

## **Planning and Rights of Way Committee**

**Tuesday, 12 March 2024 at 10:30**

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

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### **AGENDA**

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| 2 | Apologies for Absence   |           |
| 3 | Declarations of Interests by Members and Officers:- (see note below)  |           |
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| 6 | Section 73 application to vary plans approved by Condition 3 of Planning Permission - Millside Spencer Academy Primary School, Evans Road, East Leake | 77 - 116  |
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### **Notes**

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact James Lavender (Tel. 0115 854 6408) 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 Rights of Way Committee

Date: Tuesday 30 January 2024 (commencing at 10:40am)

**Membership:****COUNCILLORS**

Mike Quigley MBE (Chairman)  
Jim Creamer (Vice Chairman)

Mike Adams	Andy Meakin
André Camilleri	Nigel Moxon ( <b>apologies</b> )
Robert Corden	Philip Owen
Sybil Fielding ( <b>apologies</b> )	Francis Purdue-Horan
Paul Henshaw	Gordon Wheeler
Rachel Madden ( <b>apologies</b> )	

**SUBSTITUTE MEMBERS**

Pauline Allan for Sybil Fielding  
Richard Butler for Nigel Moxon

**OFFICERS AND COLLEAGUES IN ATTENDANCE:**

James Lavender	-	Democratic Services Officer
Neil Lewis	-	Team Manager, Countryside Access
Jaspreet Lyall	-	Solicitor and Legal Advisor to the Committee
David Marsh	-	Major Projects Senior Practitioner
Jonathan Smith	-	Interim Group Manager - Planning

**PUBLIC SPEAKERS IN ATTENDANCE:**

Beth Downing	-	Removal of Condition 10 of Planning Permission 4/V/2021/0386 to allow Continued Use as a Small (2-Bed) Home for Children in the Care of the Local Authority (Item 6)
Councillor Tom Hollis	-	Removal of Condition 10 of Planning Permission 4/V/2021/0386 to allow Continued Use as a Small (2-Bed) Home for Children in the Care of the Local Authority (Item 6)

## **1. MINUTES OF THE LAST MEETING**

The minutes of the last meeting held on 7 November 2023, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

## **2. TO NOTE THE REPLACEMENT OF COUNCILLOR SAM SMITH WITH COUNCILLOR GORDON WHEELER**

### **RESOLVED (2024/01)**

That the appointment of Councillor Gordon Wheeler to the Planning and Rights of Way Committee for the remainder of the 2023/24 municipal year, be noted.

## **3. APOLOGIES FOR ABSENCE**

Sybil Fielding	-	other reasons
Rachel Madden	-	illness
Nigel Moxon	-	other county council business

## **4. DECLARATIONS OF INTERESTS**

No declarations of interests were made.

## **5. DECLARATIONS OF LOBBYING**

No declarations of lobbying were made.

## **6. REMOVAL OF CONDITION 10 OF PLANNING PERMISSION 4/V/2021/0386 TO ALLOW CONTINUED USE AS A SMALL (2-BED) HOME FOR CHILDREN IN THE CARE OF THE LOCAL AUTHORITY – 32 SUDBURY DRIVE, HUTHWAITE, SUTTON-IN-ASHFIELD**

David Marsh, Planning Applications Senior Practitioner, introduced the application and gave a presentation which included the following information:

- The planning history of the site and details of the site location;
- The operational history of the site since it had been made into a children's home;
- Nottinghamshire County Council's (NCC) Highways Development Control's assessment of the impact on traffic levels resulting from this application;
- One additional letter of objection not included in the published report was received from a neighbour on the grounds that their residential amenity was disrupted by the residents of the property but noted that it had improved;
- Relations with neighbours since the children's home had been in operation;

- It was recommended that permission should be granted for a further two-year period to expire on 31 January 2026 in order that potential impacts in the longer term could be monitored, with a travel protocol for visitors in place and with resident liaison meetings continuing so that matters of concern locally can be raised and addressed.

Beth Downing, on behalf of the applicant (Nottinghamshire County Council and Homes2Inspire), spoke in support of the application and raised the following issues:

- There was a desperate need for more good quality children's homes in good communities due to the increasing number of children going into the care of local authorities;
- Ofsted has rated the home as Good, and although there had been some initial challenges for staff in dealing with previous residents with complex needs there are no plans to move children with similar levels of need into this home in future. No adverse impacts had been reported by neighbours in more recent times;
- The staff at the home aim to park away from the home and hold meetings off-site;
- There are 974 children in care in Nottinghamshire, with 219 residing in Ashfield. 37 children live in residential homes, 4 of which reside in Ashfield. There were not enough foster carers with Nottinghamshire, hence the need for residential homes like this to keep Nottinghamshire children within the county and close to their families and friends;
- At a national level, 80% of children in care come from families where they have experienced domestic, alcohol or substance abuse, often all three at once. These children were the victims of abuse and care homes like this one were important in keeping them safe.

Councillor Tom Hollis, the County Councillor for Sutton West, spoke on the application and raised the following issues:

- Whilst he agreed with the principle of the care home and that it was the right approach for looking after children in care by moving away from large-scale, institutional children's homes, Sudbury Drive was not an appropriate location for a care home. The property was not in a central location in Hucknall and it was too far from local transport links (the nearest bus-stop was a 15-minute walk away);
- There had been 80 ambulance visits to the property and 50 police visits. Residents of this area were not used to having this level of emergency vehicle presence;
- There were also multiple parking problems connected to the property, with sometimes eight to ten vehicles being parked close to the property for the purposes of visiting the property;

- Ashfield District Council's planning department had recommended refusal of the application due to the impact upon the amenity of neighbouring properties.

Jaspreet Lyall, Nottinghamshire County Council (NCC) Solicitor and Legal Advisor to the Planning and Rights of Way Committee addressed Members about why the planning application was referred to this Committee. The application was referred to the Committee under Regulation 3 of the Town and County Planning General Regulations 1992 that *“an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, shall be determined by the authority concerned, unless the application is referred to the Secretary of State under section 77”*. He reiterated the point that the Committee shall determine the application and that the Committee did not have a choice.

During the debate, Members raised the following issues:

- Members expressed approval for the use of high-quality housing for children's homes;
- Members noted that emergency vehicles would turn up to the homes of foster carers as much as they would for official children's homes;
- Members queried why the traffic calming measure (speed hump) outside the property was not moved despite traffic concerns raised as part of both applications;
- Members believed that clear communication between the Council, the care home provider and neighbouring residents would ensure that children in care will be more integrated within the community. They also felt that NCC's Children and Families department were extremely professional and sensitive to the needs of the residents;
- Members felt that the parking arrangements were appropriate;
- Concerns were raised about the amount of emergency vehicles visiting of the site was negatively impacting the neighbouring residents and that the improvement to the residential amenity was only due to the change of the resident in care.

In response to queries from Members, the Planning Applications Senior Practitioner clarified:

- In reference to Paragraph 30 of the report, Ashfield District Council's refusal of planning permission was relating to the September 2021 planning application. With regards to this application, Ashfield District Council recommended a grant of further permission for a time limited period of two-years;
- When the previous planning application was put forward, the Applicant proposed to move the traffic calming measure from outside the property to a

space equidistance between two of the features on the road. As a two-year permission, it was felt that this relocation was not needed due to the length of the original permission. The NCC Highways Development Control commented that the greater amount of traffic associated with the way in which the children's home has operated since February 2022 has not given rise to specific issues relating to the speed hump, hence there was no additional highway safety benefit from relocating it.

**RESOLVED (2024/2):**

- 1) To approve the grant of Section 73 Planning Permission for the removal of the time limiting restriction on Condition 10 of Planning Permission 4/V/2021/0386 to allow the continuing and permanent use of the property as a two-bed home for children in the care of the local authority.

**7. DEVELOPMENT MANAGEMENT PROGRESS REPORT**

Jonathan Smith, Interim Group Manager for Planning, introduced the report.

**RESOLVED (2024/02):**

- 1) That the Development Management Progress Report be noted, with no additional actions required in relation to its contents.

There being no further business, the Chairman closed the meeting at 11:41am.

**CHAIRMAN**





**12 March 2024****Agenda Item: 5****REPORT OF INTERIM CORPORATE DIRECTOR - PLACE****MANSFIELD DISTRICT REF. NO.: 2/2023/0680/NCC**

**PROPOSAL:** DEVELOPMENT OF SPECIAL EDUCATIONAL NEEDS SCHOOL INCLUDING ANCILLARY PARKING, PLAYING PITCHES, FENCING AND LANDSCAPING, INCLUDING ALTERATIONS TO EXISTING HIGHWAY JUNCTION AND ACCESS ROAD

**LOCATION:** LAND NORTH OF RAVENSDALE ROAD, MANSFIELD

**APPLICANT:** NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN AND FAMILIES

**Purpose of Report**

1. To consider a planning application for the erection of a Special Educational Needs school specialising in autism on the site of the former Sherwood Hall school Ravensdale Annex demolished in 2012, on land north of Ravensdale Road, Mansfield. The key issues relate to the impact of the development on green infrastructure, ecological loss and mitigation, loss of school playing pitches, impact on neighbouring property, and the proposal not prejudicing development of an adjacent site. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

**The Site and Surroundings**

2. This application relates to a site of 2.15ha. to the north of Ravensdale Road (B6033) Mansfield, approximately 1.5km to the east of Mansfield town centre and is the site of a former secondary school annex along with its former grass playing field. The former school annex was demolished to slab level in 2012. The site has not been actively managed and has naturally revegetated with scrub and self-set trees around the building footprint with an expanse of grass to the north. The supporting Preliminary Ecological Appraisal and Biodiversity Impact Assessment identifies the site as comprising unmanaged neutral grassland of poor diversity of botanical species (moderate value) with dense mixed scrub (poor condition but of high ecological value) and bramble scrub (low ecological value).
3. The site is elevated on a visible sandstone escarpment towards the western end of the site frontage to Ravensdale Road. A highway spur from Ravensdale

Road, which was the vehicular access to Sherwood Hall Annex, is adopted highway at 1:12 gradient (8.3%) and is included in the red line of the planning application site. The spur lies opposite an off-set junction with Alcock Avenue (Plan 1).

4. The carriageway of Ravensdale Road is 9.4m in width. There is evidence of School Keep Clear markings across the highway spur leading to the former school although they are not enforceable. There are bus stops on both sides for Ravensdale Road to the east of the highway spur. Other than a white 'H'-bar across the dropped kerb of a residential property and 'bus-box' next to it on the west-bound side of Ravensdale Road, there are no other highway parking restrictions in proximity to the site. Pedestrian guardrail is installed on the south side of Ravensdale Road to the east of the junction with Alcock Avenue (Plan 2).
5. The Ravensdale Hotel is located at the junction of Ravensdale Road and Sherwood Hall Road (B6030). Land to the rear of the public house is the subject of a current planning application for housing (Paragraph 17) with proposed access to be taken from the adopted highway spur north of Ravensdale Road. A brick retaining wall 1.1m-1.5m in height is erected along the housing site frontage to the highway spur. The ground level on the housing site is approximately 0.3m higher behind the wall at the northern end of the frontage, rising to be above the height of the retaining wall at its southern end of the frontage to the highway spur. The footway on the eastern side of the highway spur is 3.5m in width.
6. Bungalows at the end of a turning head on Allwood Close, which is accessed from Sherwood Hall Road, have rear gardens facing towards the application site. The gardens are separated from the application site by a strip of land approximately 11.3m in width which is in the control of Nottinghamshire County Council. That strip of land as well as the hard play/tennis courts of the former Sherwood Hall Annex are excluded from this planning application site (Plan 2).
7. Properties, principally bungalows, are to the north of the site on Chadburn Road. There is an access now used by pedestrians but which may have been a school playing field maintenance access between 31 and 33 Chadburn Road. The access between the bungalows is not in the control of Nottinghamshire County Council and is not within the red line of the planning application site. The terrace of bungalows at 33-39 have rear gardens 9.2m in length while the block at 41-47 have shorter gardens of 6.4m, with mature trees within the gardens at the boundary with the application site.
8. Although the former school site was enclosed by security fencing when the annex was first demolished, that fencing has subsequently been largely dismantled. There are walked paths evident across the site and while visiting the site it has been noted that routes are used to short-cut between Ravensdale Road, Chadburn Road and Sanders Avenue, as well as the area frequently being used to walk dogs. There are no public rights of way across the application site.

9. The application site forms part of a wider green infrastructure designation in the Mansfield Local Plan 2013-2033 (adopted 2020) (MLP) Policy IN2 which also extends to the west. A steeply sloping wooded area with informal footpaths through it to the west of the site is part of Ravensdale Local Nature Reserve and Valeclose Plantation Local Wildlife Site (Plan 3).
10. Levels are stepped across the application site. The grassed former playing field area is at the highest level with the site stepping down by approximately 1.2m to the site of the former school buildings. The former playing field area slopes from west to east with a fall of 3.3m over a distance of 65m (1:20 gradient – 0.5%). Levels on the boundary with properties on Chadburn Road fall correspondingly, although the bungalows themselves are at a level 0.5m below that of the garden and application site boundary. The area of former school hard play/tennis courts, excluded from the application site, is 1.2m below the level of the former grass playing field (Plan 4).
11. Other than for the recent self-set growth there are few trees and no retained hedgerows on the site. Trees of note (Category B) are a mature rowan and a sycamore located towards the east of the site approximately 20m from the rear boundaries of properties on Allwood Close (Plan 5).

## **Background**

12. Nottinghamshire County Council has identified a need for specialist school provision for children with named Special Educational Need or Disability (SEND) of either Social, Emotional and Mental Health, or Autistic Spectrum Disorder.
13. Many of these learners may have an over or under reaction to certain sensory stimuli and require learning spaces providing sufficient flexibility and control to meet a wide range of needs that could vary between cohorts. Over or under stimulation can, together with difficulties in communicating needs, lead some learners to become dysregulated, needing a period of time and space to return to a more emotionally regulated state. Nottinghamshire County Council is seeking to provide a purpose-built facility to meet these needs with good access to the outdoors and nature. A site in a central location within the county has been selected to ease access to the school for children from across Nottinghamshire.

## **Planning history**

14. The former Sherwood Hall Road School and Sixth-Form College on Sherwood Hall Road, of which the Sherwood Hall Annex site close by was a part, was redeveloped as Samworth Church Academy in 2008 in a proposal which rationalised the site.
15. 2/2012/0272/NT (August 2012) – Prior notification of the demolition of the former Sherwood Hall School Ravensdale Annex.

16. 2020/0170/FUL (September 2020) – Mansfield District Council granted full planning permission for the erection of seven dwellings on land adjacent to the Ravensdale Hotel taking access from the highway spur off Ravensdale Road leading to this school application site. The permission was not implemented and lapsed on 7 September 2023.
17. 2023/0663/FUL (current) – application to Mansfield District Council for the erection of seven dwellings with the same access as 2020/0170/FUL on land adjacent to the Ravensdale Hotel (Plan 2). When this housing application was first submitted the vehicular access was proposed towards the northern end of the highway frontage (in the location previously approved by planning permission 2020/0170/FUL). However, it has been amended in response to comments from the Highway Authority taking account of the application under consideration in this report. Access to the proposed housing development is currently proposed mid-way along the frontage to the existing Ravensdale Road highway spur. At the time of this report being published, the application remained undetermined.

## **Proposed Development**

18. This application is for the construction of a specialist SEND school for up to 160 pupils across the 7-19 age range (Key Stage 2 – Post-16) with specific design requirements having been identified that need to be incorporated. The design is to provide for pupils with Autistic Spectrum Disorder and pupils with Social Emotional Mental Health needs. Children will not typically have mobility issues beyond those that can be met within a mainstream school setting.

### Layout, Levels and Design

19. Each Key-Stage is to be accommodated in groups of either four or six classrooms to promote a ‘small school’ feel along with satellite dining spaces to avoid children being overwhelmed by larger central facilities. Separate building entrances are required to address the sensory needs of pupils.
20. The applicant’s underlying assumption is that pupils will generally be driven to and from school, including from outside the immediate area, with a facility required for minibus drop-off and pick-up. A safe, secure and segregated area for drop-off/pick-up is provided (Paragraph 39).
21. Key dimensions and floor levels are shown on Plan 6. The proposed building would have a floor area of 4412m<sup>2</sup> provided on three levels, with one an intermediate mezzanine level. A two-storey building with a school hall, 9.1m in height and 57m in length, would be provided on an east-west axis. A single-storey main building entrance block (taking the overall length of the building to 84m) with a Key Stage 2 block to the north would be provided to the east of the two-storey element of the building. Break-out spaces each with a shelter would be provided to the east and west of classrooms with a larger outdoor space provided to the north, accessed via a door at the end of the Key Stage 2

corridor. Overall, the elevation at the eastern end of the building would be 47.6m in length, 5.5m in height and at a level 2.1m above the level at the property boundary with properties on Allwood Close 42m distant, and 51m from the nearest bungalow.

22. Key Stage 3 accommodation would be provided in a central single-storey northward projecting wing with a height of 5.5m, with a floor level 1.8m above the ground floor of the two-storey building. Break-out spaces each with a shelter would be provided to the east and west of classrooms with a larger outdoor space provided to the north, accessed via a door at the end of the Key Stage 3 corridor.
23. Key Stage 4 and Post-16 accommodation would be provided in single-storey wings 5.5m in height extending to the north and west of the two-storey building, but because of the change in level on the site accessed from the first floor 1.8m above the level of the Key Stage 3 mezzanine. Break-out spaces each with a shelter would be provided to the east and west of Key Stage 4 classrooms with a larger outdoor space provided to the north, accessed via a door at the end of the Key Stage 4 corridor and a break-out area to the north of classrooms of the Post-16.
24. Visually the Key Stage 2, 3 and 4 wings would be approximately 15m apart and stepped by 1.8m when viewed from the north. Bungalows on Chadburn Road to the north-east would be 75m from the three building wings. Steps connecting the levels externally and an alternative ramped route would be provided between the two-storey building, Key Stage 3 and Key Stage 4 wings. A path connecting the wings running between the break-out areas and proposed formal outdoor sports areas would be provided with level landing areas to meet disability access requirements.
25. A sprinkler tank, chiller plant, external air-source heat-pump compound enclosed by timber fencing, and an electricity sub-station area, would be provided at the west of the two-storey building (in proximity to the service area within the building) and south of the Post-16 wing. A timber enclosed bin store would be provided on the south side of an enclosed mini-bus drop off area.
26. The building would be of shallow pitch roof construction with roof parapet walls providing suitable edge restraint without the need for additional guardrail. A 100m<sup>2</sup> photovoltaic (PV) array is shown indicatively on the roof of the main building entrance area, but would not be visible above the roof parapet. PV is intended to meet 18.3% of the building's energy demand. The applicant points out that there is a significant portion of the roof which could accommodate further PVs through this development, as well as opportunity for additional PVs to be added in the future.
27. Indicative views of the approach to the school site, a bird's eye view, and the projecting Key Stage wings when viewed from the north-east are shown on Plans 7-9.

28. The building would be faced principally with buff brick, with elements of black brickwork visually breaking up elevations; and dark grey aluminium framed doors and windows with differently coloured accent panels above for the entrance and each Key Stage. Dark grey cladding board bearing the school name (which may require separate Advertisement Consent from Mansfield District Council) is proposed for the school hall towards the eastern end of the two-storey element of the building. Boxes integrated into the building structure for bat, sparrow, starling and swift are proposed.
29. Two all-weather pitches (playing surface with run off 38m x 28.5m) with sports equipment storage buildings and a tarmac multi-use games area (MUGA) (35m x 21m) would be provided to the north of the Key Stage 2, 3 and 4 wings. The finished surface/type of the all-weather pitches has not yet been decided but would be appropriate to the delivery of the school curriculum. Levels on each of the outdoor playing surfaces would fall from south-west to north-east. The level in the north-eastern corner of the central playing surface would be 0.8m above existing, with that on the eastern pitch being 1.5m above existing ground level. No lighting of the sports pitches is proposed.
30. The MUGA and both all-weather pitches would be enclosed by 3.0m high sports weldmesh fencing except at the northern end of the all-weather pitches where a 3.5m weldmesh fence with 3.5m high timber acoustic panels fixed to the outside facing properties on Chadburn Road would be erected. The acoustic fence would be 61m in length, sited 10.3m from the boundary with properties on Chadburn Road.
31. At its southern end the top of the 3.5m acoustic fence would be 4.8m above the level at the boundary with 33 Chadburn Road, and estimated to be 5.2m above the ground level at the rear of the bungalow at an overall distance from the acoustic fence of 19.8m. At 41-47 Chadburn Road the fence would be 17.2m from the rear of the properties. A landscaped buffer is proposed between the acoustic fence and property boundaries with tree planting indicated indicatively to infill spaces between the existing mature trees in the bungalow rear gardens, with details to be confirmed as part of a landscape strategy. (Plan 10 and Plan 11).

