELOPMENT MANAGEMENT PROGRESS REPORT

1. To report on planning applications received by the Development Management Team between 11th June 2016 to 8th July 2016, and to confirm the decisions made on planning applications since the last report to Members on 28 June 2016.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks

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.

TIM GREGORY

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 – 08/07/2016]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [SES– 08/07/2016]

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 11th June 2016 to 8th July 2016

Division	Member	Received	Determined
BASSETLAW			
Worksop West	Cllr Kevin Greaves		Installation of vertical bar railings at back of footway. Worksop Bus Station, Newcastle Street, Worksop. Granted 29/06/2016 (Committee)
MANSFIELD			
Mansfield South	Cllr Stephen Garner Cllr Andy Sissons		Installation of a lean-to aluminium frame canopy. The canopy will be installed above a main door in an area away from the road. Abbey Primary School, Stuart Avenue, Forest Town, Mansfield. Granted 06/07/2016
NEWARK & SHERWOOD			
Rufford	Cllr John Peck	Installation of Combined Heat and Power (CHP) Plant. Land at Sherwood Forest Centre Parcs. Received 24/06/2016	

Division	Member	Received	Determined
Newark West	Cllr Tony Roberts		Regularisation of use of additional land in connection with scrapyards, erection of buildings for use in connection with scrapyards, erection of additional buildings and plant/machinery including extension to existing offices. Briggs Metals Limited, Great North Road, Newark. Refused 27/06/2016
Farndon & Muskham	Cllr Mrs Sue Saddington		Varying the requirements of Conditions 1 & 2 of Planning Permission 3/14/00896/CMA to extend the timetable for completing the restoration and aftercare planting of Staple Quarry (Gypsum) landfill and Ayers Rock until 31st December 2016. Staple Quarry Landfill Site, Grange Lane, Cotham. Granted 30/06/2016
ASHFIELD			

Division	Member	Received	Determined
Kirkby in Ashfield South	Cllr Rachel Madden	1. Erection of a small conservatory as a lean-to on existing building to be used as a small reading area and storage; 2. Erection of a log cabin type building, alongside the school playground to provide a reading area (outdoors) and indoor library space. The building will consist of 3(no) hexagonal interlocked pods. Kirkby Woodhouse Primary School, Main Road, Kirkby in Ashfield. Received 27/06/2016	
BROXTOWE - None			
GEDLING - None			
RUSHCLIFFE			
Keyworth	Cllr John Cottee		Additional hardstanding on undeveloped land within the confines of the existing wood facility site, the construction of 5m high wall for noise attenuation purposes, and the re-orientation of the wood shredding building from that which is currently consented with amended roof design. John Brooke Sawmills Limited, Fosse Way, Upper Broughton. Granted 29/06/2016 (Committee)

Applications outstanding over 17 weeks at 30 June 2016

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Misterton	Cllr Liz Yates	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - Wellsite construction; Phase 2 - Drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 - Suspension of wells and assessment of drilling results; Phase 4 - Site decommissioning, well abandonment and restoration. Land off Springs Road, Misson	36	Awaiting a second Regulation 22 for further information, expected early July 2016, and will require a further re-consultation process to be undertaken.

Division	Member	Description	Weeks Out Standing	Comments
Tuxford	Cllr John Ogle	Vary conditions 1,9,10,11,23,24,25,and 27 of planning permission 1/15/00018/CDM to facilitate approval of a revised restoration scheme for the Rampton Quarry (Area R1). Rampton Quarry, Torksey Ferry Road, Rampton	30	Awaiting further information on landscaping
Tuxford	Cllr John Ogle	To vary conditions 1,2,3,7, and 15 of planning permission 1/15/00019/CDM tp facilitate approval of a revised restoration scheme for the Rampton Quarry (Area R2). Rampton Quarry, Torksey Ferry Road, Rampton	30	Awaiting further information on landscaping
MANSFIELD – None				

Division	Member	Description	Weeks Out Standing	Comments
NEWARK & SHERWOOD				
Collingham	Cllr Maureen Dobson	To vary conditions 2, 4, 24 and 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 December 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter and also amendment of the approved restoration and working plans. Besthorpe Quarry, Collingham Road, Collingham	83	Resolved to grant permission upon the agreeing and signing of S106 Legal Agreement
Southwell & Caunton	Cllr Bruce Laughton	Installation of automatic vehicular gate to main entrance. Minster View, Normanton Road, Upton.	25	The applicant has requested further time, so they can approach a new gate manufacturer.

Division	Member	Description	Weeks Out Standing	Comments
ASHFIELD				
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	203	No change- Still awaiting traffic impact assessment from the applicant
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Construction of a new waste transfer building to reduce dust and noise including an overflow picking station plus the consolidation of the site into a single waste transfer station. 15B Wigwam Lane, Hucknall.	69	Presented to Committee 19/01/2016, where it was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement
Sutton in Ashfield East	Cllr Steve Carroll	Installation of a 5MW Solar PV Array with associated access track and temporary construction compound. Two Oaks Quarry, Derby Road, Mansfield.	42	Awaiting wild flower seed information.