#### Access, Parking and Operational Movement

32. The current highway spur sweeping from Ravensdale Road towards the proposed school site would be modified to create a conventional highway junction with a wider footway formed on its eastern side. A footway crossing with blister paving would be provided either side of the redesigned junction, with a pedestrian refuge to west of the junction to allow safe pedestrian crossing with markings providing a ghost island for right turning vehicles. The 3.5m wide footway on the eastern side of the highway spur leading to the proposed school site would be retained, with a 3.0m wide footway provided on the western side.
33. An access to a 61-space staff car park and drop-off area for 12 mini-buses would be formed on the outside of a bend on the highway. An extended



highway would run eastwards with an access provided to a 30-space visitor car park (Plan 12). The footway on the southern side of the extended highway would be at a level approximately 1.0m above existing ground level, and the level on the northern boundary of the as yet undeveloped housing site subject to planning application 2023/0663/FUL. It is proposed, with regard to the proposed position of the vehicular access in that application, that a visibility splay for that junction would be surfaced with no obstruction to exceed 0.6m in height. The footway on the eastern side of the extended highway to the north of the proposed adjacent housing site access would rise at a gradient of 1:20 (5%).

34. Dropped-kerb pedestrian crossing points are proposed across the mini-bus/staff car park entrance and also across the extended highway in proximity to the school pedestrian entrance gate.
35. Mini-buses entering the site would park in front of the main school building within a fenced compound so that children arriving/departing and vehicle movement can be efficiently and securely managed.
36. Six spaces for electric vehicle (EV) charging would be provided in the staff car park. Four EV parking spaces, one for a disability parking space, would be provided in the visitor car park. Ducting would be provided to other parking spaces to facilitate the future provision of additional EV charging points. A total of three disability parking spaces would be provided, all within the visitor car park and close to the main building entrance.
37. Eight covered and secure staff cycle parking spaces would be provided within the perimeter fence adjacent to the main building entrance.
38. The Transport Statement supporting the application anticipates there being 60 members of staff, arriving at approximately 07:45 hours and departing after 16:30 hours. School lessons would be between 08:45-15:30 hours. Students are expected to arrive from across the county because of the specialised nature of the proposed school. How students would travel to school has been estimated by analysing data from the 14 SEN schools in Nottinghamshire. It is anticipated that 104 students (65%) would travel by mini-bus, 48 (30%) by car/taxi and 8 (5%) walking to school. For those arriving by mini-bus, 16-seater vehicles are to be used and assuming 75% capacity approximately nine mini-buses would be required. Including the expected journeys by car/taxi 57 student related two-way trips are expected each morning and afternoon.
39. The 30-space visitor car park would be used to accommodate the majority of cars/taxis dropping-off/picking-up students. As those vehicles would stop only for a short time, the applicant expects that all drop-off/pick-off activity would occur within the visitor car park, although it is noted that there are no on-street parking restrictions along Ravensdale Road and identifies that there is potential for some overspill parking to take place on the highway.
40. The way in which staff are expected to travel to school has been estimated by reference to a SEN school at Yeoman Park, Mansfield Woodhouse where 75% of travel by staff would be by car (either individually or car sharing). Applying it to

this application, 45 staff are expected to travel by car. The supporting Transport Statement sets out that the School Travel Plan will encourage staff to use more sustainable modes of transport as an alternative to the private car.

41. Minibuses would only utilise the enlarged bays at drop-off and pick-up times, and bays would be vacant during the day for use by delivery vehicles for loading/unloading between 09:00-15:00 hours.

#### Fencing

42. The school site perimeter would be enclosed by 2.4m high green-coloured (RAL 6005) Heras fencing. Fencing sub-dividing the mini-bus drop-off area and staff car park would be 2.0m in height. The sprinkler tank air-source heat pump and sub-station compound, and the bin store compound would be enclosed by 3.0m high hit-and-miss timber fencing. The all-weather pitches and MUGA area would be enclosed by 3.0m high weldmesh fencing.

#### Site Engineering and Landscape

43. The Geo-Environmental Assessment supporting the application states that some earthworks will be required as part of the proposed development but that a significant cut and fill operation is not anticipated. Imported materials (e.g., topsoil) are to be tested to confirm their suitability for use at the site.
44. The site is suitable for the disposal of surface water through soakaways.
45. The Category B rowan and a sycamore located approximately 20m from the rear boundaries of properties on Allwood Close would be removed to accommodate construction of the visitor car park. Other smaller and poorer quality trees to the east and south of the proposed building would be removed to accommodate parking and related access.
46. Tree planting is proposed generally on the perimeter of the school site with small trees proposed along the eastern edge of the visitor car park, and to the north of the acoustic fence, with larger trees to be planted to the north and west of the Key Stage 4 wing and to the south of the Post-16 block. Shrub and tree planting is proposed to the east, west and north of the MUGA and all-weather pitch areas.

#### Ecological Mitigation

47. The application is supported by a Preliminary Ecological Appraisal and Biodiversity Impact Assessment (updated February 2024) which includes a baseline assessment of the site carried out using the Defra Metric 4.0. The results of the assessment show that, even when the maximum amount of replacement provision is included within the development proposals, the scheme would deliver a net loss of -12.34 habitat units/-70.10% loss of biodiversity.



48. To mitigate this loss, in addition to the units being delivered on site through the development, the applicant has been liaising with habitat providers to deliver units off site and has identified a local facility in Bassetlaw where the required units are currently available for purchase. It is proposed that once purchased, the habitat provider will issue the applicant with the necessary documentation which will be provided to the County Planning Authority as evidence that the provision has been secured and will be delivered appropriately.

## Consultations

49. **Mansfield District Council** – No objection subject to details being provided to address the objection raised by Sport England; further survey work assessing the potential impact of the development on protected species (or Construction Environment Management Plan for site clearance works that takes into account the possibility of this reptiles being present); how the significant amount of offsite BNG units required to deliver a minimum of 10% net gain would be secured; ensure safe and suitable access is secured for both the proposed scheme and the adjacent residential development, and that the SEN school does not adversely impact on the living conditions of future occupiers of this site; inclusion of conditions to address potential contamination.
50. MDC Ecologist would prefer to have surveys submitted to support the conclusion that there would be no impacts on bats, although accept the rationale in the updated Preliminary Ecological Appraisal that the impacts should be low.
51. **NCC Highways Development Control** - No objection subject to conditions to require: traffic related elements in a construction management plan; notwithstanding submitted details, the submission of modifications to the proposed new highway and existing highway; safeguarding of a visibility splay for a new access that may serve the proposed development subject to application 2023/0663/FUL (with no obstruction over 0.6m in height); safeguarding of pedestrian visibility splays (with no obstruction over 0.6m in height); off-site traffic management works including Traffic Regulation Order, School Zone and provision of new pedestrian crossing facilities; a School Travel Plan; specification for car park driveways and inward opening gates set back from the carriageway; provision of parking/turning/servicing areas; parking bays at a minimum 2.5m x 5.0m; provision of cycle parking; and surface water not to be discharged on to the highway.
52. The applicant has amended the proposed road layout to safeguard visibility splays for vehicular traffic emerging from the adjacent proposed housing site being considered under application 2023/0663/FUL by Mansfield District Council. Highway proposals based on recommendations of a Road Safety Audit are acceptable. However, consideration should be given to implementing the prohibition of parking around the school access and at the Ravensdale Road junction as part of a School Safety Zone and Traffic Regulation Order.

53. Modifications to the highway (all within highway limits) may be required to comply with the current Highway Design Guide for Nottinghamshire and can be dealt with by planning condition, and will also be the subject of an agreement under s38/s278 of the Highways Act 1980. To deter pavement parking at the Ravensdale Road junction the highway could be stopped-up or made narrower by tree planting. As these works would be within the highway this does not need to be the subject of a planning condition. Similarly, it is recommended that the footway beyond the school visitor car park continues at 3.0m in width and can be dealt with through the highway agreement.
54. The proposed pedestrian crossings on Ravensdale Road are acceptable and will be subject to a detailed design check, together with any new road markings proposed on Ravensdale Road, to improve road safety for all highway users.
55. **Natural England** – No comments and defer to local ecological advice.
56. **NCC Nature Conservation** – No objection subject to conditions to require: off-site provision of biodiversity units; a site Biodiversity Enhancement Plan; control of vegetation clearance during the bird nesting season; protection of retained habitats during construction; control of lighting; and adoption of Reasonable Avoidance Measures for protected mammals, hedgehogs and reptiles, recommended in the Preliminary Ecological Assessment.
57. *The development will result in the loss of an area of neutral grassland and scrub deemed to be of moderate to high ecological value. The grassland appears to comprise common species and is not defined as being species-rich, having developed from the previously managed school fields. Similarly, the scrub habitat on the site is also largely recent in origin, having developed within the last 10 years or so. Other habitats, including broad-leaved woodland, are to be retained.*
58. *A Biodiversity Impact Assessment has been carried out using the Defra Metric v4.0, demonstrating a net loss of 12.34 biodiversity units (70.1% net loss), even accounting for some limited scope to retain and enhance habitat within the development. Given this application was submitted prior to Biodiversity Net Gain (BNG) being mandatory, the requirement in planning policy is to achieve a measurable net gain as per the NPPF. Recent planning appeal decisions from the Planning Inspectorate have determined that a 1% net gain would be policy compliant. It is understood that the applicant has explored providing their biodiversity unit requirements at an offsite location, which is welcomed, and that they consider this to be achievable (notwithstanding a significant extra financial impact). The off-site provision of biodiversity units (which must be sufficient to secure at least a 1% net gain) should be secured in a similar manner to that required for mandatory BNG.*
59. *The development is predicted to have negligible impact on roosting bats with no buildings or structures present on the site. Bat activity surveys have not been carried out. An updated Preliminary Ecological Appraisal and Biodiversity Impact Assessment confirms that none of the trees on site have features likely to support roosting bats and has given further consideration to the impact of the*

*proposals on foraging and commuting bats, providing extra justification for the conclusion that the impacts to foraging bats from habitat loss arising from the development will be low. The site is considered to offer moderate suitability for foraging and commuting bats due to the habitats present and provides a valuable foraging area important to local populations of bat. The majority of existing vegetation will be lost although it is noted that boundary vegetation is to be retained.*

60. *There will be a reduction in mammal foraging habitat. This impact could be reduced through the provision of cut-outs within the site security fencing to allow continued access to/across the site. The Biodiversity Enhancement Plan should include (but not be limited to): provision of integrated bird boxes targeting Swift, House Sparrow and Starling and bat boxes, built into the fabric of the new building; the provision of holes in boundary fences to allow passage by Hedgehogs and larger mammals; and native species planting.*
61. *Reptiles are not likely to be present on the site, and the adoption of Reasonable Avoidance Measures outlined in the Preliminary Ecological Assessment, is appropriate.*
62. *The proposed development will not have any direct or indirect impact on the Sherwood 'prospective proposed Special Protection Area' (ppSPA), and specifically it will not detrimentally affect Woodlark or Nightjar or their habitats.*
63. **Via Countryside Access** – *There is visual evidence that there are routes on the ground that are very well used. No public rights of way are recorded over the proposed development site. This does not preclude unrecorded public rights of way being proven to exist at a later date. Advice is given on the potential risk of a claim for public rights to be acquired through usage, and procedure to divert or extinguish routes that are confirmed.*
64. **Sport England** – *Objection. The proposal would affect playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. The proposal does not accord with any of the exception tests in Sport England Playing Fields Policy or NPPF Paragraph 103. Sport England dispute the applicant's view that as the former school buildings have been demolished and the pitches left redundant, their lawful use has ceased. As the playing field appears not to have been used for at least five years, the consultation with Sport England has been considered as non-statutory.*
65. *If a suitable package of mitigation could be agreed, Sport England would be willing to consider reviewing its position. Consideration should be given to the following:*
  - a) *Provision of playing pitches on the site which meet Sport England and National Governing Bodies' design requirements which would be made available for community use.*

- b) *The use of the land to the east of the site which has been excluded from the application boundary and whether this could be used to provide usable playing field which is made available for community use.*
  - c) *Financial contributions towards sports provision within the local area. Sport England would welcome the opportunity to discuss with the Council and National Governing Bodies opportunities for suitable projects within the local area.*
66. A lack of use of a playing field, or part of, should not be taken as necessarily indicating an absence of need in an area. Such land can retain the potential to provide playing pitches to meet current or future needs. The Mansfield District Council Playing Pitch Strategy (PPS) was published in 2016 and requires updating. If no review has been carried out within three years, then a Playing Pitch Strategy is considered to be out of date. Demand and growth in participation are likely to have changed since the 2016 PPS was undertaken. Without an up-to-date assessment an informed judgement cannot be made on whether the requirements of Exception 1 would be met.
  67. The area of playing field affected by the proposal is approximately 1.3 hectares. The proposal results in the southern part of the playing field being lost as the school building is located on this area. The remaining area of playing field would be 2 x artificial grass pitches measuring approximately 38m x 28m (markings shown 34m x 24m) and a tarmac sports area measuring approximately 35m x 21 m (markings shown 30m x 15m). Further information is required to enable an assessment to be undertaken of whether the proposed pitches comply with relevant Sport England and National Governing Bodies' design guidance or whether the proposal improves the delivery of sports and physical activity on the school site.
  68. Sport England confirm through their consultation with Nottinghamshire FA the Football Foundation are unaware of any previous community usage at the site and there being a grass football pitch formally marked out.
  69. While the proposals for the site include the provision of sports facilities, they do not provide an area of new playing field of equivalent or better quantity or quality (Exception 4).
  70. Exception 5 relates to developments which are for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field. When assessing the benefit to sport, examples of the types of consideration which would be taken into account include whether the facility meets an identified local or strategic need, fully secures sport-related benefits for the local community, helps to meet identified sports development priorities, improves the delivery of sports and physical activity on school sites, complies with relevant Sport England and national governing bodies sports design guidance, and is accessible by alternative transport modes to the car.

71. The proposed playing pitches will not be open to the public due to safeguarding and operational issues. They will therefore not meet an identified local or strategic need or secure sport-related benefits for the local community. Sport England would expect, as part of the mitigation for the loss of playing field, that the school sport facilities are made available for community use.
72. **NCC Access Officer for SEND Policy & Provision** – No objection. *Commentary is provided on the proposal with key points below:*
- a) *Approach - The existing site has topographical challenges generally, and access from the existing adopted highway B6033 Ravensdale Road, would pose difficulties for wheelchair access and mobility impaired pupils and visitors due to the steep gradient. As part of the highways widening works it is recommended that tactile paving crossing points along with pedestrian guardrails and additional street lighting is considered.*
  - b) *Parking - There is adequate provision designated for disabled parking (3 for visitors) sized in accordance with statutory guidance documents BS8300:2001 and positioned as close as possible to the entrance. Pedestrian routes to and from the disabled parking are accessible via a compliant accessible ramp with handrails and refuge areas.*
  - c) *Circulation - Easily accessible, level, or ramped slip-resistant well-drained surfaces are proposed via a compliant 1:21 gently sloping gradient, without trip hazards and with an accessible stepped route nearby providing choice.*
73. **NCC Archaeology** - No comments or recommendations regarding archaeology.
74. **Via Geo-environmental** – No objection subject to conditions to require: submission of a detailed site remediation strategy and verification of remediation subsequently undertaken; a watching brief for contamination which may be expected or otherwise encountered; construction environment management plan for the management and mitigation of the impacts of construction works; and a drainage strategy that acceptably mitigates risk to the underlying principal aquifer.
75. The submitted Preliminary Geo-Environmental Assessment recommends a that an intrusive site investigation is undertaken to confirm the potential contaminant linkages. Highway works are proposed outside the area subject of the Preliminary Geo-Environmental Assessment.
76. **NCC Lead Local Flood Authority** - No objection subject to a condition to require submission of a detailed surface water drainage scheme based on the principles in the submitted Flood Risk Assessment.
77. **Via Noise Engineer** – No objection subject to conditions to require: a construction environmental management plan which addresses noise impacts from construction, including best practice techniques to minimise noise impacts and how communication and liaison with the public shall be undertaken and



complaints managed and dealt with; details of the design and acoustic qualities of the 3.5 m high acoustic fence prior to its installation; a design that reduces and mitigates the impact of ball strike; a maximum noise level of 55 dBA within garden areas at the nearest sensitive receptors; and installed mechanical plant achieving a maximum cumulative noise rating level (including penalties) when assessed in accordance with BS4142:2014 of 37dB LAeq,1hr at the nearest sensitive receptor during the night-time and 45dB LAeq,1hr during the daytime.

78. *A Noise Impact Assessment has been prepared to assess the acoustic conditions for the school using the requirements of 'BB93: Acoustic Design of Schools: Performance Standards 2015'. The assessment shows that with the provision of double glazing and mechanical ventilation systems, noise will be adequately attenuated to achieve the target internal noise criteria in accordance with BB93 requirements for the SEN and all other areas.*
79. *The proposed 3.5m high acoustic fence is demonstrated to provide adequate screening from noise to adjacent residents, provided that the fence is of suitable construction and specification. However, no product details have been provided.*
80. *There is potential for some noise disturbance from the construction of this proposed school. There are likely to be multiple occupied dwellings in proximity to the new school development and so the contractor should employ appropriate noise 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.*
81. *The precise location of any fixed plant, or the nature of its operation are not available. To avoid adverse impact from mechanical fixed plant, this will need to be designed to achieve a cumulative plant noise limit level of 37.0 dBA (when assessed in accordance with BS4142:2014) at the closest noise-sensitive receptors (NSRs) during the night-time period, and 45 dBA at the closest NSRs during the daytime period.*
82. **Police Force Architectural Liaison Officer, Nottinghamshire Wildlife Trust, Severn Trent Water Limited, Cadent Gas and National Grid** - No response received. Any response received shall be orally reported.

## **Publicity**

83. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
84. Objections to the proposal have been received from two properties on Allwood Close raising the following matters:
  - a) The large facility proposed would be out of keeping in a residential area;
  - b) Loss of privacy from overlooking of bungalows on Allwood Close;

- c) Loss of the area for wildlife now established on the site;
  - d) Another school in the area. Increased traffic, noise and pollution (2);
  - e) Loss of value to residential properties.
85. Councillor Andre Philip Camilleri and Councillor Stephen Garner have been notified of the application.
86. The issues raised are considered in the Observations Section of this report.

## Observations

87. The application seeks to provide a specialist school in a central location within the county to address particular identified educational requirements related to Autistic Spectrum Disorder and pupils with Social Emotional Mental Health needs, across the Junior to Post-16 age groups. Addressing those educational requirements and how they need to be managed has influenced the layout and design of the building and outdoor spaces.
88. The site has formerly been used as a school site, having been an annex to Sherwood Hall secondary school prior to the redevelopment and rationalisation of that campus, now Samworth Academy, with the annex site having become surplus to requirements. Since the former buildings were demolished to floor-slab the site has not been actively managed, and the site including the former playing field has naturally re-vegetated. Taking into consideration the historic use of the site, the principal of redeveloping the site for educational use is considered to be acceptable subject to the proposal being compliant with Development Plan policy and consideration of any details that could impact adjoining land.

### Policy – Strategic Green Infrastructure Site

89. Paragraph 9 of the report identifies that the site is within an area of strategic green infrastructure identified in Mansfield Local Plan (MLP) Policy IN2 where development will be supported where amongst other criteria:
- 1a. the functions and key assets of the green infrastructure network are protected and reasonable opportunities for enhancement of these are secured to deliver a diverse range of benefits for people and wildlife;*
  - 1b. good quality connections are maintained to, and within, the green infrastructure network for people and wildlife and, where practical, improve accessibility to ensure new links are created and / or gaps restored; and*
  - 2. On and off-site contributions for new, and where appropriate enhancements to existing, provision will be secured through developer contributions or conditions.*

90. Table 9.2 of the MLP defines the main Green Infrastructure key functions and their related assets. Among other criteria, one relevant to this application is *Landscape Character and Amenity* and provides examples of considerations for new development: the sensitivity and condition of the landscape; avoiding or minimising adverse visual effects on areas of public amenity; and whether the development is appropriate regarding its location, scale or type.
91. A school development is proposed on the site of a former school with the proposed building generally on the footprint of the former school buildings. When the former Ravensdale Annex was in operation there was no public access across the school site between 31-33 Chadburn Road and the woodland and more ecologically rich area to the west. Following demolition of the school, the public have gained access across the site due to the site security fencing having not been maintained, and while the former playing pitch area is currently open, it is not of landscape value.
92. The Preliminary Ecological Appraisal and Biodiversity Impact Assessment supporting the application recognises the value of scrub woodland, which occurs rarely in a conurbation, and the tree line should be retained where possible to provide foraging, commuting and breeding opportunities for species. Although current habitat would be lost it is important that it is recreated through landscaping of the proposed development. Landscaping proposals show indicatively the creation of habitat along the northern boundary connecting with retained woodland habitat outside of the red-line application site to the west and on the frontage to Ravensdale Road.
93. Closing off a pedestrian access to the site between 31-33 Chadburn Road would not preclude access to Valeclose plantation, with alternative access to the woodland available from Lansbury Gardens (off Chadburn Road). It is noted that the Via Countryside Access consultation response confirms that there are no public rights of way across the site, but draws attention to the potential risk of a claim for public rights to be acquired through usage. Although the area of the application site included in the MLP Policy IN2 designation is in continuity with more valuable green infrastructure, the value of the area of green infrastructure that would be lost by this development, including both on-site and off-site mitigation, needs to be balanced against the wider benefit of bringing a former school site back to its former use to meet the identified need for a specialist educational facility. Subject to appropriate ecological mitigation being secured through planning conditions it is considered on balance that the detriment arising from the public no longer being able to cross the designated green infrastructure area is outweighed by the provision of the specialist school.

#### Ecology and Off-Site Mitigation

94. MLP Policy NE2 *Biodiversity and Geodiversity* will support development that, amongst other criteria, seek to deliver net gains in biodiversity, and proposals which allow for the movement of wildlife. A Biodiversity Net Gain (BNG) Supplementary Planning Document has been adopted by Mansfield District Council in September 2023 that calls for 10% net biodiversity gain. The



provisions of the Environment Act to enforce a 10% BNG requirement came into force on 12 February 2024, after this application was submitted. The requirement for this application is to demonstrate a net gain in biodiversity, held through recent appeal decisions across the country to be a minimum increase of 1%.

95. The proposal would retain or provide habitat on the north, west and southern perimeters of the site, retaining and enhancing a tree-line suitable for bat foraging, while the provision of mammal gates in fencing would extend the range of mammal foraging onto the site (Condition 5).
96. The proposed development would result in the loss of an area of neutral grassland and scrub deemed to be of moderate to high ecological value. The ecological value of the site has only developed since the former school site ceased to be managed. Government advice on how BNG can be delivered follows a hierarchical approach giving priority to enhancing and restoring biodiversity on-site (within the red line boundary of the development site) and where that cannot be wholly achieved on site it can be delivered through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site, or buy off-site biodiversity units on the market. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England.
97. The applicant cannot deliver the required BNG on the site, or land adjacent within the applicant's ownership. The applicant's proposal to mitigate the loss of neutral grassland through the purchase of off-site credits would offer appropriate mitigation, but without detail of what or where that provision would be made it needs to be the subject of a pre-commencement planning condition (Condition 4). It is also recommended that a scheme of on-site ecological enhancement is submitted as a pre-commencement requirement in order to inform the amount of off-site mitigation needed (Condition 5).

#### Loss of Playing Field

98. The applicant contends that *'the playing fields were always ancillary to the use of the school building and wider school use. When the school was demolished, the authorised use of the site ceased, including any ancillary uses or functions. The fields then deteriorated and have never been used for playing field type activities since. The site has not therefore contained playing fields since 2012, over a decade prior to the submission of the application. The provisions of paragraph 103 of the NPPF or the Sport England Playing Fields Policy do not apply. Consequently, there is no need to fall into a cited exemption or to mitigate a loss through replacement provision (either on or off site).'*
99. The view held by the applicant is disputed by Sport England and in determining this application it is essential to take a view on the current use of the site. The site had a lawful use as a school site and the pitches were part and parcel of

that use. As such it is necessary to determine if that use has now been lost in order to inform the position on whether pitches are existing or not. The mere cessation of a use is not in itself development but if the use has ceased with no intention that it should be resumed, the inference may be drawn that the rights have been abandoned, perhaps leaving the site with a “nil” use. Permission would then be required for the resumption of the former use.

100. In this case the land is still held by NCC for education purposes and in the absence of a specific decision to hold the land for another purpose it is difficult to infer that there has ever been an intention that the school use is not to be recommenced at some stage (and all associated uses including the pitches). Whilst it is accepted that the site is overgrown and has been for some time it is officers’ view that the site, following demolition of the school building, does not have a nil use.
101. Taking that position, the proposal needs to be considered against NPPF Paragraph 103. Although the latest version of the NPPF was published in December 2023 it remains consistent with Sport England guidance (December 2021) which in its *Playing Fields Policy and Guidance* references the need to meet one of five Exceptions to the loss of playing field. As the playing field has not been used for at least five years, Sport England has confirmed that its response is in a non-statutory capacity, although their view informs decision making. While that does not reduce the value of the advice received, it does mean that the proposal is not subject to *The Town and Country Planning (Consultation) (England) Direction 2021* where a proposal to which Sport England object and is to be approved would first need to be referred to the Secretary of State.
102. NPPF Paragraph 103 states:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

  - (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
103. Sport England seeks to safeguard grass playing fields from development unless at least one of five criteria set out in Sport England’s *Playing Fields Policy and Guidance* are met. Exception 1 requires *A robust and up-to-date assessment [to have] demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.*

104. Mansfield District Council's latest Playing Pitch Strategy was published in 2016 and in the *Final Playing Pitch Strategy Assessment Report* Paragraph 1.3 explains that the document summarises the key issues arising from the assessment of facilities and informs the preparation of the strategy document and aims, amongst other matters, to outline current demand for facilities and evaluate projected demand up to 2025. In the assessment of supply (for football) Paragraph 10.2 identifies at the time that there were 67 individual formal grass football pitches available for community use across Mansfield District. The report also identified at Table 10.2 that the playing field at the former Ravensdale School site subject of this application remained derelict. In terms of adequacy of provision for football (page 210) the report concluded that:
- *There are pitch surpluses across the board and scope to increase capacity at all sites. Participation trends show a decline. Sites which are not currently used have potential to increase supply, but there is little evidence of demand for this currently.*
  - *A review demonstrates that existing lapsed or disused sites are therefore not required to meet current or future needs. The location (sites are not in areas where capacity pressures are currently or projected to be evident) and size of the sites (small single pitch sites, which are not sustainable and of insufficient size to be of benefit) contributes to this. Consultation with the FA on the sites has not revealed that any have any sporting significance or football value.*
105. Mansfield Local Plan Policy (2020) IN3: *Protection of community open space and outdoor sports provision* seeks to safeguard sites in all areas of community open space shown on the policies map and areas for outdoor sports provision identified for protection in Appendix 10 of the Local Plan. The former Sherwood Hall Annex site subject of this application is not included either in the list of sites at Appendix 10 nor identified on the plan, and it is concluded that this is a site that does not need to be protected and only allowed to be developed where open space or outdoor sports provision is surplus to requirements, or alternative provision of an equivalent or greater standard will be provided in an accessible location nearby in accordance with Policy IN3. Section 9.26 of the Mansfield Local Plan advises that *Applications involving the loss of a community open space and outdoor sport provision (Policy IN3) ...should refer to standards and actions set out in the following evidence documents and demonstrate that these have been appropriately considered: [and includes] Mansfield Playing Pitch Assessment and Strategy, 2016 (or equivalent updated version).*
106. Officers have been advised by Mansfield District Council that the 2016 Playing Pitch Strategy is the most recent document available. In that the expressly stated purpose of the *Final Playing Pitch Strategy Assessment Report* was to assess demand over the period 2015-2025 it is considered to remain relevant to the determination of this application, notwithstanding the view of Sport England that it may not remain robust once more than three years old as demand for facilities may have changed.

107. In conclusion on this section regarding loss of playing field, it is considered that the proposal would be compliant with advice in NPPF Paragraph 103a), insofar that an assessment has been undertaken which has clearly shown the playing field to be surplus to requirements by:
- the site having not been identified and made subject to Mansfield Local Plan Policy IN3: *Protection of community open space and outdoor sports provision*;
  - the Development Plan identifying the Mansfield Playing Pitch Assessment and Strategy 2016 as the most up to date document available and relevant to the consideration of applications that would lead to loss of outdoor sports provision; and
  - that document identifying the site to be unused as playing field and no longer needed.
108. Although Sport England has a policy to safeguard grass playing field and can put forward the view that the proposal does not meet any of their policy Exceptions, its non-statutory consultation response is one factor to be considered in the planning balance. Whilst the proposed school building would be partially sited on some of the former grass pitch area, resulting in the loss of a grass playing field, the application site is not currently used for sport. Furthermore, the application proposes a MUGA and two all-weather pitches which would make suitable provision for sport to meet the curriculum requirements of the proposed SEN school with smaller areas for activities provided as a response to the needs of autism. Although contrary to advice on loss of grass playing pitches, the proposal is considered on balance to be to the benefit of sport tailored to the needs of children to attend the school so as to outweigh detriment caused by the loss of the area of grass playing field.

#### Design and Amenity Impact

109. This is a challenging site on which to provide a single building to meet the identified specialist educational demands and the design responds well to the changing levels across the site. The two-storey element of the building will have a visually elevated presence when approached from Ravensdale Road, while the use of dark coloured cladding to the hall and lower (single-storey) main entrance block at the eastern end of the building would reduce the scale and massing of the frontage. The Post-16 and other Key Stage wings projecting to the north of the main block, stepping down in level from west to east, responds well to the site topography. The design incorporates external ramped access between building elements on different levels, with suitable resting places provided on the path connecting wings to the north of the building. The development would bring the site back into use as a school and notwithstanding the representation reported at Paragraph 84a) would be in keeping in the residential area.

110. The proposed stand-alone building would not be visually read in the context of adjacent development and the use of buff coloured brickwork is considered to be appropriate in this location. The proposal would deliver a development compliant with MLP Policy P1 – *Achieving high quality design - 1a*. (which supports development that is inclusive and accessible and has been developed following a robust site and contextual analysis, identifying and responding to constraints).
111. MLP Policy P7 Amenity requires that development should be designed and constructed to avoid and minimise impacts on the amenity of both existing and future users including development close to it. Development should not result in loss of privacy, excessive overshadowing or overbearing impact. Loss of privacy to bungalows on Allwood Close is raised in representations at Paragraph 84b). There would be no first-floor windows in the east elevation. The closest east-facing mid-floor windows to a stairway would be 88m from the closest bungalow, while ground floor windows on the east elevation of the main entrance block would be 51m from the closest property. The massing and proximity of the proposed building would not result in overshadowing. At that distance it is considered that there would not be unacceptable inter-visibility and consequentially loss of privacy from overlooking of the properties on Allwood Close. The impacts of construction are considered at Paragraph 121.
112. The application proposes the erection of an acoustic fence 3.5m in height in proximity to the rear of properties on Chadburn Road. While the noise impact of activity on the adjacent playing surfaces is considered later in this report, the visual impact of the fence and its impact on residential amenity also needs to be considered. The bungalows on Chadburn Road have relatively short gardens (Paragraph 7) and the outlook from those properties would be onto a continuous fence, stepped from west to east to take account of the fall in level across the all-weather surfaces, broken by existing trees within the rear gardens of the properties and proposed tree and additional planting between the fence and the garden boundaries. Although the fence would be sited in an elevated location relative to the adjacent bungalows, the proposed landscaping would visually break up the massing and height of the acoustic fence and is considered to be acceptable and in compliance with MLP Policy P7: *Amenity*.
113. Although not yet approved, the latest revision to the housing application being considered by Mansfield District Council (2023/0663/FUL) proposes dwellings with rear gardens that would back onto the northern boundary in proximity to the extension of the highway proposed in this application. The proposed highway construction would raise the footway on the southern side of the road by 1m above existing ground level, which gives rise to the likelihood of pedestrians on that footway overlooking the rear gardens of the new houses. The closest house would have a rear garden, measured at the shortest distance towards the proposed road, of 5.2m and windows in the rear elevation would be 9.2m from the footway. Privacy could be addressed through the erection of a fence/wall on the residential boundary, but at a height of 2.8m in order to safeguard privacy could be regarded as overbearing. A more practical solution would be to erect a 1.8m high fence at the back of the footway, although other ways to safeguard amenity can be explored through the flexibility of proposed Condition 35. As the



application to Mansfield District Council has not yet been determined there is the possibility that the layout on that site may change and allow a different approach to be taken to the safeguarding of amenity of future residents. The implementation of a satisfactory scheme to prevent overlooking and safeguard amenity would comply with MLP Policy P7 Amenity.

#### Traffic, Access and Parking

114. MLP Policy IN9 - *Impact of development on the transport network* will support development that does not endanger highway safety and allows for satisfactory access and egress from the highway and internal movements within the site. Although the proposed development would be over 4000m<sup>2</sup> in footprint the school has been designed to accommodate 160 children. The supporting Transport Statement bases the assessment of likely traffic generation from other SEN schools and is considered to be robust in its approach. Proposals for the number of mini-bus spaces, staff car parking and visitor car parking are considered to be appropriate. There may be some capacity issues around cars/taxis dropping-off/collecting students from the visitor car park should the anticipated number of vehicles all arrive at the same time, but this is a matter that can be managed through the School Travel Plan and Traffic Protocol. Activity at a SEN school needs to be controlled and particularly well managed. It should be highlighted that there are no residential properties fronting directly onto either side of Ravensdale Road for a distance of approximately 130m to the west of the highway spur which gives access to the application site. Even taking account of proposed highway markings related to the Ravensdale Road spur junction improvements, there would still be a significant length of highway (approximately 80m) on which vehicles would be able to park without affecting two-way traffic movement on Ravensdale Road (9.4m in width) or cause detriment to residential amenity from drop-off and pick-up.
115. With the proposed school being large there is the potential that additional student places could be needed. Whilst that may be acceptable, the traffic impact of an increased number of students and associated staff has not been considered in the Transport Statement. It is considered that a relatively small increase in the student roll could take place without the need for a further assessment of parking and potential highway impact, and a maximum permitted school roll of 175 students is recommended (Condition 6). To give some flexibility to respond to demand which may arise, it is recommended that the maximum number of students on the school roll should not exceed 175 unless the highway impacts are further assessed and found to be acceptable (Condition 7).
116. The application proposes alteration of the junction with Ravensdale Road, the highway spur, and its extension in order to provide satisfactory access to the proposed car park/mini-bus area and the visitor car park. MLP Policy P4: *Comprehensive Development* will support development proposals that would not prejudice the development of sites with existing planning permission or adjoining land with longer term potential. As the alterations on the eastern side of the highway would not prejudice access to the proposed housing site

(2023/0663/FUL), this proposed school development would be compliant with Policy P4. The provision of footways at a minimum width of 3m on either side of the carriageway leading to the school is considered to be appropriate. Works to modify and extend the highway will be the subject of detailed design and relevant highway agreement, and will need to have been completed by the time the school first opens (Condition 30). A School Zone will be required, details of which are the subject of recommended Condition 29. A Traffic Regulation Order would be the subject of separate procedure and public consultation.

117. A representation has been received (Paragraph 84d)) objecting to another school, and increased traffic. Residents on Allwood Close are unlikely to be directly impacted by traffic associated with the proposed school. Access to Allwood Close is taken from Sherwood Hall Road opposite Samworth Academy and traffic associated with that school may cause an inconvenience to residents. However, access to the Academy and the school proposed in this application would be from different roads and it is not anticipated that operation of the two sites would give rise to a cumulative traffic impact.

#### Noise

118. Paragraph 112 of the report considers the visual impact of the proposed acoustic fence on the occupiers of adjacent bungalows on Chadburn Road. The proposed acoustic fence has been assessed to provide suitable mitigation for noise generated by activities on the adjacent playing surfaces and would suitably safeguard the amenity of neighbouring residents in compliance with MLP Policy P7: *Amenity*. The likelihood of all outdoor surfaces being fully used for prolonged periods is considered to be low, with noise likely to be generated only during the school term. Planning Practice Guidance on *Use of Planning Conditions* (2019) advises that conditions should only be imposed that meet six tests including a test of need. Giving consideration to the proposed noise mitigation that would be provided by the acoustic fence, an absence of lighting, and any use of the pitches likely to be for organised activity, rather than more intensive noise generated at break-time for example, it is not considered necessary to restrict out of hours/non-school use of the formal outdoor playing areas.

#### Lighting and Extended Outdoor Use

119. The external lighting of outdoor playing pitches is expressly not proposed in this application. Lighting of the surfaces might not be unacceptable, but has not been assessed in this proposal. As well as considering the potential impact on residential amenity, impact on ecology would also need to be considered. For the avoidance of doubt recommended Condition 26 precludes the lighting of the playing surfaces without a prior express grant of planning permission. Although not proposed in the application it is considered that recommended conditions would provide effective control consistent with NPPF Paragraph 191 over the amenity impacts of extended hours of use of school outdoor facilities within

daylight hours. It is not considered necessary to time limit use of outdoor facilities at the site.

120. Details of proposed external lighting of the building have not been provided in the submitted application. A lighting scheme should be submitted taking account of the presence of bats (Condition 25). Having regard to the size of the site, it is in a relatively dark location within the urban area and it is considered appropriate that the target for the lighting design should be *Environmental Zone E2 – Rural* set out in *Institute of Lighting Professionals – Guidance Note for the Reduction of Obtrusive Light 2021*.

### Construction

121. Abnormal construction activity is not anticipated, and development should take place in compliance with a Construction Environment Management Plan controlling working hours, deliveries and construction methodology in order to safeguard residential amenity (Condition 15 and Condition 16). The siting, height and potential for overlooking of neighbouring properties from upper floor construction cabin windows can be considered and controlled as necessary.
122. Intrusive site investigation is recommended in the Preliminary Geo-Environmental Assessment supporting the application and is the subject of recommended Condition 17. Any material imported to site for ground works should be tested for contamination or otherwise certified to be suitable for the proposed school use (Condition 16e). While four rounds of gas monitoring have been carried out rather than a recommended six rounds, in this instance the applicant's report suggests that risk from ground gas generation is negligible. Should the applicant not carrying out further ground gas monitoring would be at developer risk.
123. The site is suitable for soakaways although a detailed scheme of surface water drainage based on the principles set out in the submitted Flood Risk Assessment is required (Condition 21). However, it will need to be ensured that surface water drainage does not adversely affect the underlying principal aquifer. A scheme of foul water drainage will also be required (Condition 20).

### Sustainability

124. The proposed development incorporates sustainable features in the design. The 100m<sup>2</sup> of PV to be installed on the roof of the main entrance block, concealed behind the building parapet, would contribute to the energy requirement of the building and reduce carbon footprint. There is a scope to add additional PV to the main roof and building wings. The building will need to meet the requirements of the Building Regulations and for the applicant to provide additional PV, subject to planning permission, is a matter of balancing benefit against capital cost.
125. The suitability of the site and proposed use of soakaways, in accordance with the sustainable drainage hierarchy, is welcomed.



126. Suitable provision for travel to school by means other than car is also appropriate. Whilst also meeting service demands, transporting students to school together by mini-bus transport reduces the need for individual journeys. The provision of EV charging in both the staff and visitor car parks, including at a disability parking space, is welcomed as is the provision of secure cycle parking for staff.

#### Other Issues

127. Loss of property value is not a material planning consideration.

#### **Other Options Considered**

128. 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**

129. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and 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.

#### Crime and Disorder Implications

130. The development would be enclosed by perimeter security fencing with additional fencing within the site creating enclosures to assist with the operational management of the site.

#### Data Protection and Information Governance

131. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

#### Financial Implications

132. As detailed in Paragraph 116 above, the applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of a required Traffic Regulation Order.

### Human Rights Implications

133. 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. The proposals have the potential to introduce higher levels of noise from activities on outdoor play spaces but are proposed to be mitigated through acoustic fencing which in turn could impact on amenity through the height an extent of fencing to be installed. However, these potential impacts need to be balanced against the wider benefits the proposals would provide in providing a SEN school on a former school site. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Public Sector Equality Duty Implications

134. The proposed development would be inclusive, making provision for disability access internally, externally through the provision of ramped access and opportunity for EV charging at dedicated disability parking spaces.

### Safeguarding of Children and Adults at Risk Implications

135. Appropriate safeguarding measures, through school risk assessments and practices, would be in place at the SEN school.

### Implications for Service Users

136. The proposed development would provide a purpose designed facility that can meet the special education needs of the target students.

### Implications for Sustainability and the Environment

137. These have been considered in the Observations section above.
138. There are no Human Resources implications arising.

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

139. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as the potential impact of the proposal on residents of properties on Chadburn Road

and compatibility of the development with development proposed on an adjacent site, and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

140. 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 1. Members need to consider the issues set out in the report and resolve accordingly.

**DEREK HIGTON**

**Interim Corporate Director - Place**

## **Constitutional Comments**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council

[JL 01.03.24]

## **Financial Comments**

The financial implications are set out in Paragraph 132 of the report. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of a required Traffic Regulation Order.

[PAA 29 22.02.2024]

## **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: [www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4601](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4601)

**Electoral Division and Members Affected**

Mansfield South

Councillor Andre Philip Camilleri

Mansfield South

Councillor Stephen Garner

Report Author/Case Officer

David Marsh

0115 9932574

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

**RECOMMENDED PLANNING CONDITIONS**

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

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

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

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

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

- a) Location Plan (Drawing 30098-ARC-A01-XX-D-A-010001 Rev P03) received by the CPA on 22 November 2023;
- b) Proposed Block Plan (Drawing 30098-ARC-A01-XX-D-A-010003 Rev P10) received by the CPA on 28 February 2024;
- c) Existing and Proposed Level Comparison (Drawing 30098-ARC-A01-XX-D-A-010006 Rev P07) received by the CPA on 29 February 2024;
- d) Indicative Tree Plan (Drawing 30098-ARC-A14-EX-D-A-140002 Rev P05) received by the CPA on 29 February 2024;
- e) Building A Ground Floor Plan (Drawing 30098-ARC-A02-A00-D-A-020000 Rev P10) received by the CPA on 29 February 2024;
- f) Building Mezzanine Above Ground Floor Plan (Drawing 30098-ARC-A02-AM0-D-A-020010 Rev P09) received by the CPA on 29 February 2024;
- g) Building A First Floor Plan (Drawing 30098-ARC-A02-A01-D-A-020020 Rev P07) received by the CPA on 22 November 2023;
- h) Building A Roof Plan (Drawing 30098-ARC-A02-AR01-D-A-020050 Rev P05) received by the CPA on 29 February 2024;

- i) Building A Elevations Sheet 1 - N, S, E, W excl. Courtyards (Drawing 30098-ARC-A03-XX-D-A-031001 Rev P04) received by the CPA on 13 February 2024;
- j) Building A Elevations Sheet 2 (Drawing 30098-ARC-A03-XX-D-A-031002 Rev P04) received by the CPA on 29 February 2024;
- k) Ancillary Compounds Plan and Elevations (Drawing 30098-ARC-A14-XX-D-A-144001 Rev P01) received by the CPA on 29 February 2024;
- l) Building A Sections Sheet 1 (Drawing 30098-ARC-A04-XX-D-A-040001 Rev P04) received by the CPA on 29 February 2024;
- m) Building A Sections Sheet 2 (Drawing 30098-ARC-A04-XX-D-A-040002 Rev P04) received by the CPA on 29 February 2024;
- n) Proposed Fencing and Gates (Drawing 30098-ARC-A14-EX-D-A-145001 Rev P05) received by the CPA on 28 February 2024;
- o) Proposed Site Sections (Drawing 30098-ARC-A01-XX-D-A-010020 Rev P05) received by the CPA on 28 February 2024;
- p) Vehicle Tracking Sheet 1 (Drawing 30098-HSP-C05-XX-D-C-3010 Rev P03) received by the CPA on 12 January 2024;
- q) Vehicle Tracking Sheet 2 (Drawing 30098-HSP-C05-XX-D-C-3011 Rev P03) received by the CPA on 22 November 2023;

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

4. No development shall commence before a scheme to deliver a minimum of 1% biodiversity net gain compliant with government guidance [Make off-site biodiversity gains as a developer - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/make-off-site-biodiversity-gains-as-a-developer) (other than the requirement for 10% biodiversity net gain), including the submission of a biodiversity gain plan and proposals for managing that habitat for 30 years has been submitted to and approved in writing by the CPA.

*Reason: The scheme for the delivery of biodiversity net gain needs to be in place prior to the commencement of development to ensure the timely provision of appropriate ecological enhancement in mitigation for ecology lost on the site.*

5. Prior to the commencement of development an ecological enhancement plan for the wider site, setting out the areas of habitat to be retained, enhanced and created, shall be submitted to and approved in writing by the CPA. For the avoidance of doubt and notwithstanding the details of fencing approved by Condition 3n), the enhancement plan shall include a plan showing the location of

openings in fencing (mammal gates) that will allow larger mammals access to and across the site. Development shall be carried out in accordance with the approved details.

*Reason: Details are required prior to the commencement of development for the avoidance of doubt as to the development permitted, to enhance the ecology of the site and to inform the provision for off-site biodiversity gain required by Condition 4.*

6. Other than in compliance with Condition 7, not more than 175 children shall be registered on the school roll at any time.

*Reason: In order that the CPA may control and assess the wider planning impacts of the future intensification of use of the site.*

7. Notwithstanding Condition 6, this permission shall allow a maximum of up to 185 children to be enrolled at the school for a temporary period during one academic year where the applicant has first notified the CPA and demonstrated to the written satisfaction of the CPA:

- a) an identified service need for more than the permitted 175 children, which cannot be reasonably accommodated elsewhere;
- b) parking and highway impacts of a temporary increase in the number of children through the submission of a traffic study tailored to the special educational needs of the children, to include:
  - i) a revised Traffic Protocol (Condition 34) for the accommodation of vehicles arriving at the site, including staff, parents, mini-buses, school transport, visitors, service deliveries and refuse collection; and
  - ii) the likelihood and impact of school transport vehicles waiting on the highway in the vicinity of the school before being admitted to the school site.

Any measures to mitigate the impact of a temporary increase in the school roll identified in the traffic study shall be implemented before the number of pupils on the school roll exceeds 175. Any temporary increase in the number of children on the school roll shall be exercised in accordance with specific conditions that may be imposed.

*Reason: In order that the CPA may assess the parking and traffic implications of a temporary intensification of the use of the site.*

8. Notwithstanding submitted details, prior to any works related to construction of the extended road and amendments to the existing highway approved by this permission being carried out, details of the proposed works including longitudinal and cross-sectional gradients, street lighting, drainage and outfall

proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works shall first be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: To ensure that proposed works to the existing and proposed extended highway are to adoptable highway standard. (Attention is also drawn to Note 2 at the end of this Decision Notice.)*

9. The area of land within the red line of the application site towards the highway forward of the 2.4m by 25m visibility splay marked 'Private land in front of 2.4m by 25m visibility splay to be kept free from obstructions/landscaping over 600mm in height' on Section 38/278 Works Housing Access Site plan (Drawing 30098-HSP-C05- XX-D-C-003001 REV. P02) shall be kept free of any obstruction over 0.6m above the adjacent footway level at all times.

*Reason: To ensure that the proposed highway works do not have a negative highway safety impact on vehicular egress from the adjacent residential development.*

10. Notwithstanding details shown on submitted drawings, the access to each car park shall be laid out with a minimum width of 6.0m within the highway and be surfaced in a hard bound material (not loose gravel) for at least 10 metres back from the nearside edge of carriageway, with any proposed gates at the access points to open inward only and set back minimum distance to allow the largest vehicle attending the site to park clear of the highway while the gates are opened, and shall be constructed in accordance with details that have been first submitted to and approved in writing by the CPA. The approved access, surface treatment, and gates shall be retained as approved for the life of the development.

*Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, to enable a vehicle to stand clear of the highway whilst the gates are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway, and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).*

11. The car park access driveways shall be constructed to prevent the discharge of surface water from the driveway on to the public highway in accordance with details that shall first be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details and shall be so retained through the life of the development.

*Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.*



12. All car parking spaces shall be constructed with ducting to facilitate the future provision of additional electric vehicle charging points.

*Reason: The promotion of sustainable transport by facilitating the provision of electric vehicle charging in compliance with National Planning Policy Framework Paragraph 116e).*

13. Tree, shrub, scrub or other vegetation clearance works that are to be carried out between the months of March to August inclusive shall only be undertaken:

- a) in accordance with a methodology which shall first be submitted to and approved in writing by the CPA;
- b) following inspection by a suitably qualified ecologist; and
- c) 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. (Attention is also drawn to Note 3 at the end of this Decision Notice.)*

14. Prior to the commencement of development:

- a) i) the means of protection of retained trees and vegetation during the period of construction: and
- a) ii) a plan showing the alignment of temporary fencing to protect retained trees and vegetation during the period of construction

shall be submitted to and approved by the CPA in writing. The approved scheme shall be completed as part of site enabling works and retained to the satisfaction of the CPA throughout the period of construction unless otherwise first agreed by the CPA in compliance with Condition 14b).

- b) Any fencing approved in compliance with Condition 14a) which needs to be relocated to facilitate approved works within the safeguarded areas shall only be carried out following the submission and written approval by the CPA of a method statement for works within those previously safeguarded areas.

*Reason: Measures are required to be implemented prior to the commencement of development as part of site enabling works to safeguard the health of retained trees and vegetation during the period of site works in the interest of the visual amenity and ecology of the site.*

15. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA:

- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
- b) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Mondays to Fridays and 07:30– 13:00 hours on Saturdays;
- c) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;

*Reason: To safeguard the amenity of nearby residents.*

16. Prior to the commencement of development, details of the method of working during the construction phase, in the form of an environmental management plan, to include:

- (a) measures to prevent the deposit of debris on the public highway;
- (b) measures for the control of noise impacts from construction, including best practice techniques to minimise noise impacts and how communication and liaison with the public shall be undertaken and complaints managed and dealt with;
- (c) a scheme, including plans, for:
  - i) the location of wheel washing facilities approved in compliance with Condition 16a) (e.g. jet-wash);
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) storage of plant and materials used in constructing the development;
  - iv) siting and height of construction cabins and position of any upper floor windows;
  - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - vi) on-site temporary storage of soils;
  - vii) the segregation of waste materials into different streams for recycling or disposal;
- d) measures to handle potentially contaminated arisings and groundwater;
- e) testing and screening strategy for potential contaminants in any imported fill materials;

- f) measures to be employed during construction to safeguard against pollution of the underlying principal aquifer;
- g) Reasonable Avoidance Measures to be employed during construction for protected mammals, hedgehogs and reptiles (recommended in the Preliminary Ecological Assessment)

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 of the method of working prior to the commencement of development in the interest of highway safety, in order to safeguard the amenities enjoyed by the occupiers of nearby properties, and in the interest of sustainable construction.*

17. Prior to the commencement of development a detailed Remediation Strategy shall be submitted to, and approved in writing by, the CPA to include:
  - a) a review of site investigation results and a contamination risk assessment to identify areas requiring remediation;
  - b) an options appraisal and remediation strategy, giving full details of the remediation measures required and how they are to be undertaken;
  - c) a verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in Condition 17b) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Development shall be carried out in accordance with the approved details.

*Reason: An updated site investigation and remediation strategy is required prior to the commencement of development to ensure that the development does not contribute to, and is not put at unacceptable risk from, nor adversely affected by, unacceptable levels of soil and/or water pollution as advised Paragraph 189 of the National Planning Policy Framework.*

18. Prior to the permitted development first being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy (Condition 17), and the effectiveness of the remediation, shall be submitted to and approved in writing by the CPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

*Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in compliance with NPPF Paragraph 189.*

19. Prior to the commencement of main site works, a watching brief for contamination shall be submitted to and approved in writing by the CPA. In the event that during development contamination not previously identified is found to be present, no further development shall take place in the area of contamination, unless first agreed in writing by the CPA, until a remediation strategy to deal with the identified contamination has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: Details of a watching brief for contamination which may be encountered are required prior to the commencement of development to ensure that potential contamination risks are identified and the site is remediated to an appropriate standard in compliance with NPPF Paragraph 189.*

20. Unless first demonstrated to the satisfaction of the CPA that foul water drainage to be generated by the development will be accepted to the adopted sewerage network by Severn Trent Water Ltd., prior to the commencement of development, a scheme of foul drainage works shall be submitted to and approved in writing by the CPA. Foul drainage works shall be completed in accordance with the approved details prior to development first being brought in to use.

*Reason: Details of foul drainage are required prior to the commencement of development to prevent an increased risk of flooding and to minimise pollution by ensuring the timely provision of a satisfactory means of foul water disposal.*

21. Prior to the commencement of development, a scheme of surface water drainage incorporating the principles set out in the Flood Risk Assessment supporting the application and *Drainage Strategy 30098-HSP-C00-XX-T-C-000069-FRA-P03, November 2023, HSP Consulting*, and designed to safeguard against pollution of the underlying aquifer, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: Details of surface water drainage are required prior to the commencement of development to ensure the provision of satisfactory surface water drainage of the site to safeguard against flooding, increased flood risk on and off site, and pollution of the environment. (Attention is also drawn to Note 4 at the end of this Decision Notice.)*

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

*Reason: In the interest of visual amenity and to accord with Mansfield Local Plan Policy P1 - Achieving high quality design.*

23. Prior to being installed design details of the following shall be submitted to and approved in writing by the CPA:

- a) sports equipment storage sheds;
- b) outdoor play equipment in break-out areas; and
- c) covered cycle shelters;

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 visual amenity and to accord with Mansfield Local Plan Policy P1 - Achieving high quality design.*

24. Prior to being installed:

- a) the design and acoustic qualities of the 3.5m high acoustic fence to be erected along the northern edge of the all-weather pitches to achieve a maximum noise level of 55 dBA within garden areas at the nearest sensitive receptors resulting from school outdoor activities; and
- b) a layout/design to reduce and mitigate the impact of ball strike on the combined weldmesh and acoustic fence;

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. In the event of a complaint which the CPA considered to be justified, the applicant shall undertake a noise assessment in accordance with the procedure in BS4142:2014 to demonstrate compliance with Condition 24a). In the event that the specified noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. The approved scheme of mitigation shall be implemented to the satisfaction of the CPA within one month of the date of approval.

*Reason: To consider the acoustic qualities of the proposed fence design and in the interest of visual amenity and to accord with Mansfield Local Plan Policy P7 - Amenity.*

25. Prior to external lighting being installed on the building and its immediate surrounding area, car parks and service areas, the location and design details of external light fittings, and a lighting scheme demonstrating compliance with Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light – Zone E2 designed to be sensitive to the presence of bats, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species and to accord with Mansfield Local Plan Policy P7 - Amenity.*

26. No lighting shall be installed to illuminate and facilitate the use of outdoor pitches during hours of darkness other than with the prior written consent of the CPA.

*Reason: For the avoidance of doubt of the development permitted and in order that consideration can be given to the amenity and ecological impact of external lighting and to accord with Mansfield Local Plan Policy P7 - Amenity.*

27. Notwithstanding landscape details shown indicatively on plans approved by Condition 3 of this permission, which may need to be modified as a consequence of details to be approved in compliance with Condition 5, within 3 months of the commencement of development a scheme, including a programme for the provision of landscaping to include:

- a) species, locations, planting size and planting density;
- b) grass sowing;
- c) an area of wildflower grassland, trees and hedgerow to accord with the ecological enhancement plan required in compliance with Condition 5;
- d) establishment methods (including tree pit detail); and
- e) a schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats (including relaxed summer mowing regime of the wildflower grassland) and management of marginal areas

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.*

28. Prior to being installed design details of the following shall be submitted to and approved in writing by the CPA:

- a) all-weather pitch construction make-up, drainage, falls and surface finish;
- b) multi-use games area construction make-up, drainage, falls and surface finish;

Development shall be carried out in accordance with the approved details.

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

29. Within 6 months of the commencement of development details of a School Zone incorporating off-site highway works (carriageway markings, associated signage, pedestrian guardrail and other measures as appropriate) shall be submitted to and approved in writing by the CPA. The School Zone shall be provided as approved prior to the school first being brought into use or such other timescale as may be agreed in writing by the CPA.

*Reason: In the interest of highway safety. (Attention is also drawn to Note 5 at the end of this Decision Notice.)*

30. Prior to the development first being brought into use:

- a) the Ravensdale Road junction modifications;
- b) the provision of footways to both sides of the highway;
- c) new pedestrian crossing facilities on the existing and extended Ravensdale Road highway spur;
- d) extension of the highway providing access to the staff and visitor car parks;

as approved by this development, shall have been constructed to an adoptable standard to the satisfaction of the CPA, and

- e) Traffic Regulation Order(s) for the prohibition of parking around the School Zone approved as a part of the School Zone (Condition 29)

shall have been provided to the satisfaction of the CPA, or such other timescale as may have been first agreed in writing by the CPA.

*Reason: To ensure the provision of satisfactory highway construction and access to the site in the interest of highway safety.*

31. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 meters x 2.0 meters (measured from and along the highway boundary) have been provided on each side of vehicle accesses. Land within each splay shall be kept free of any obstruction over 0.6m above the carriageway level at all times.

*Reason: In the interest of pedestrian safety.*

32. The school shall not be first brought into use before the new pedestrian crossing points and new road lining on and near the Ravensdale Road junction with the access road, shown for indicative purposes only on Section 38/278 Works Road Markings and Signage (Drawing 30098-HSP-C05-XX-D-C-003050 REV P02) received by the CPA on 21 February 2024, have been provided to the written satisfaction of the CPA in consultation with NCC Highways Development Control.

*Reason: In the interest of highway safety.*

33. 8 covered cycle parking spaces, as proposed in the application, shall be provided before the development is first brought into use and shall be retained solely thereafter for the parking of cycles.

*Reason: To promote sustainable travel.*

34. Prior to the development first being brought into use a Traffic Protocol setting out how:

- a) i) vehicles arriving at the site, including staff, parent transport/taxis, mini-buses/school transport, visitors, service deliveries and refuse collections will be organised and managed; and
- ii) how any school transport vehicles waiting on the highway in the vicinity of the school before being admitted to the school site will be organised and managed

and;

- b) a School Travel Plan (reflecting the traffic protocol)

shall be submitted to and approved in writing by the CPA. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the CPA and shall include arrangements for monitoring of progress of the proposals. Unless otherwise first approved in writing by the CPA, the development shall operate in accordance with the approved School Travel Plan and Traffic Protocol.

*Reason: In the interest of the safety of users of the highway immediately adjacent to the school and the amenity of nearby residents, and promote sustainable travel to school. (Attention is also drawn to Note 6 at the end of this Decision Notice.)*

35. Prior to the development first being brought into use a scheme to safeguard privacy of properties that may be approved by planning application 2023/0663/FUL (or such other development on that site as may subsequently be approved) from overlooking by pedestrians using the footway to be provided on the southern side of the extended highway shall be submitted to and approved in writing by the CPA. Prior to the development first being brought into use the approved scheme shall be implemented and, unless otherwise first amended through the prior written agreement of the CPA, shall be retained throughout the life of the development.

*Reason: To safeguard against overlooking and a loss of privacy that occupiers of adjacent development could reasonably expect to enjoy.*

36. The development shall not be brought into use until all parking, turning and servicing areas have been constructed, drained through trapped gullies with an overall capacity compatible with the site being drained, surfaced and marked out, and cycle parking provided, in accordance with the approved plans to the satisfaction of the CPA. 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: To ensure the timely provision of car parking, service areas and facilities for cycling, and to minimise the need for on-street parking through the continuing availability of facilities to meet the operational requirements of the site.*

37. The combined fixed plant Rating Noise Level when calculated in accordance with BS4142:2014 and inclusive of any penalties, shall be designed to not exceed 37dB LAeq,1hr at the nearest sensitive receptor during the night-time and 45dB LAeq,1hr during the daytime, and shall be so operated throughout the life of the development.

*Reason: To safeguard the amenities enjoyed by the occupiers of nearby residential properties and to accord with Mansfield Local Plan Policy P7 - Amenity.*

### **Informatives/notes to applicants**

1. Reference in any condition contained in this permission of permission to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other

document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to anybody or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.

#### Section 38 Agreement (Highways Act 1980)

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads/footways and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to: [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk)

#### Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) for details.

Building Works shall not project over the highway.

No part of the proposed fence or its foundations, fixtures and fittings shall project forward of the highway boundary.

#### Prevention of Mud on the Highway

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

#### Signs

Non-statutory signs are not permitted within the limits of the public highway.

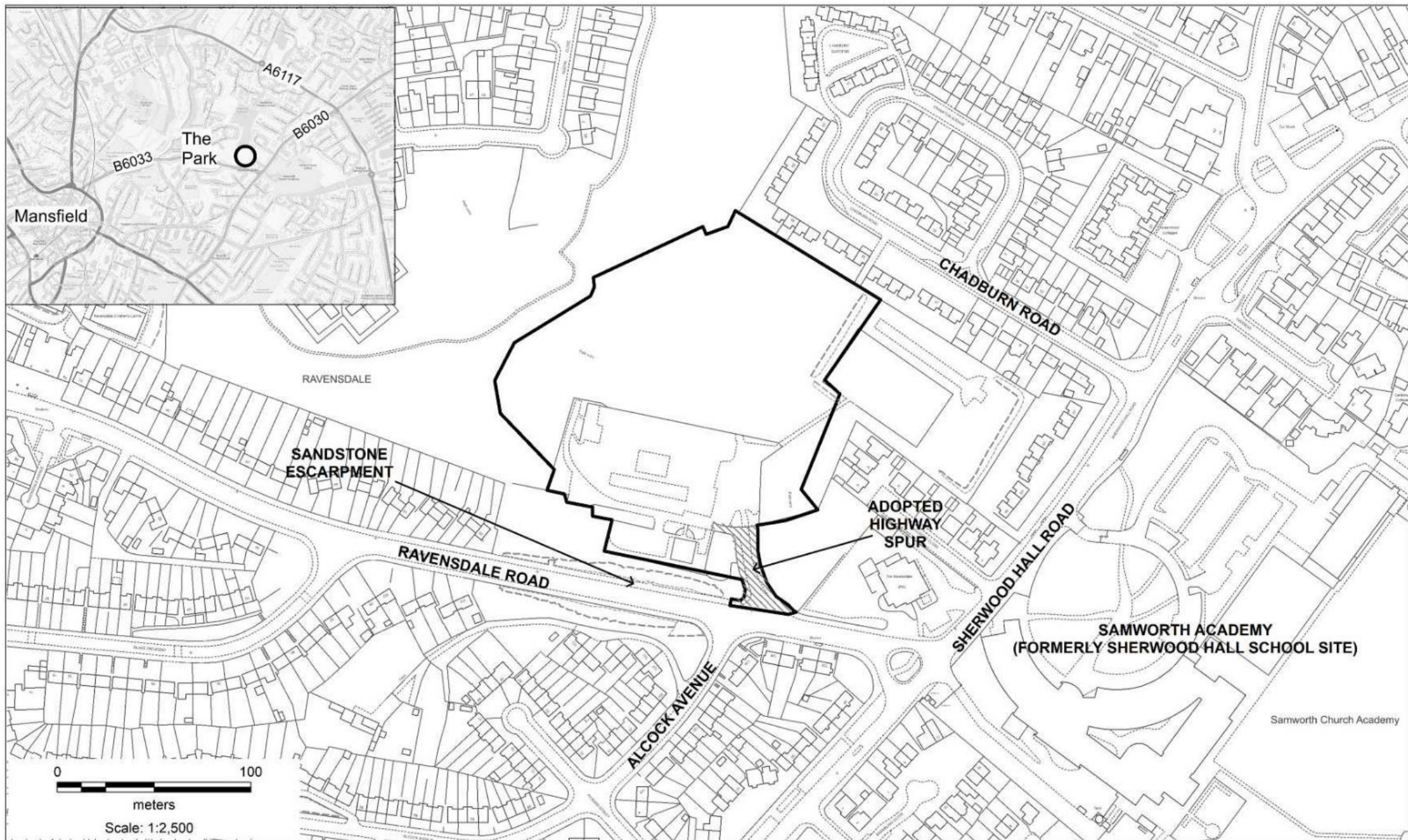
2. With reference to Condition 8, the applicant should be aware that the required highway design detail may be affected by a new access which may have been

constructed should permission have granted by Mansfield District Council (planning application reference 2023/0663/FUL) and the related highway access works implemented.

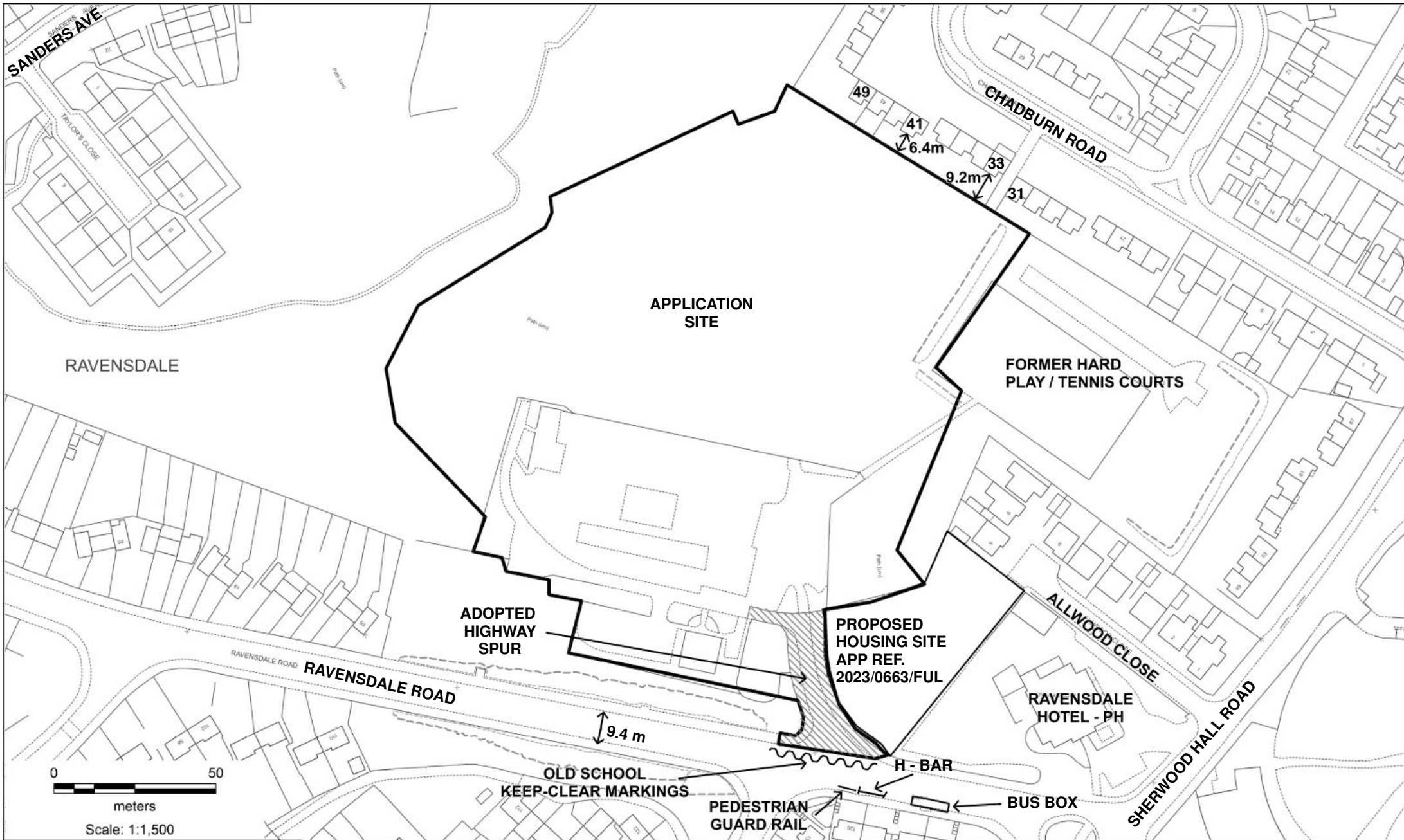
3. With reference to Condition 13, bird nesting can take place outside of the period March-August and the applicant must comply with their responsibilities under the Countryside and Wildlife Act 1981 as amended regarding the protection of wild birds, their nests and eggs.
4. With reference to Condition 21 the scheme of surface water drainage should:
  - demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 173.
  - limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
  - provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
    - No surcharge shown in a 1 in 1 year.
    - No flooding shown in a 1 in 30 year.
    - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
  - evidence to demonstrate the viability (e.g., condition, capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
  - if required, provide details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
  - if required, provide evidence of approval for drainage infrastructure crossing third party land where applicable.
  - provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

- evidence how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.
5. With reference to Conditions 29-30, the Highway Authority considers that as part of the proposed access and off-site highway works, a Traffic Regulation Order should be implemented to provide a safer highway environment. The Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the applicant should contact [businessdevelopment@viaem.co.uk](mailto:businessdevelopment@viaem.co.uk)
  6. With reference to Condition 34, advice regarding Travel Plans can be obtained from the Travel Plans Officer, please contact: [Transport.Planning@nottscc.gov.uk](mailto:Transport.Planning@nottscc.gov.uk)
  7. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (01332 683369).



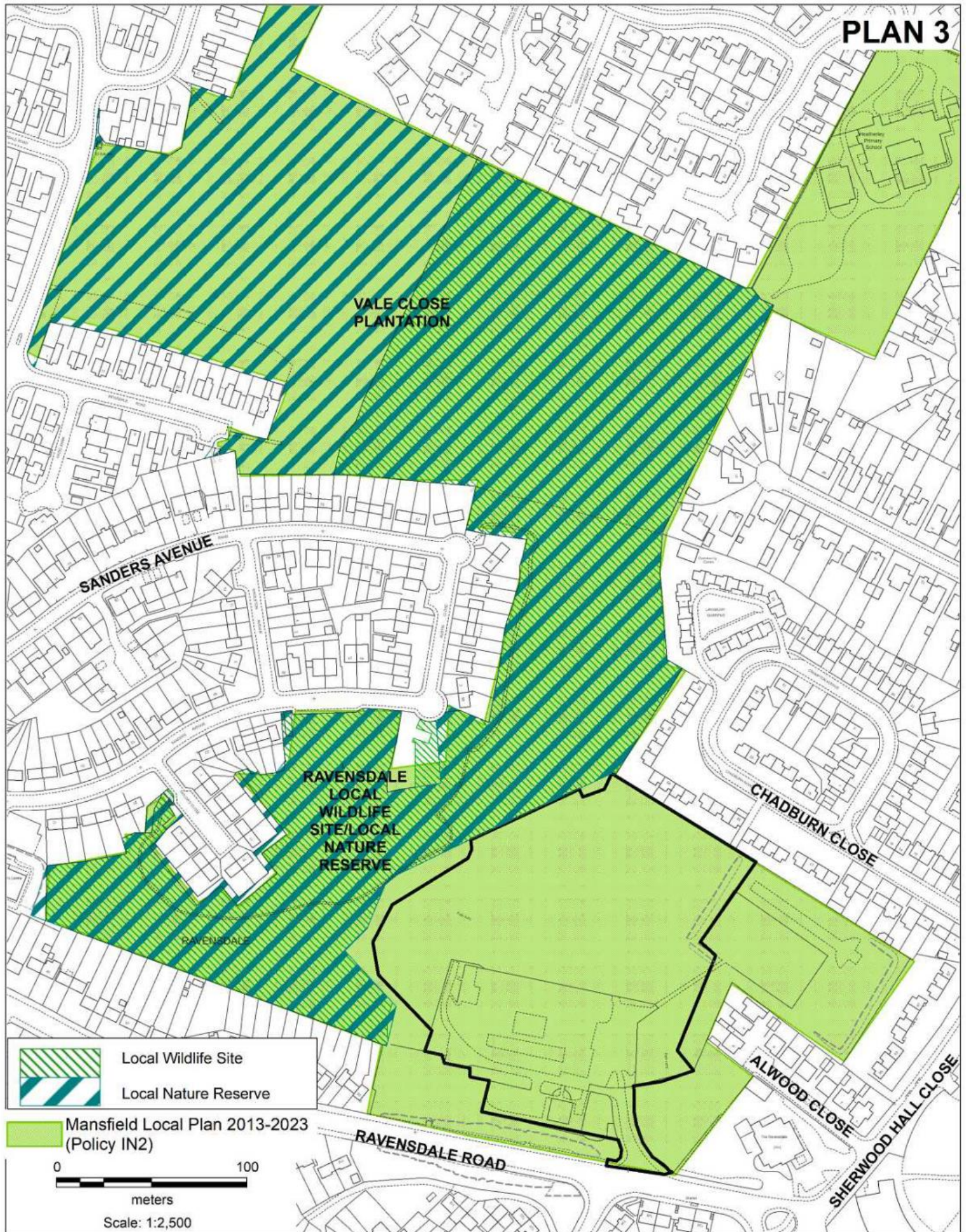












**Nottinghamshire  
County Council**

Special Educational Needs School including alterations to existing  
highway junction and access road

Land north of Ravensdale Road, Mansfield  
Planning Application 2/2023/0680/NCC

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Date: 16/02/2024  
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EXISTING SITE TOPOGRAPHY

1:20 FALL

0.5 m FALL

APPROX 1.2m FALL

FORMER  
TENNIS  
COURTS

APPROX 1.2m FALL

SITE OF FORMER  
SCHOOL BUILDING





Areas of shrubs and small trees along site borders.

## TREE REMOVAL & PROPOSED TREE / SHRUB PLANTING

Areas of shrubs and small trees along site borders. Species to be confirmed as part of landscape strategy.

Areas of shrubs and small trees along site borders. Species to be confirmed as part of landscape strategy.

CATAGORY B ROWAN TO BE REMOVED

### Key

- New Trees
- Trees to be removed

CATAGORY B SYCAMORE TO BE REMOVED

Refer to:  
D-A-010001

proved



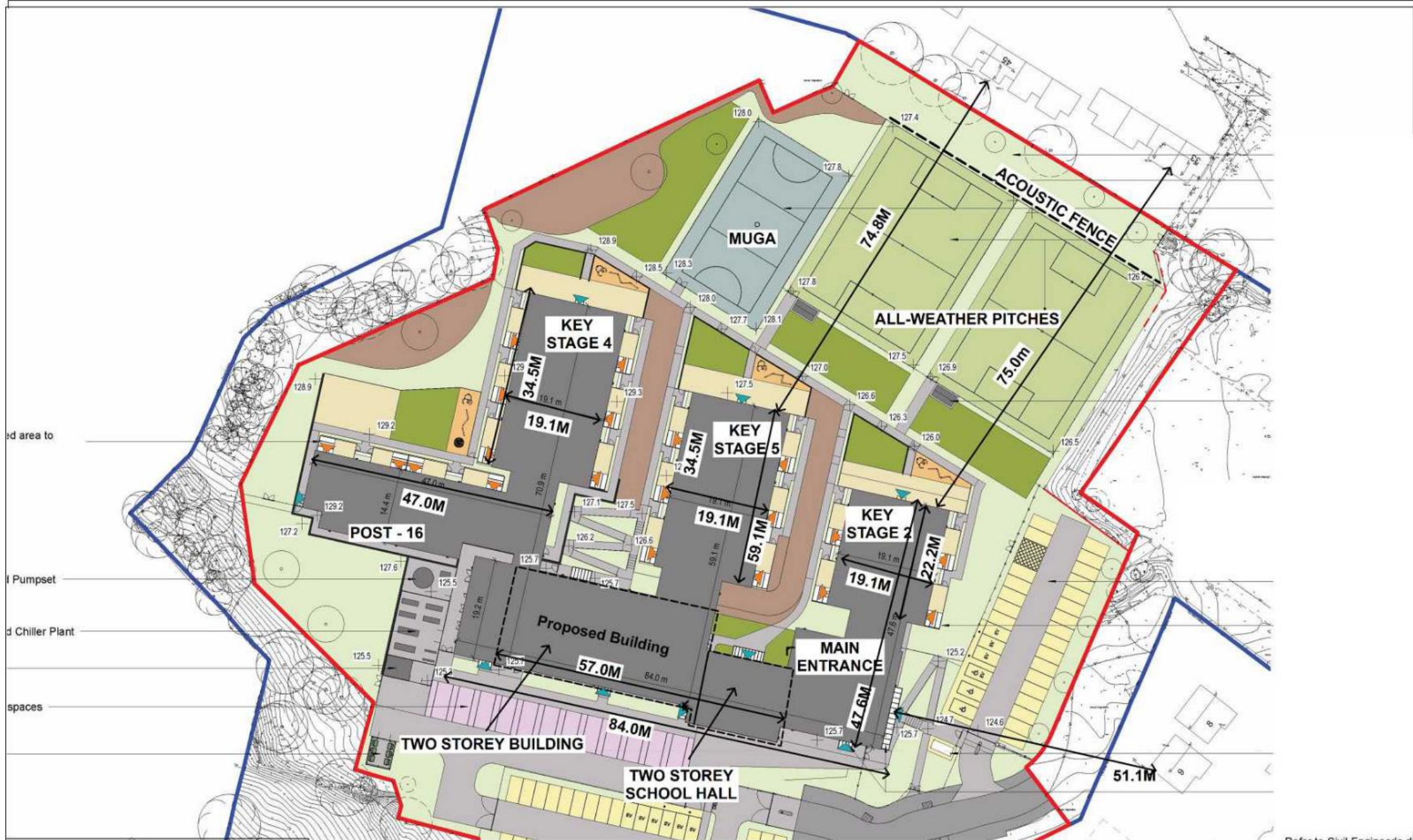
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**Nottinghamshire  
County Council**

Special Educational Needs School including alterations to existing highway junction and access road  
Land north of Ravensdale Road, Mansfield  
Planning Application 2/2023/0680/NCC

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**PLAN 6**















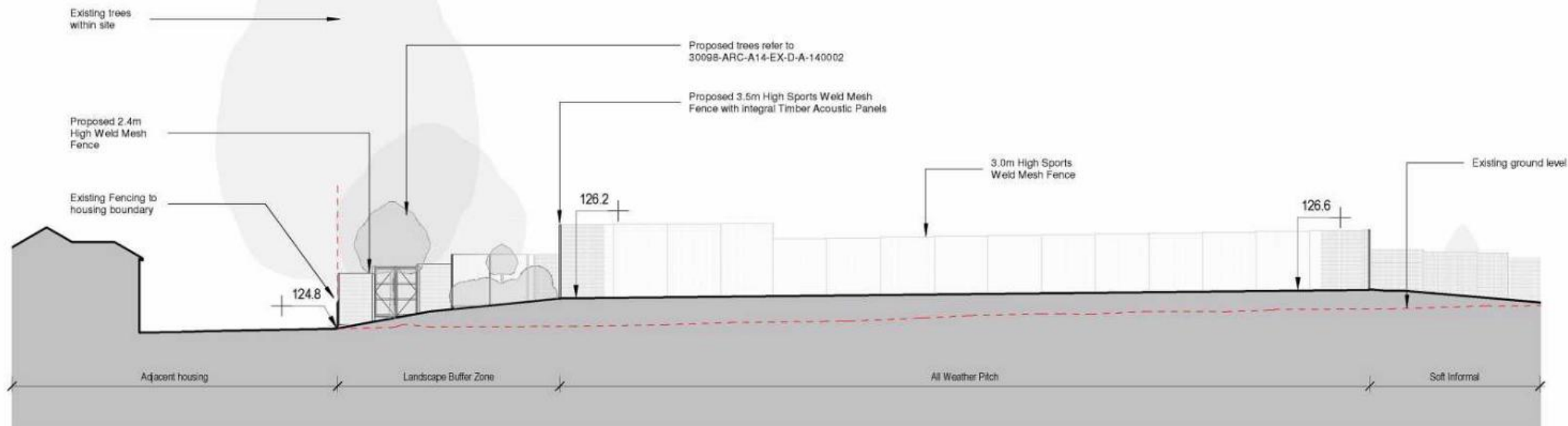






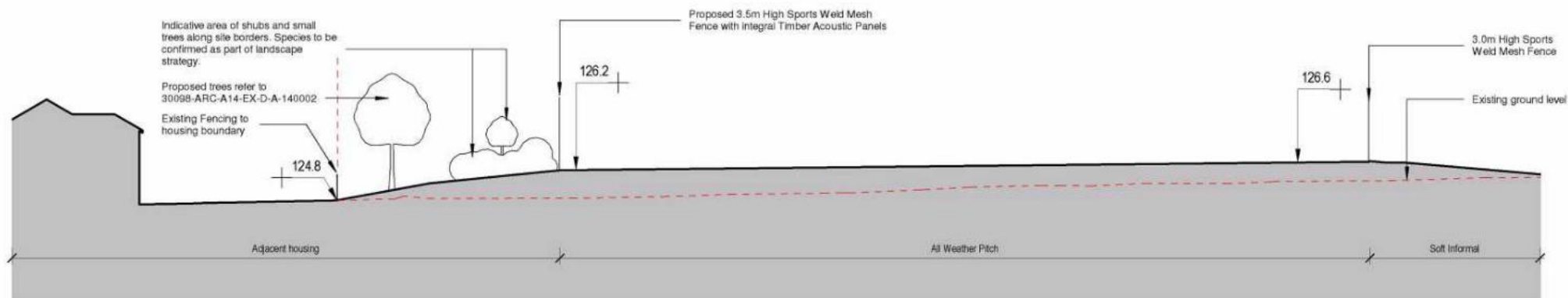






## 1 Site Section H-H - 1-200 - With background context shown

1 : 200



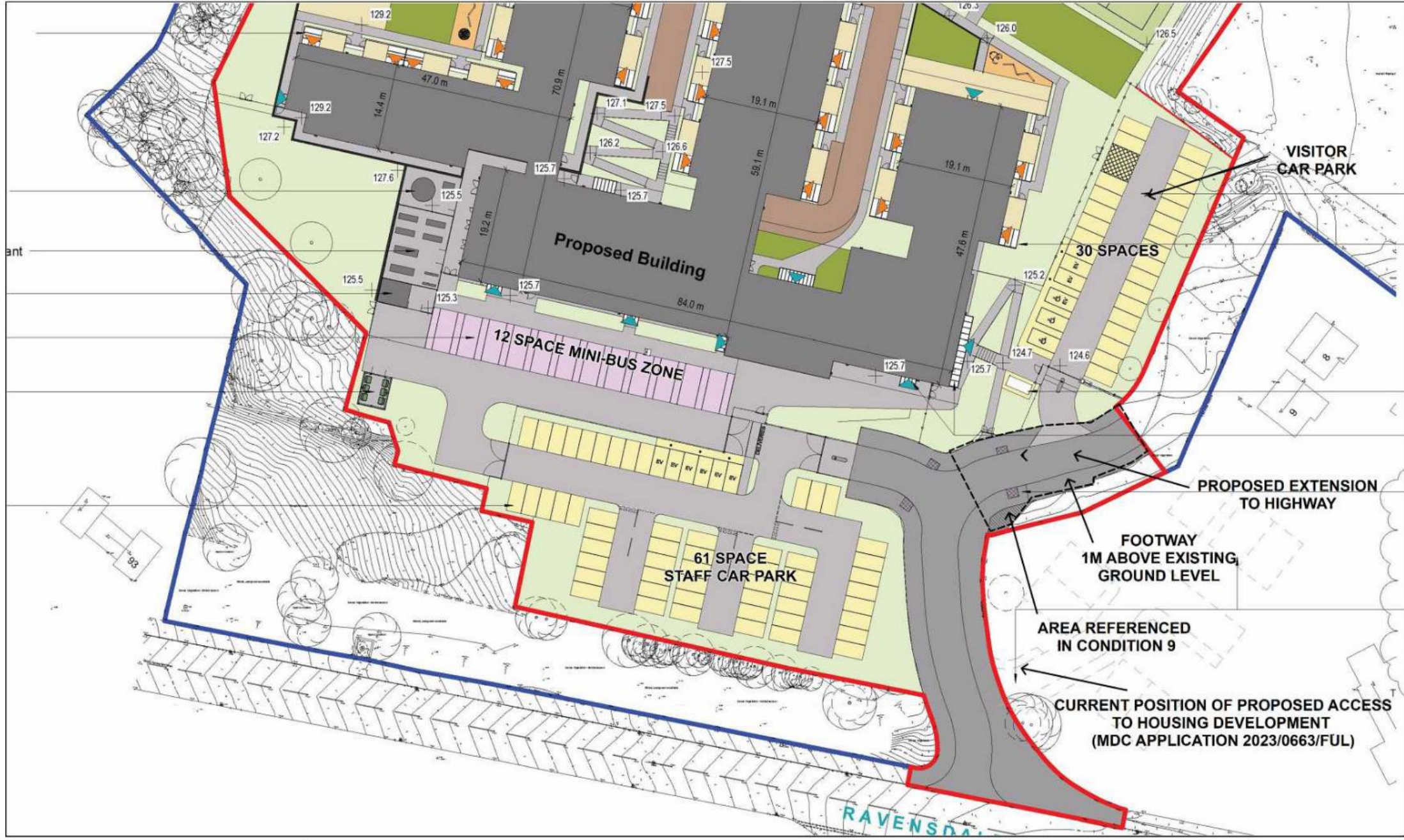
## 2 Site Section H-H - 1-200 - Without background context shown

1 : 200











**12 March 2024****Agenda Item: 6****REPORT OF INTERIM CORPORATE DIRECTOR - PLACE****RUSHCLIFFE DISTRICT REF. NO.: 8/23/02136/CTY**

**PROPOSAL:** SECTION 73 APPLICATION TO VARY PLANS APPROVED BY CONDITION 3 OF PLANNING PERMISSION 8/22/00570/CTY - ERECTION OF A PRIMARY SCHOOL FOR 1.5 FORMS OF ENTRY, PLUS 26 PLACE NURSERY WITH ASSOCIATED CAR PARKING. ASSOCIATED AREAS OF SOFT PLAY, HARD PLAY, GRASS PLAYING FIELD WITH LANDSCAPING WORKS. ERECTION OF 2.4M HIGH SECURITY FENCING AND GATES TO PERIMETER AND SPRINKLER TANK. PROVISION OF BOUND SURFACE AND LIT CYCLE AND FOOTPATH ON ROUTE OF PUBLIC FOOTPATH EAST LEAKE FP5

**LOCATION:** MILLSIDE SPENCER ACADEMY PRIMARY SCHOOL, EVANS ROAD, EAST LEAKE, LE12 6AS

**APPLICANT:** NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN AND FAMILIES

**Purpose of Report**

1. To consider a planning application for a revision to the approved layout of playing field and associated works at Millside Spencer Academy, Evans Road, East Leake. The key issues relate to the impact of works to provide the school playing pitch including the visual impact of a retaining wall and mitigation for raising levels on the site in an area at greatest flood risk (Flood Zone 3). The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

**The Site and Surroundings**

2. This application relates to a 315-place Primary school under construction (planning permission 8/22/00570/CTY) and largely complete, on two sites linked by a public footpath lying 750m to the south of the centre of East Leake (Plan 1). The new school building on the southern site accessed from Evans Road has been completed and is in use, with 128 children on the school roll. The number of pupils is expected to increase to 148 in September 2024. The phase of works to provide a school playing field and a Multi-Use Games Area (MUGA) to the north of a small linear plantation (which is mostly within the school playing field site) are underway. The two school sites are separated by a 4.2m wide



strip of land in third-party ownership but connected by Public Footpath East Leake FP5 (Plan 2).

3. The public footpath runs along the western boundary of the new playing field site and re-opened in December 2023 following its temporary closure during construction works and development of a housing estate to the south (David Wilson Homes development). The linear plantation is the subject of a Tree Preservation Order (TPO) made by Rushcliffe Borough Council at the time that planning permission for the new school was granted. Sheepwash Brook flows east to west to the north of the playing field and school boundary. Part of the school playing field site is in Flood Zone 3 and Flood Zone 2.
4. A temporary access road across an area of open space forming part of the residential estate at the end of Sheepwash Way was constructed to access a temporary school (8/21/02694/CTY) located on the proposed playing field site while the permanent school building was being built. Conditions of that permission allow the temporary retention of the access road to facilitate works to provide the new school playing field before it is removed and the land restored to its pre-development condition.



5. The proposed MUGA on the playing field site has been constructed. Proposed perimeter fencing, including a variation to the currently approved alignment on the eastern boundary, is largely complete. A retaining wall for the south-western corner of the grass sports pitch, not part of the original approval, has been constructed with a re-aligned path north of the tree belt, requiring the removal of fewer trees than were to be removed by the originally approved development.

Recent poor weather is delaying the spreading of soils to form the finished grass pitch levels with work on site currently having ceased.

## **Background and Planning history**

6. 8/21/02694/CTY – December 2021 – Erection of a temporary 120 place Primary School on future school playing field while a permanent school was being built. Whilst the temporary school has been removed, conditions of the permission allow for the retention of the temporary access road until 31 December 2023 so that the route can be used for construction of the permanent school playing field, and reinstatement of the area impacted by the temporary construction road in Spring 2024.
7. 8/22/00570/CTY – 25 May 2022 - Permission for a 315 place Primary School on two sites. The school building has been erected on the southern site accessed from Evans Road, with school playing field, to be formed on the northern site following occupation of the new permanent school and removal of the temporary school provided pursuant to planning permission 8/21/02694/CTY. The playing field phase of the development is currently under construction.
8. A Tree Preservation Order affecting trees in the wider area including the linear plantation (Paragraph 3) was made on 19 May 2022 and subsequently confirmed on 14 July 2022.
9. 8/23/02283/CTY – An application to vary Condition 27 of planning permission 8/21/02694/CTY (the temporary school – now removed) to allow the retention of the temporary access road across the area of open space until July 2024 and variation of Condition 28 to delay the reinstatement of the area affected by the road to Autumn 2024 was granted in January 2024.
10. Correspondence with David Wilson Homes has confirmed that a management company is appointed by the developer when the Local Authority (in this case Rushcliffe Borough Council) declines the opportunity to maintain the public open space areas on the development. The management company agreement on this site is between Trust Management and David Wilson Homes.
11. The applicant has confirmed that there is no maintenance liability on the applicant, financial or otherwise, that may arise from use of the paths provided by David Wilson Homes along the route of Public Footpath FP5 and the path provided across the Persimmon Homes owned open space connecting Evans Road and Sheepwash Way.
12. The applicant has also confirmed that in the transfer of land for the school by Persimmon Homes to Nottinghamshire County Council, the County Council has a right of way with or without vehicles over the roads and footpaths linking the school playing field site with the public highway.

## Proposed Development

13. Planning permission is sought for changes to the site layout (Plan 3), and detail related to the provision of the grass playing pitch, as a revision to plans approved by Condition 3 of permission 8/22/00570/CTY. The principal changes are proposed as a consequence of the playing pitch design, with falls of 1:80 along its length and crossfall, being worked up in greater detail in order to provide a suitable playing surface compliant with Sport England guidance while seeking to mitigate impact on an area at higher risk of flooding in Flood Zones 2 and 3 (Plan 4).
14. A reinforced concrete wall up to 1.4m in height above the finished adjacent pitch level (once soils have been backfilled) to retain ground in the south-west corner of the playing pitch has already been constructed. The retaining wall (originally proposed to be faced with artificial ivy but since revised) is to be faced with 15mm diameter 'premium willow fencing screening roll' and topped by a 1.1m high galvanised steel restraint. The applicant draws attention to the use of the willow screen being for aesthetic purposes not ecological benefit. The willow fencing roll is to be provided by the school.



*Willow screen and retaining wall restraint*

15. While the proposed levels require excavation and provision of a retaining wall in the south-west corner of the playing pitch, in providing suitable falls across the playing surface and 3m safety run-off margin, pitch levels would be raised in the north-east corner and impact on an area of Flood Zone 3. Level for level flood compensation, lowering ground immediately adjacent to the area of the raised pitch, is proposed. The pitch levels would fall towards the north-west corner of the playing surface where the pitch level would be approximately 350mm above the level of adjacent public footpath East Leake FP5, graded down a 1:3 bank to the fenced site boundary. The playing pitch is to be provided with drainage, directing water to the north-east corner of the pitch before being directed to discharge to Sheepwash Brook (Plan 5).
16. A hibernaculum for the over-wintering of grass snake, that would be impacted by the proposals for the north-east corner of the playing pitch has already been re-provided beyond the eastern school boundary fence.
17. Other proposed changes to the approved site layout are relatively minor. A path originally proposed to run along the southern side of the MUGA to a storage



shed is proposed to be omitted, and the length of path between the MUGA and entrance from the public footpath would be realigned requiring the removal of fewer trees in the woodland now subject of a Tree Preservation Order, and is indicated for comparison on Plan 6. Twin green coloured metal storage sheds (each 2.25m x 1.6m and 2m in height) would be relocated to the western end of the MUGA. Crown raising of trees that may overhand the path up to a height of 2.4m to provide suitable clearance is included in the application.

18. The playing pitch retaining wall would require the relocation of the field maintenance access gate to the north, and a separate pedestrian entrance gate from the public footpath is proposed.
19. 2.4m high perimeter fencing on the eastern side of the playing field is proposed to be inset from the boundary hedge, with the addition of a pedestrian gate to allow access for hedge maintenance. Mammal gates are proposed at the northern and southern ends of the re-aligned fencing.
20. On the main school site, a flight of steps linking outdoor spaces to the north-west of the school building is no longer included in the school site design (Drawing 30008-ARC-PL-XX-D-A-101003 P06 – annotation V) and has been omitted during construction.
21. 1.1m high picket fencing is proposed outside the school building entrance to better direct pedestrian movement and discourage pedestrians from walking across the car park and through the vehicular entrance gate.
22. Some works for which permission is sought, in particular the construction of the retaining wall adjacent to the south-west corner of the playing pitch have been carried out. Further works to form the playing pitch have stopped due to poor weather. Although the area for the playing pitch has been stripped, pitch drainage has not yet been installed and an additional approximate 30cm of soils will need to be spread, compacted and sown to form the finished playing pitch. Work is not planned to recommence until April 2024.

## Consultations

23. **Rushcliffe Borough Council** - No objection subject to conditions being in place to protect trees and hedgrows, and replacement planting for any trees lost as a result of the development.
24. **East Leake Parish Council** – No objection.
25. **Environment Agency** – No objection subject to a condition that works are carried out in accordance with the proposed floodplain compensation. *The ground raising in the corner of the proposed sports pitch is supported by a scheme to provide level-for-level floodplain compensation. The works encroach on an ordinary watercourse. Nottinghamshire County Council as the Land Drainage Authority should be consulted.*
26. **NCC Lead Local Flood Authority** – No objection.

27. **Via Countryside Access** – *Public footpath East Leake FP5 runs alongside the school. There is a concern regarding the drainage of the playing field and that it may impact on the footpath. Although this has been shown not to be the case, the applicant should look at remedial works if in fact the path does become waterlogged as a result of the change of levels. The footpath surface has been badly affected by the installation of the playing field boundary fence and this destruction of the surface should be made good, possibly with a compacted stone surface.*
28. *There is a concern regarding any vehicular traffic crossing the footpath and ensuring that the surface is suitable to withstand the traffic and has no adverse effect on the footpath or the safety of the public using it. What is being put in place to ensure this is the case?*
29. *Who is responsible for the safety and maintenance of the cycle and pedestrian link between Sheepwash Way and public footpath East Leake FP5? (Paragraphs 10-11). Part of public footpath East Leake FP5 is going to be open to cycles. This use, if on a public footpath, contravenes the use of a public footpath and therefore the landowner needs to be aware that they are liable for this use and maintenance, or it could be converted to a cycle track under the Cycle Track Act 1980 and maintenance should pass to the highway authority. The Rights of Way team will not be responsible for cycle use here as it is outside the remit of a public footpath.*
30. **NCC Nature Conservation** – No objection, although the concrete retaining wall with natural hazel/willow hurdling will not deliver any significant wildlife benefits. The location of the re-provided grass snake hibernaculum is acceptable.
31. **NCC Highways Development Control** – No objection. *The proposal would not have a detrimental impact on the highway in the vicinity of the site.*

## **Publicity**

32. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
33. The same letter has been received from the three Rushcliffe Borough Council Councillors representing East Leake, raising the following concerns:

### Ecology

- a) Loss of additional trees. Tree roots have been exposed and if their viability is affected should be replaced.
- b) Felling and tree surgery on TPO'd trees has been carried out prior without approval.

- c) Hedging should be provided inside the perimeter fence along the boundary with public footpath East Leake FP5 to mitigate the visual impact of the fence.
- d) The proposed plastic artificial hedge to the face of the retaining wall offers no ecological benefit (this has subsequently been changed to willow – see Paragraph 14).
- e) Trees have been lost/damaged along the footpath between Sheepwash Way and public footpath East Leake FP5 and should be replaced.
- f) Loss of the grass snake hibernaculum which should be re-created and protected.
- g) Is there a Biodiversity Net Gain requirement for the development?

#### Access and Maintenance

- h) Is the temporary access road from Sheepwash Way still to be removed? To retain it will require further consultation, could improve school parent parking but with loss of amenity for residents.
- i) How will maintenance and emergency vehicles get to the new maintenance gate on the public footpath? The footpath surface will be quickly eroded by vehicles. Accessing the playing field from Evans Road by vehicles would be problematic: the path would need improvement; it would cross land in third party ownership where it is understood only crossing by pedestrians is allowed.

#### Adoption of paths and impact on Public Rights of Way

- j) Installation of the perimeter fence has affected the adjacent public footpath leaving it muddy. Works will have affected natural drainage. The currently closed public footpath will need resurfacing before it re-opens and should be conditioned.
- k) The public footpath up to the point of access to the playing field, and path linking to Sheepwash Way, should be designated as bridleway so as to allow use by cyclists.
- l) The paths need to be properly surfaced and maintained. It is unreasonable for residents of the estates to foot the bill through estate management charges given the high volume of foot traffic to and from the school. The school will not contribute to the upkeep of the estate.

#### Future Use of the Playing Field

- m) If the playing field is to be hired out, access, parking and provision of cycle racks need to be considered.

### Other Matters

- n) The size of the shed is not specified (see Paragraph 17 for details) and its visibility from the public footpath needs to be considered.

### Procedure

- o) The work is retrospective and a better example should be set by a public authority.
- p) The issue of the two school sites being separated by land in third-party ownership is unresolved. This could have been avoided if all of the 'school land' in the Persimmon Homes s106 agreement had been claimed.

34. One resident of Evans Way has written objecting on the following grounds:

### Future Use and Access

- a) There is insufficient provision for car and coach parking if the playing field is to be used by third parties or for hosting sports events and should be excluded.
- b) How will emergency and maintenance access to the school playing field be provided? Approved plans require the removal of the temporary access road off Sheepwash Way.

### Aesthetics and Drainage

- c) Proposed artificial hedging to conceal the reinforced concrete wall is out of keeping with the aesthetic of the area, local ecology, and is of synthetic construction (this feature has been revised – see Paragraph 14).
- d) Excavations and concrete wall construction will have affected drainage around mature trees, changed the drainage and appearance of the area, and affected the public footpath.

### Impact on the public footpath and maintenance

- e) The proposals have greater impact on the public footpath which is privately maintained and managed by the residents of the David Wilson Homes development. The developers have not resolved issues over third-party land separating the two parts of the school site. Increased future maintenance charges for residents.
- f) Who will be responsible for the maintenance and public liability of the footpath through the third-party land dividing the two school sites, and north of this along the public footpath up to the playing field gate.
- g) Public footpath East Leake FP5 should be re-graded and surfaced by the developer. How and by whom will public footpath East Leake FP5 be maintained longer term? The school promotes Active Travel. Does the

school receive grant money which can be used towards the maintenance of footpaths?

### Process

- h) The application is retrospective, is unauthorised and has not followed due process for residents affected.
- 35. Councillors Matt Barney and Councillor Reg Adair have been notified of the application.
- 36. The issues raised are considered in the Observations Section of this report.

### **Observations**

- 37. Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019) Policy 1: *Development Requirements* includes criteria against which development proposals should be assessed including: there being no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area; the proposal being sympathetic to the character and appearance of the neighbouring buildings and the surrounding area; and there being no significant adverse effects on landscape character.
- 38. Permission for the construction of the school and related works on the playing field have already been granted planning permission under application reference 8/22/00570/CTY. It is not unusual for design details to change as development progresses, and the planning system has mechanisms in place to deal with material changes to approved development (s73 application), as well as changes that do not have a material impact but are still a deviation from the originally approved development (Non-Material Amendment).
- 39. Having worked-up the design of the playing pitch there are competing matters that need to be resolved. The over-riding aim is to provide a playing pitch that is fit for purpose and that provides greatest benefit to the school. To construct a playing pitch that is in accordance with Sport England guidance in terms of pitch size for Primary age children with the recommended 3m pitch run-off safety margin and within playing surface gradient design parameters (no steeper than 1:40-1:50 crossfall and 1:80-1:100 along the length of the pitch) has constrained how a pitch can be accommodated on the site. Impact on areas at greatest risk of flooding is a material planning consideration and, in order to be acceptable, level for level flood compensation should be provided so as not to increase flooding on the site or to others, notably downstream.
- 40. Although the proposed pitch surface levels would fall towards the northern corner closest to the public footpath, pitch drainage is to be installed that would take surface water draining through the playing surface to the north-eastern corner of the pitch (Plan 5). A Land Drainage Consent for the final discharge of pitch drainage to Sheepwash Brook has already been approved by NCC as Lead Local Flood Authority.



41. It is noted that the area of the Persimmon Homes open space is largely on higher ground and may have been formed of surplus soils arising from construction of the housing development. Areas of standing water have been observed at the toe of the raised ground within the open space to the north as well as adjacent to the public footpath. Next to the area being developed as school playing field, the public footpath is on land controlled by Persimmon Homes. The provision of positive drainage to take the finished playing pitch surface water away from the playing field western boundary should benefit the condition of the public footpath which has been observed as being wet in recent times due to heavy rainfall. A dispute over one area of land causing nuisance by directing water to adjoining land would be a civil, not planning matter. It may also be appropriate for the NCC as Highway Authority to take action where a public footpath is adversely affected by development.
42. Condition 11 of the school permission 8/22/00570/CTY requires detailed existing and proposed changes of level in Flood Zones 2 and 3 within the site to be submitted to and approved by the County Planning Authority. The submission with this application mirrors that submitted in compliance with Condition 11. Neither the Environment Agency nor the Local Lead Flood Authority raise objection to the proposed works affecting the flood plain and the proposed level for level flood compensation.
43. Taking the finished pitch level in the north-eastern corner of the playing pitch as the reference point and working the pitch design back taking into consideration the recommended pitch design gradients requires excavation of the rising ground and provision of a retaining structure. Notwithstanding the representation that more trees on the southern edge of the playing field are to be affected, in re-visiting the design less trees would be lost than originally planned (Plan 6).
44. The appearance of the retaining wall structure, having already been constructed, may at present appear stark. However, the height of the exposed face of the wall will be reduced once soils have been laid down to form the finished pitch level. It is considered that, in providing a pitch on a constrained site to a recommended pitch specification, the design presents an acceptable balance taking account of flood risk and visual amenity, subject to further observations on the treatment of the exposed face of the retaining wall below.
45. The application of a 'willow roll' to the exposed faces of the retaining wall has been proposed to improve its appearance and not expressly for it to provide ecological benefit. Artificial ivy was originally proposed and concern about its suitability has been raised in representations. Natural planting cannot be provided at the foot of the retaining wall without compromising the 3m run-off safety margin at the edge of the grass playing pitch. The proposed facing with willow, to be viewed against a backdrop of the TPO'd woodland would soften the visual appearance of the retaining wall and is considered to be acceptable. It is noted that the school are to provide this element of the development, and it is recommended that this screen is provided prior to the playing field first being brought into use, and for it to be maintained and replaced as necessary (Condition 13).

46. The application proposes the installation of galvanised steel fencing above the retaining wall, providing an edge restraint as a functional response to prevent falls either over or through the fence from the adjacent school path. While other more visually attractive designs of edge restraint could be proposed the applicant has asked that this element of the development is determined as submitted. As an element of detail within the wider context of the school playing field, when viewed either from the adjacent open space or public footpath through school boundary fencing the galvanised steel finish, although not considered to be wholly sympathetic and the best design response, would be seen against the backdrop of trees, and the fencing would not be unduly prominent or incongruous such that permission should be refused.
47. The Tree Preservation Order to protect the woodland was made six days before the determination of the school application 8/22/00570/CTY. However, the County Planning Authority was not made aware of the order having been made until after planning permission had been granted. The permission granted authorised the removal of some trees on the northern edge of the woodland, and for the installation of perimeter fencing within the woodland itself requiring the cutting back of the branches. An express grant of planning permission overrides the need for separate TPO consent. Rushcliffe Borough Council would normally determine applications for works to protected trees. However, through discussion with the relevant Rushcliffe Borough Council officer, it has been confirmed that the removal of trees and surgery referenced in representations has the appropriate consent. The proposed alterations to the site layout, incorporating the reinforced concrete retaining wall and proposed realignment of the path to the MUGA, have allowed more trees to be retained. The applicant has submitted an appropriate method statement for works that have been carried out in proximity to the trees, with particular attention given to the treatment of exposed roots. The ground has been backfilled on the higher woodland side of the retaining wall, with a porous stone sub-base laid for the path leading to the MUGA.
48. It has been suggested in representations that a hedge should be provided along the playing pitch fence line adjacent to the public footpath. A variation to proposed landscaping is not however a matter for which a variation of permission is being sought in this application. Visually, when approached from Sheepwash Way, the school playing field will be viewed across an area of public open space and the introduction of a hedge would reduce the openness of the wider area. Although planting is proposed along the boundary of the main school site next to the public footpath, hedge planting was not proposed adjacent to playing pitch (although the final detail of landscaping is reserved by condition) in the originally approved application. The length of public footpath adjacent to the proposed playing field is likely to be used less frequently than the path linking Sheepwash Way and Evans Road where safeguarding of children by interrupting views into the main school site and to reduce children being distracted by persons passing the school site may be of greater concern. The school playing field is likely to be used less frequently, but should a safeguarding issue arise from activity on the adjacent open space or public footpath the school would be able to remedy it through the provision of

screening. The landscape proposals submitted as part of the original application include the planting of two trees to the north of the playing pitch adjacent to the public footpath to replace trees which were on the site prior to the siting of the temporary school, although several trees have been planted next to the boundary fence.



*Left: Proposed playing field and retaining wall viewed from adjacent open space.  
Right: Trees planted adjacent to boundary fence.*

49. The appearance of the school sheds has been raised in representations. The two green coloured metal storage buildings are of modest scale proposed to be sited adjacent to taller MUGA fencing and their design and location is considered to be acceptable.
50. The hibernaculum for grass snake which would be impacted by the proposed grass playing pitch has already been re-provided beyond the eastern school fence in a location confirmed by NCC Nature Conservation to be acceptable. It is unfortunate that the hibernaculum was not first provided in the location originally approved as the need for further ecological work could have been avoided.
51. The impact of development on the condition of the length of public footpath adjacent to the school playing field which reopened in December 2023 has been raised in representations and the consultation response from NCC Countryside Access. That length of footpath is outside the red line defining the planning application site and is not in the ownership or control of the applicant. A concern has been raised that the condition of the public footpath may have worsened as a consequence of the installation of perimeter fencing, but planning conditions cannot be imposed to remedy that. While the condition of the public footpath is a matter of concern it will fall to the land owner or the Highway Authority to seek redress and the need for remedial work on the public footpath to remedy unacceptable impact arising from development on the adjoining school land.
52. Proposed pitch drainage has yet to been installed, and the pitch levels have not yet been fully formed and soils spread, so the intended drainage system is not yet functioning. Once installed and in operation, pitch drainage is to be directed away from the public footpath. It is noted that works carried out by the housing developer to form the Persimmon Homes area of open space may be

contributing to wetter conditions on the public footpath, with an area of land next to the public footpath at a lower level than the public footpath itself, and has been seen with standing water. The condition of the footpath will be affected by the amount of foot traffic and weather conditions.

53. Although the route of the public footpath is fenced to separate it from the adjacent open space, there is no apparent reason as to why this is the case. It is understood that both the open space and land on which the public footpath runs are both in the ownership of Persimmon Homes. Although outside the scope of this application, the condition of the public footpath could improve if the fence separating it from the open space was to be removed, so as to offer an alternative route for pedestrians other than having to walk the definitive line of the public footpath.
54. The proposed change to the alignment of perimeter fencing on the eastern boundary of the playing field is considered to be non-material and acceptable. The re-aligned fencing incorporates openings that will allow mammals to transit between the adjacent watercourses and the site.
55. The omission of one flight of steps north of the school between two outdoor spaces is considered to be a non-material change and acceptable.
56. In conclusion on matters relevant to the determination of this application, the change to incorporate a retaining wall and fence restraint in the design will change the appearance of the pitch and its surrounds. However, although visible when viewed close to by users of the public footpath and from the open space, it would not be incongruous or out of keeping with the overall school setting and would be viewed principally through school fencing against a backdrop of trees. The amenity of residents overlooking the school site across the open space would not be adversely affected and it is noted that no representations have been received from properties on Sheepwash Way. Other proposed changes to the originally approved design are minor and acceptable in compliance with the relevant criteria of Rushcliffe Local Plan Part 2: Land and Planning Policies - Policy 1: *Development Requirements*.

#### Wider-ranging Path Access and Maintenance Issues

57. Issues regarding the availability and suitability of a maintenance access to the school playing field has been raised in representations. The applicant has confirmed that the right to access the school playing field across the Persimmon Homes area of open space from Sheepwash Way with or without vehicles forms part of the land transfer (Paragraph 12). There is no need for vehicular access from Evans Road, a matter raised in representations at Paragraph 33 i).
58. The paths linking Evans Road and Sheepwash Way have been delivered through the planning permission granted by Rushcliffe Borough Council for the David Wilson Homes development. Insofar as they affect the school proposal, it was important that the paths had been constructed to a suitable standard and made available by the time the school opened and conditions were imposed to this effect. The paths have been constructed by David Wilson Homes and cross

land in their control, land in third-party ownership on the alignment of the public footpath and land owned by Persimmon Homes. It has been confirmed that the management company appointed by David Wilson Homes is responsible for the maintenance and upkeep of the path provided along the route of Public Footpath FP 5 connecting Evans Road and Sheepwash Way. Although it is understood that there is no financial liability on the County Council to contribute to the upkeep of footpaths, it would be a separate matter and not material to the determination of this application.

59. A question over the removal of the road used to access the temporary school and for construction of the playing field has been raised in representations at Paragraph 33h). A separate planning application seeking to extend the period for the removal of the road and restoration of the site due to delay to the project caused by adverse weather has been granted (8/23/02283/CTY). The road, crossing land not in the County Council's ownership or control, is to be removed and the site restored.
60. The school has clarified that it is not currently the intention for the playing field to be made available for out-of-hours non-school community use. However, the matter has been raised in representations (Paragraph 33m) and Paragraph 34a)). New planning conditions cannot be imposed that would alter in substance the permission originally granted. In determining application 8/22/00570/CTY possible out of hours use, or use other than by the school, was not restricted (although there is a condition that controls external lighting to be installed on the Playing Field Site – recommended Condition 16). To seek to control third party use of the site is beyond the scope of this planning application. Planning aside, the proposed school would have only a single pitch suitable for 7-a-side football so if used outside of school hours any traffic likely to associated with use of the playing field would either be able to be accommodated within the school car park through agreement as part of the hire of the school facility, or through parking on the public highway with less highway impact than that associated with the term-time operation of the school.

#### Retrospective Development

61. In seeking to deliver the project to planned timescales the applicant has started to carry out the works proposed in this variation application. The development carried out is not unlawful but is unauthorised and has been undertaken at developer risk of enforcement. The detailed consideration of the proposed revisions to the pitch layout and levels, requiring the remodelling of an area of floodplain, and the visual appearance of the concrete retaining wall and fence/railing edge restraint in a design that allows the retention of more trees than were originally to be removed, is considered to be acceptable in principle and it would not have been expedient to have initiated enforcement action.

#### Review of Existing Conditions

62. The determination of a s73 application, which in this instance seeks to vary plans of the already approved development, requires a review of currently imposed planning conditions to see which remain relevant. Many relating to



construction of the building on the southern main school site are no longer required although the retention of some features provided and operational requirements still need to be the subject of conditions. The recommended conditions have been updated accordingly.

63. The proposed development changes some of the plans specified in the originally approved Condition 3. Recommended Condition 1 makes clear that other previously approved plans are modified to reflect the revised site layout.
64. The alteration of levels in Flood Zones 2 and 3 required by Condition 11 of the original development is awaiting determination under that permission, and is mirrored in the information submitted in this application. Approval of this application would satisfy Condition 11 of that permission, which can be modified to require development to be carried out in accordance with the details submitted with this application (Condition 11).
65. As a stand-alone grant of planning permission and with development of the adjacent housing estate progressing in parallel with the school construction, Condition 27 of the original permission required the timely provision of a path along the route of public footpath East Leake FP5 to complete the pedestrian link between Sheepwash Way and Evans Road, as it is used as the main pedestrian access to the school. The path was provided in advance of the school opening as part of the housing development by David Wilson Homes, with the developer having confirmed that their management company is responsible for future path maintenance. The condition is no longer required.
66. Condition 28 of the original permission required various measures to be in place before the school opened, as it is located on an active housing development site, to ensure that it is provided with safe and suitable access by both vehicular traffic and pedestrians. Among the provisions, the proposal required either the Evans Road loop road to be open to through-traffic or for the road, as far as it has been constructed, to be provided with a suitable turning area. Although a dedicated turning head is not currently available, turning on the wider carriageway on Evans Road has not led to problems being reported. The Evans Road loop road is expected to be fully open by the end of 2024 and by that time the school roll is expected to have increased to 148, just below half of its planned capacity. NCC Highways Development Control has confirmed that the existing arrangements for turning on the highway for the school to be an acceptable temporary interim measure. With satisfactory arrangements in place the condition is no longer required.
67. A methodology for a post-occupation traffic survey has been approved in compliance with Condition 32 of the original permission. The original permission required a post-occupation traffic survey to be carried out within three months of the school first being brought into use. However, that traffic survey will be meaningful to inform the school Travel Plan once Traffic Regulation Order measures at the school have been provided and the timescale for the relevant requirements have been revised (Conditions 24-26).

## **Other Options Considered**

68. 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**

69. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and 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.

### Crime and Disorder Implications

70. The two sites comprising the school building and its playing field would each be enclosed by perimeter security fencing.

### Data Protection and Information Governance

71. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

### Financial Implications

72. The applicant still has an obligation under the original grant of planning permission to review the existing, and introduce a new, Traffic Regulation Order (Condition 17). The applicant would be expected to cover all reasonable legal costs incurred by the County Council in the making of a Traffic Regulation Order.

### Human Rights Implications

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

#### Public Sector Equality Duty Implications

74. There are no Public Sector Equality Duty implications arising from the changes to the approved development proposed in this application.

#### Safeguarding of Children and Adults at Risk Implications

75. Revisions to the perimeter security fencing proposed on the eastern side of the school playing field do not alter safeguarding of children implications considered in the determination of the original grant of planning permission.

#### Implications for Service Users

76. The proposed development provides school places within the East Leake Pupil Place Planning area and specific to this proposal, the works will provide suitable outdoor sport and recreational areas.

#### Implications for Sustainability and the Environment

77. These have been considered in the Observations section above, with the proposal allowing the retention of a greater number of trees subject of a Tree Preservation Order.
78. There are no Human Resources implications arising.

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

79. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. 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**

80. 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 1. Members need to consider the issues set out in the report and resolve accordingly.

**DEREK HIGTON**

**Interim Corporate Director – Place**

## **Constitutional Comments**

Planning and Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council.

[JL 20.02.2024]

## **Financial Comments**

The financial implications are set out in Paragraph 72 of the report. The applicant still has an obligation under the original grant of planning permission to review the existing and introduce a new Traffic Regulation Order (Condition 17). The applicant would be expected to cover all reasonable legal costs incurred by the County Council in the making of a Traffic Regulation Order.

[PAA 29 22.02.2024]

## **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: [www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4600](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4600)

## **Electoral Divisions and Members Affected**

Leake & Ruddington	Cllr Matt Barney
Leake & Ruddington	Councillor Reg Adair

Report Author/Case Officer  
David Marsh  
0115 9932574

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

**RECOMMENDED PLANNING CONDITIONS**

1. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:
  - (a) Location Plan (Drawing 30008-ARC-PL-XX-D-A-101001 Rev P02) received by the CPA on 12 December 2023.
  - (b) Context Site Plan with Stairwell to House Section (Drawing 30008-ARC-PL-XX-D-A-101007 Rev P04) received by the CPA on 13 May 2022.
  - (c) Proposed Site Plan (Drawing 30008-ARC-PL-XX-D-A-101003 Rev P07) received by the CPA on 12 December 2023.
  - (d) Proposed Site Plan – Levels (Drawing 30008-ARC-PL-XX-D-A-101004 Rev P07) received by the CPA on 12 December 2023.
  - (e) Proposed Site Sections (Drawing 30008-ARC-PL-XX-D-A-103001 Rev P02) received by the CPA on 10 May 2022.
  - (f) Proposed Ground Floor Plan (Drawing 30008-ARC-PL-00-D-A-110201 Rev P02) received by the CPA on 15 February 2022.
  - (g) Proposed First Floor Plan (Drawing 3 30008-ARC-PL-01-D-A-110202 Rev P02) received by the CPA on 15 February 2022.
  - (h) Proposed Elevations Sheet 1 (Drawing 30008-ARC-PL-XX-D-A-112001 Rev P04) received by the CPA on 13 May 2022.
  - (i) Proposed Elevations Sheet 2 (Drawing 30008-ARC-PL-XX-D-A-112002 Rev P03) received by the CPA on 13 April 2022.
  - (j) Proposed Roof Plan (Drawing 30008-ARC-PL-A-110203 Rev P02) received by the CPA on 15 February 2022.
  - (k) Proposed Sections (Sheet 1) (Drawing 30008-ARC-PL-XX-D-A-113001 Rev P02) received by the CPA on 15 February 2022.
  - (l) Proposed Sections (Sheet 2) (Drawing 30008-ARC-PL-XX-D-A-113002 Rev P02) received by the CPA on 15 February 2022.
  - (m) Landscaping General Arrangement (Drawing 30008-LLA-A14-XX-D-L-00001 Rev P06) received by the CPA on 23 May 2022.



- (n) Hard Landscape General Arrangement Sheet 1 of 2 (Drawing 30008-LLA-A14-XX-D-L-00100 Rev P05) received by the CPA on 23 May 2022.
- (o) Hard Landscape General Arrangement Sheet 2 of 2 (Drawing 30008-LLA-A14-XX-D-L-00100 Rev P06) received by the CPA on 23 May 2022.
- (p) Topsoil Distribution Plan Sheet 1 of 2 (Drawing 30008-LLA-A14-XX-D-L-00610 Rev P05) received by the CPA on 23 May 2022.
- (q) Topsoil Distribution Plan Sheet 2 of 2 (Drawing 30008-LLA-A14-XX-D-L-00611 Rev P06) received by the CPA on 23 May 2022.
- (r) Detailed Planting Sheet – Sheet 1 (Drawing 30008-LLA-A14-XX-D-L-00600 Rev P05) received by the CPA on 23 May 2022.
- (s) Detailed Planting Sheet – Sheet 2 (Drawing 30008-LLA-A14-XX-D-L-00601 Rev P05) received by the CPA on 23 May 2022.
- (t) Tree Pit and Staggered Hedgerow Planting Specification (Drawing 30008-LLA-XX-XX-D-L-00602 Rev P03) received by the CPA on 13 April 2022.
- (u) Proposed Fencing Layout (Drawing 30008-ARC-PL-XX-D-A-101005 Rev P08) received by the CPA on 12 December 2023.
- (v) Fence and Gate Types Sheet 1 (Drawing 30008-ARC-PL-XX-D-A-104101 Rev P01) received by the CPA on 15 February 2022.
- (w) Fence and Gate Types Sheet 2 (Drawing 30008-ARC-PL-XX-D-A-104102 Rev P03) received by the CPA on 13 May 2022.
- (x) Ancillary Structures (Plan/Elevations) (Drawing 30008-ARC-PL-XX-D-A-114001 Rev P01) received by the CPA on 15 February 2022.
- (y) Sports Pitch Compensatory Floodplain (Drawing 30008-WMS-SE7-XX-D-C-39114-S8 Rev P1) received by the CPA on 12 December 2023.
- (z) Sport Pitch Proposed Levels (Drawing 30008-WMS-SE7-XX-D-C-39112-A Rev C1) received by the CPA on 12 December 2023.
- (aa) Sports Pitch Drainage Layout 2 of 2 (Drawing 30008-WMS-SE8-XX-D-C-39206-A Rev C6) received by the CPA on 26 January 2024.
- (bb) Pitch/Fence Site Section (Drawing 30008-ARC-A01-XX-D-A-014023 Rev P03) received by the CPA on 12 December 2023.

- (cc) Tree Removal Plan (Drawing 30008-ARC-A01-XX-D-A-004027) received by the CPA on 12 December 2023.
- (dd) Shed Design/Appearance Pack received by the CPA on 12 December 2023.

For the avoidance of doubt where not expressly updated by this grant of permission all plans showing the originally approved site layout shall be considered as updated to reflect the revised layout shown on the Site Plan approved by Condition 1c) of this permission.

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

### Construction

- 2. A walkover ecological survey shall be carried out prior to work re-commencing on the Playing Field Site.

*Reason: To ensure that development is carried out taking account of up-to date ecological information.*

- 3. Tree, shrub, scrub or other vegetation clearance works that are to be carried out between the months of March to August inclusive shall only be undertaken in accordance the methodology approved in compliance with Condition 5 of planning permission 8/22/00570/CTY. 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, having 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.*

- 4. Vehicular access from Sheepwash Way for the purpose of undertaking construction works on the Playing Field Site shall be in accordance with Condition 27 planning permission 8/21/02694/CTY, as varied by planning permission 8/23/02283/CTY.

*Reason: For the avoidance of doubt as to the development permitted and in the interest of highways safety.*

- 5. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA, on the Playing Field Site:
  - a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;

- b) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Monday to Friday and 07:30– 13:00 hours on Saturday;
- c) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Monday to Friday and 07:30–13:00 hours on Saturday;
- d) no construction related vehicle movements to and from the playing field site shall take place on any operational school day;
  - i) 30 minutes before and 15 minutes after the start of the operational school day;
  - ii) 30 minutes before and 30 minutes after the end of the operational school day.

*Reason: To safeguard the amenity of nearby residents, school safety, and in the interests of highway and pedestrian safety.*

- 6. Development on the Playing Field site shall be carried out in accordance with the details approved in compliance with Condition 10 of planning permission reference 8/22/00570/CTY.

*Reason: In the interest of highway safety, to protect the amenities enjoyed by occupiers of nearby properties, and to prevent pollution in the interest of safeguarding ecology.*

- 7. Proposed changes of level in Flood Zones 2 and 3 to form the playing pitch shall be carried in accordance with details submitted with, and approved by, this grant of planning permission.

*Reason: For the avoidance of doubt as to the development and to safeguard against increased risk of flooding on the site or elsewhere.*

#### Contamination

- 8. Notwithstanding details submitted in support of the application, prior to the re-commencement of site works on the Playing Field Site:
  - i. An updated desk study, based on the condition of the site prior to removal of the temporary school (permission 8/21/02694/CTY);
  - ii. A site investigation and contamination risk assessment;

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

- iii. If any risks associated with Condition 8 ii) are identified, a remediation strategy detailing the measures to be implemented to protect any identified receptors shall be submitted to an approved in writing by the CPA with development to be carried out in accordance with the approved details; and
- iv. A remediation validation report shall be submitted within two months of each phase of remediation and on completion of the remediation/mitigation works, to include chemical compliance testing of site-won and/or imported materials at formation level and, if applicable, any agreed remedial requirements in iii). Unless otherwise first agreed in writing by the CPA, no development works shall commence until the validation reporting has been approved in writing by the CPA.

*Reason: Details are required to be submitted prior to the re-commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed, in compliance with Rushcliffe Borough Council - Local Plan Part 2 Policy 40 - Pollution and land contamination.*

- 9. The CPA shall be notified in writing within 7 days of the date of the Playing Field phase of development. Within two months of the completion of the Playing Field phase of the development, a validation report to confirm an absence of contaminants shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

- 10. If during development on the Playing Field Site contamination not previously identified is found to be present, no further works shall be carried out in the area identified, 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. Works shall be carried out in accordance with the approved details.

*Reason: To provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

#### Drainage

- 11. Development shall be carried out in accordance with the scheme of Playing Field surface water drainage submitted with, and approved by, this grant of planning permission.

*Reason: For the avoidance of doubt as to the development and to safeguard against increased risk of flooding on the site or elsewhere.*

## Design Details

12. Development shall be carried out in accordance with the ecological enhancement plan for the wider site approved in compliance with Condition 18b) of planning permission 8/22/00570/CTY, modified to take account of the site layout approved by this permission.

*Reason: For the avoidance of doubt as to the development permitted and to enhance the ecology of the site, in compliance with Rushcliffe Local Plan Part 2: Land and Planning Policies - Policy 38 Non-designated biodiversity assets and the wider ecological network.*

13. Prior to the school playing field first being brought into use, the reinforced concrete retaining wall adjoining the grass playing pitch shall be faced with willow screen hurdling as specified in the application. The willow screen hurdling, or such other facing treatment which shall first be approved in writing by the CPA, shall be retained, and maintained to a standard so as not to detract from visual amenity to the satisfaction of the CPA, throughout the life of the development.

*Reason: In the interest of visual amenity and to accord with Rushcliffe Local Plan Part 2: Land and Planning Policies – Policy 1 – Development Requirements.*

14. The timber acoustic fence erected on the western boundary of the hard play court on the School Site (David Wilson Homes) shall be retained with no gaps at ground level throughout the life of the development.

*Reason: To safeguard against the impact of noise on neighbouring amenity.*

15. External lighting installed on the site shall comply with Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light – Zone E2, avoiding light spilling onto adjacent habitats and trees.

*Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species and in compliance with Rushcliffe Borough Council - Local Plan Part 2 Policy 40 - Pollution and land contamination.*

16. No external lighting is to be installed on the Playing Field Site (Persimmon Homes) other than with the prior written consent of the CPA.

*Reason: For the avoidance of doubt of the development permitted and in order that consideration can be given to the amenity and ecological impact of external lighting.*

17. Within three months of the date of this permission, or such other timescale as may first be agreed in writing by the CPA, a School Zone in accordance with



details approved in compliance with Condition 23 of planning permission 8/22/00570/CTY, including the associated Traffic Regulation Orders and subject to the provision of pedestrian guardrail and other measures as necessary, shall be implemented to the satisfaction of the CPA.

*Reason: In the interest of highway safety.*

18. Development shall be carried out in accordance with the details of site landscaping approved in compliance with Condition 24 of planning permission 8/22/00570/CTY. 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.*

19. Areas of hard play shall be provided in accordance with details approved in compliance with Condition 25 of planning permission 8/22/00570/CTY.

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

20. The grass playing pitch shall be constructed in accordance with detail submitted with and approved in compliance with Condition 26 of planning permission 8/22/00570/CTY.

*Reason: To ensure the provision of a grass playing pitch to a standard fit for purpose for school use.*

21. A minimum of 40 cycle spaces already provided (subject to any review through the school Travel Plan) shall be retained on the school site throughout the life of the development.

*Reason: To promote the use of sustainable non-car based travel alternatives and to promote healthy lifestyles.*

22. A minimum of two electric vehicle charging points (four spaces) already provided within the car park and installed ducting to facilitate the future provision of electric vehicle charging at all parking spaces shall be retained throughout the life of the development.

*Reason: To enable the use of non-carbon based technology in accordance with Paragraph 116e) of the National Planning Policy Framework.*

23. The vehicle access, vehicle 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: To ensure the retention of access, turning, car parking and service areas in the interest of highway safety.*

### Post-Occupation

24. Within 2 months of the implementation of the School Zone required by Condition 17 of this permission, a post-occupation traffic survey in accordance with the methodology approved in compliance with Condition 32 of planning permission 8/22/00570/CTY, including recommendations and a timescale for the implementation of recommended measures shall be submitted to and approved in writing by the CPA. Approved measures shall be implemented to the written satisfaction of the CPA in accordance with the agreed timescale.

*Reason: In the interest of highway safety and to minimise the potential highway related implications of the development.*

25. The Head Teacher of the new 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 by the end of September 2024 provide a completed Primary School Travel Plan (updating the current interim 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 Primary School Travel Plan shall 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;
  - f) manage pupil drop-off and pick-up; and
  - g) manage school related parking for school events outside of normal school hours.

The School Travel Plan shall include:

- h) the scope and a programme for monitoring school related short-term parking on the public highway, and any potential highway safety issues arising;

- i) the scope and a programme for monitoring pedestrian-cyclist movements associated with the school's peak operation times;
- j) a proposal to attain periodic staff-pupil travel pattern behaviours, through origin-destination-post code-multi modal surveys;
- k) modal shift targets; and
- l) 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.  
(Attention is drawn to Note 2 attached to this decision notice.)*

26. Subsequent to the report required by Condition 25, the Travel Plan Coordinator shall submit a report to the CPA at the end of September 2025, and thereafter submit annual reports for a minimum period of 5 years and until the 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 25 h)-25 l)), evidence that active engagement has taken place with the local community and civil enforcement officers, evidence consultation with NCC Road Safety Team in the promotion of sustainable travel and road safety education, and propose revised initiatives and measures where the 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.*

27. The combined fixed plant noise rating installed shall not exceed 35dB LAeq<sub>1hr</sub> at the nearest sensitive receptor. In the event that the noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. The development shall operate in accordance with the approved details.

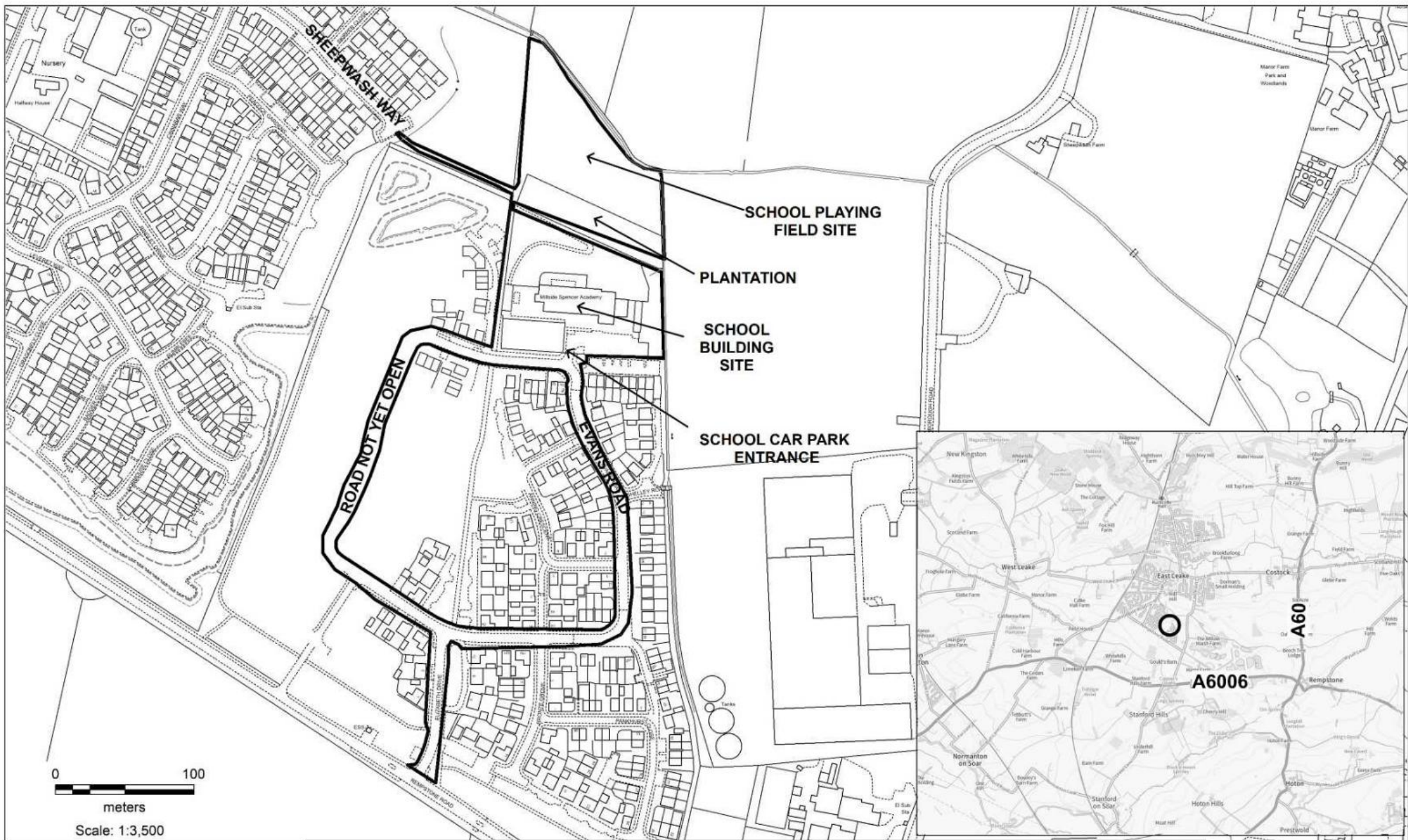
*Reason: To safeguard the amenities enjoyed by the occupiers of nearby residential properties.*

### **Informatives/notes to applicants**

1. The school should carefully plan their operational activities, particularly where there is potential for staff shifts to overlap (catering/mid-day/cleaning) to ensure that the school staff parking can all be accommodated on the school site without having to park on the adjacent highway network.
2. With reference to Condition 25, the applicant is encouraged to liaise with local Members at Nottinghamshire County Council, Rushcliffe Borough Council and

with East Leake Parish Council to actively improve options for sustainable travel in developing the School Travel Plan whilst the temporary school is in use and before the new school opens.





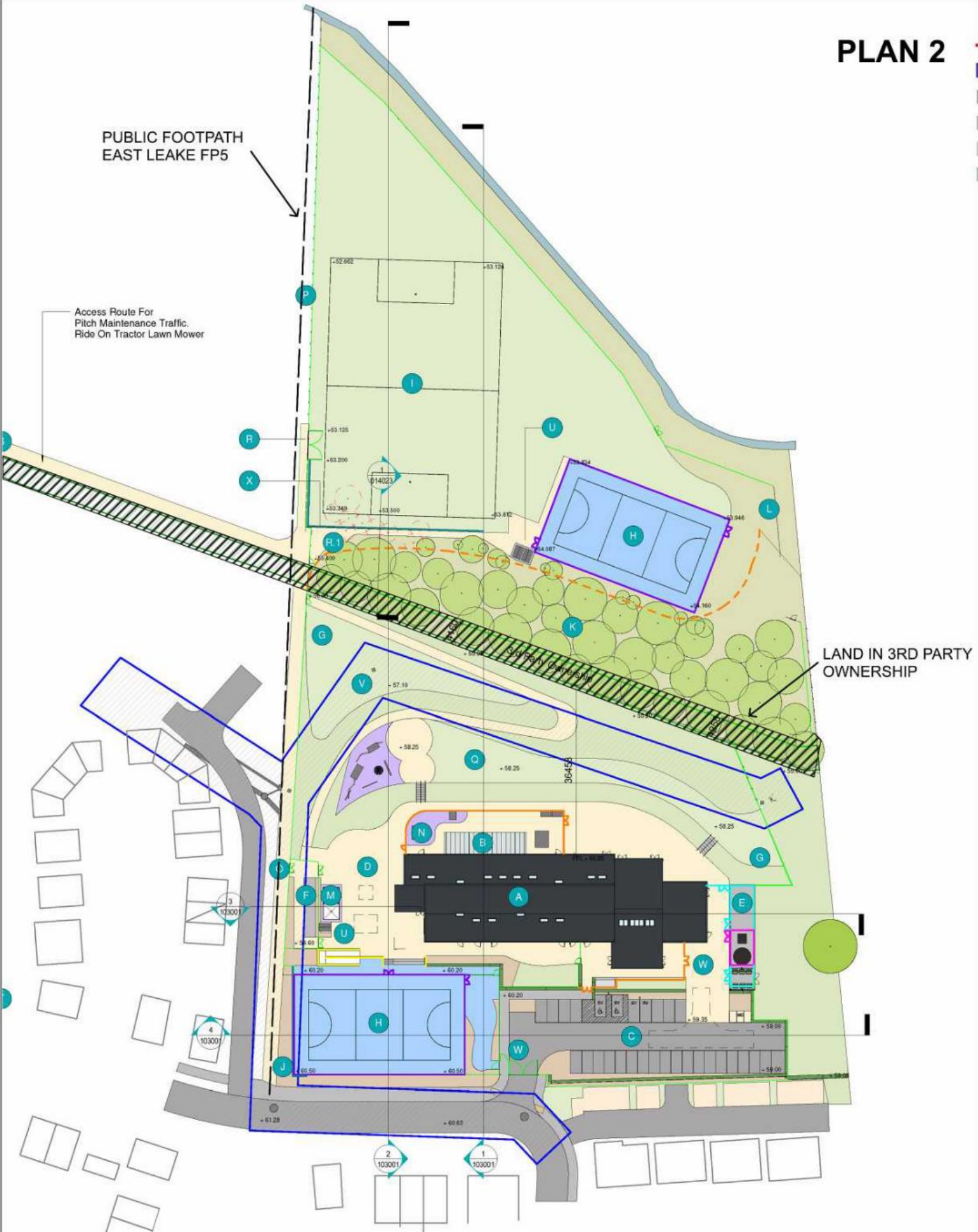




PUBLIC FOOTPATH  
EAST LEAKE FP5

Access Route For  
Pitch Maintenance Traffic.  
Ride On Tractor Lawn Mower

LAND IN 3RD PARTY  
OWNERSHIP



Erection of a Primary School for 1.5 Forms of Entry, plus 26 place Nursery –  
variation of playing pitch site layout  
Millside Spencer Academy, 107-108 Evans Road, East Leake  
Planning Application 8/23/02136/CTY

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Date: 16/02/2024  
Produced by: jw69  
Scale NTS



AREA IN FLOOD ZONE 2/3  
THAT NEEDS TO BE RAISED

PITCH FALL  
1:80

PROPOSED RETAINING WALL  
(ALREADY CONSTRUCTED)

GALVANISED  
STEEL FENCE  
EDGE RESTRAINT

3rd Party Ownership



**Nottinghamshire  
County Council**

Erection of a Primary School for 1.5 Forms of Entry, plus 26 place  
Nursery – variation of playing pitch site layout  
Millside Spencer Academy Primary School, Evans Road, East  
Leake  
Planning Application 8/23/02136/CTY

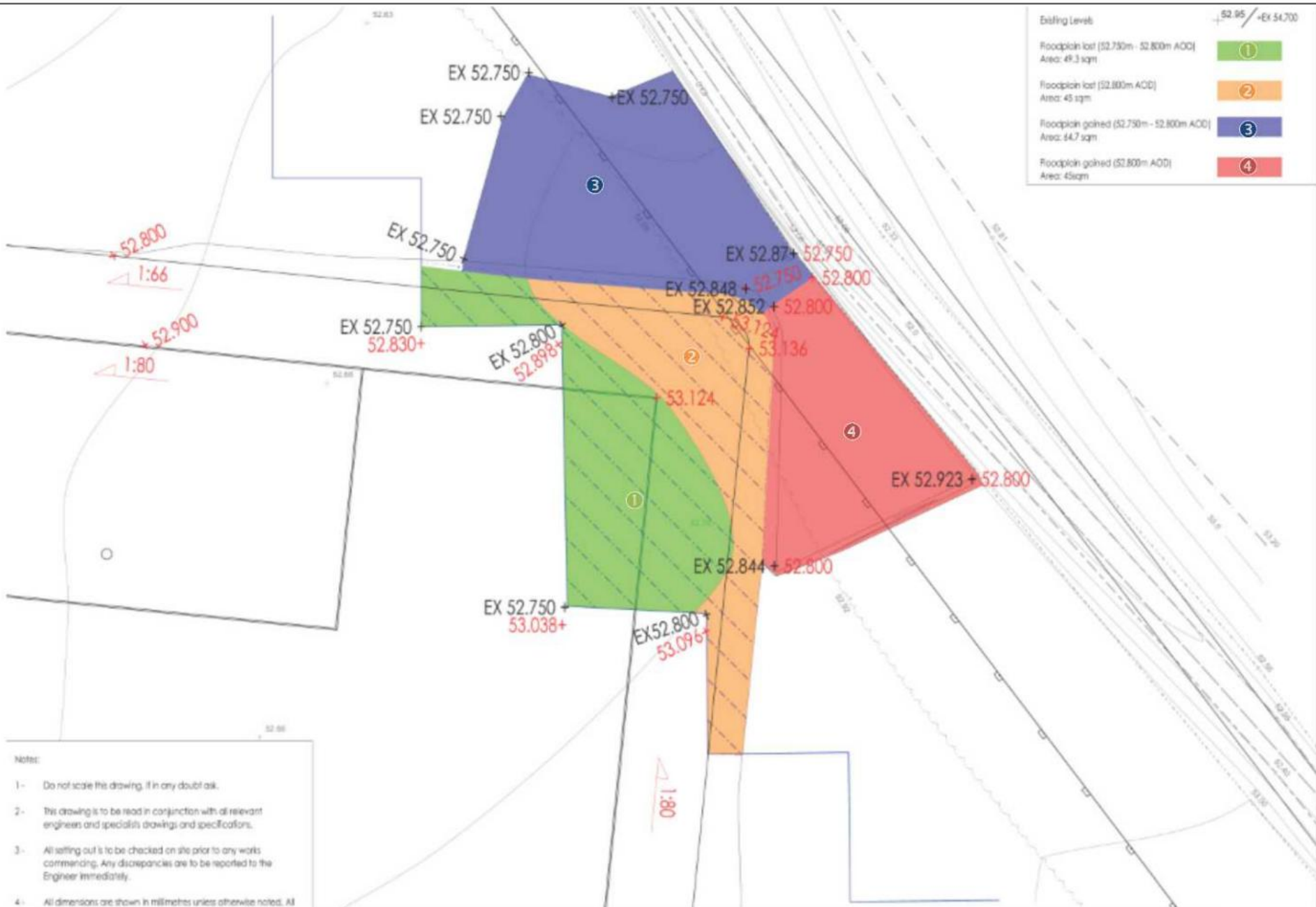
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Scale: NTS  
Date: 16/02/2024  
Produced by: jw69



















ADDITIONAL TREES THAT CAN BE RETAINED WITH THE  
REVISED PROPOSAL

Path omitted to  
Facilitate  
reduced Impact  
on Trees

#### Legend

-  Trees to be removed
-  Additional Trees Retained  
Originally removed under  
Approval 8/22/05570/CTY
-  Boundary extent of retained  
trees as per approval  
8/22/05570/CTY
-  Canopy of Retained Trees

Trees Removed under the Approval / s73 proposal.



Scale: NTS

Produced by: jw69

Date: 16/02/2024





**12 March 2024****Agenda Item: 7****REPORT OF INTERIM CORPORATE DIRECTOR FOR PLACE****BASSETLAW DISTRICT REF. NO.: 1/23/01269/CDM**

**PROPOSAL:**           **INSTALLATION OF A NEW SEWAGE PUMPING STATION  
COMPRISING A NEW PUMP HOUSE KIOSK, CHEMICAL DOSING RIG,  
HARDSTANDING AND BOUNDARY FENCING**

**LOCATION:**           **ASHES PARK AVENUE, GATEFORD, WORKSOP,  
NOTTINGHAMSHIRE, S81 7NH**

**APPLICANT:**       **SEVERN TRENT WATER LIMITED**

**Purpose of Report**

1. To consider a planning application for a sewage pumping station comprising a new pump house kiosk, chemical dosing rig, hardstanding and boundary fencing at Ashes Park Avenue, Worksop. The key issues relate to visual impact and loss of open space. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

**The Site and Surroundings**

2. The planning application site, off Ashes Park Avenue, is situated in Gateford approximately 3km to the north of Worksop town centre. The wider area is predominantly residential to the north, south and west, and with agricultural land to the east (Plan 1).
3. Houses to the north are shielded from the site by a thick cluster of trees and other vegetation in which a small brook flows through. The houses facing the site along Gibson Court, Lerwick Close, and Blenheim Rise, to the south, are part-shielded by trees and vegetation, but due to their elevated position have a clear view of the site, especially from upper storey windows. These houses are about 80 metres away.
4. The site itself is located within a corridor of open grassland which is dotted with clusters of trees and forms part of general amenity/informal open space around the housing areas. An existing smaller sewage pump, which is surrounded by a metal palisade fence, exists in the same area, just outside the proposed site boundary. Access is via a small access drive off Ashes Park Avenue. The application site, extending to 890m<sup>2</sup>, lies to the immediate southeast of the existing pumping station which covers an area of

77 m<sup>2</sup> in area. The land levels have a sharp rise off Ashes Park Avenue, creating the appearance of an earth bank, which slowly settles further north and away from Ashes Park Avenue. The access drive is cut into the earthworks which has resulted in banks on either side, with a maximum height of 1.5 metres.

### **Proposed Development**

5. Severn Trent Water are conducting a number of sewage utility upgrades in the Worksop area; this planning application is one part to a wider improvement scheme which includes a number of elements which are permitted development (works not requiring planning permission) which have already commenced on, or in close proximity to, the application site. The applicant has stated that the proposal is needed to support a new sewer pipe which is being laid between Woodsetts sewage treatment works, located 2.4km north west of the application site, and Worksop sewage treatment works, 4km south east of the application site to help limit storm overflows as set out in the Environment Act 2021. The new pumping station specific to this application will also help keep up with the increasing demand in the local area due to new developments, such as housing and schools, that have or are being built nearby.
6. The proposed development is to construct a new sewage pumping station comprising a pump house kiosk, chemical dosing rig, and hardstanding. The proposed sewage pumping station would be surrounded by a 2.1-metre-high palisade security fence measuring 25 m x 21 m and painted holly green (see Plan 2). The kiosk would measure 7.4m by 8.1m, with a pitched roof 4.82m at its ridge. It would also be painted holly green and be sited on a concrete slab. The chemical dosing rig would measure 4.02m by 4.02m with a height of 4.15m high (Plan 3). An access spur would be built off of the existing drive so that service vehicles can gain access into the site.
7. The ground on site is proposed to be levelled to make it flat. This would result in an earth bund of approximately 1.2m high being created to the south of the development and so partly shield it from views to the south. Landscape planting would be provided as follows. Seven trees as well as hedging are to be planted along the southern edge to further screen the site (Plan 4). Along with these, three trees and a neutral grassland would be sown on the western boundary to help shield the site from the west. Once the trees have reached maturity, bird or bat boxes would be placed into the trees to help provide enhancements for local wildlife (Plan 5).
8. Once construction is complete and the site is in operation, it would be visited monthly to conduct routine checks and to top up chemical levels.

### **Consultations**

9. **Bassetlaw District Council** – No objection.
10. **Environment Agency** – No objection. *The applicant is advised to have robust contingency plans in place for events such as pump failures or power outages. They are also advised to address in their design and maintenance regime early leak detection measures, particularly for odour.*

11. **NCC Highways Development Control** – No objection, subject to construction traffic management.
12. **NCC Lead Local Flood Authority** – No objection.
13. **NCC Planning Policy** – No objection subject to there being no unacceptable environmental and amenity impacts.
14. **NCC Archaeology** – has discussed the scheme with Severn Trent's archaeological consultant and has agreed a programme of work with them. *If planning consent is granted this should be conditional upon the scheme being implemented as discussed. Conditions are recommended requiring a written scheme of investigation to be submitted and approved prior to the commencement of development, and for the