Division	Member	Description	Weeks Out Standing	Comments
Sutton in Ashfield North	Cllr Jason Zadrozny	Construction of new path and steps to form a new access to the Ashfield Bolsover Trail. Embankment to the north-east of the railway bridge over Fackley Road, Teversal	29	Applicant has requested a time extension for them to review planning problems
BROXTOWE				
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	180	Further information concerning asbestos and ecology received, awaiting landscape
GEDLING				
Newstead	Cllr Chris Barnfather	Improvement works to the country park involving the remodelling and partial in-filling of lake 2 for development as a fishery, and wider landscape improvement works and path upgrades, in total requiring the importation of circa 17,000m3 of inert materials and soils. Newstead and Annesley Country Park, Newstead Village	187	Resolved to grant permission upon completion of S106 agreement at Committee on 25/02/2014. Applicant is re-opening negotiations for the completion and signing of the of the legal agreement – Can be found elsewhere on the agenda

Division	Member	Description	Weeks Out Standing	Comments
Calverton	Cllr Boyd Elliott	Improvements to Springwater Golf Club including the conversion of the practice range into a 6 hole Par 3 course; relocation and raising of 10th Tee and widening and lengthening of the 17th fairway using site derived and imported soils. Springwater Golf Club, Moor Lane, Calverton	56	Resolved to grant permission upon completion of S106 agreement at Committee on 19/01/2016.
RUSHCLIFFE				
Soar Valley	Cllr Andrew Brown	Request for none compliance of condition 6 of planning permission 8/12/01488/CMA to extend the time period necessary to restore land. East Leake Quarry, Rempstone Road, East Leake	Not counting	Revised restoration scheme received and consulted upon, which has raised landscaping and bird strikes issues, which need to be resolved. Held in abeyance by the applicant to run with the Extension application

Division	Member	Description	Weeks Out Standing	Comments
Soar Valley	Cllr Andrew Brown	Application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake	97	Presented to Committee on 20/10/2015 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement. The applicant has asked for an extension of time until 31 st August 2016 to complete the S106 agreement.

Division	Member	Description	Weeks Out Standing	Comments
Ruddington	Cllr Reg Adair	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 and to bring forward the operating time on the IBA waste transfer area from 0730 hours to 0700 hours Mondays to Saturdays. Bunny Materials Recycling Facility, Loughborough Road, Bunny	33	Presented to committee on 28 June 2016 and was deferred for additional consideration.

Division	Member	Description	Weeks Out Standing	Comments
Keyworth	Cllr John Cottee	Placement of a 950KW Pytec biomass boiler within the existing building "C" incorporating a 10m high flue. Construction of a new enclosure to the south side of the existing building to cover two Fliegi dryers. And change of use of the existing building to a dry pellet store. John Brooke Sawmills Limited, The Sawmill, Fosseway, Widmerpool	22	Presented to Committee on 20/10/2015 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement.

19 July 2016**Agenda Item:****REPORT OF CORPORATE DIRECTOR, RESOURCES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2016.

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

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
20 th September 2016	8/16/00059/CMA	Bunny Materials Recycling Facility, Loughborough Road, Bunny	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.
20 th September 2016	3/16/00876/CMA	Stud Farm, Rufford	Construction of a digestate storage lagoon for an Anaerobic Digestion Plant.
20 th September 2016	MRA/3516	Marblaegis Mine, Gotham Road, East Leake	To vary condition 2 of planning permission 8/00/01321/CMA to extend the operation of the mine until 22 February 2042
20 th September 2016	MRA/3517	Marblaegis Mine, Gotham Road, East Leake	To vary condition 4 of planning permission 8/11/01544/CMA to extend the operation of the mine until 22/02/2042
to be reported to a stand-alone committee on 5 th October 2016	1/15/01498/CDI	Land off Springs Road, Misson	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - Wellsite construction; Phase 2 - Drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 - Suspension of wells and assessment of drilling results; Phase 4 - Site decommissioning, well abandonment and restoration.

Planning Applications currently being considered by NCC which currently have not been timetabled to a committee meeting.

Planning App.: 4/V/2015/0781
 Location: Embankment to the north-east of the railway bridge over Fackley Road, Teversal
 Development: Construction of new path and steps to form a new access to the Ashfield Bolsover Trail

Planning App: ES/3524
 Location: Land off A634, Between Blyth and Barnby Moor, Near Retford.
 Development: The exploratory well would be a vertical multi-core well to target the Bowland Shale and Millstone Grit geological formations to assist with the assessment of the shale

gas basin in the area. In addition, three sets (with each set containing up to 3 boreholes) of monitoring boreholes would be installed to sample and monitor groundwater and ground gas during the drilling of the exploration well. The proposed development would involve permission for the security cabins already on the site, together with the construction work associated with the development of the well site, the drilling (using a drill rig of a maximum height of 60m) and evaluation of the well and monitoring boreholes and then the decommissioning and restoration of the site back to agricultural use. The development would be for a proposed three year period.

Planning App:	5/13/00070/CM
Location:	Shilo Park, Shilo Way, Cossall
Development:	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings.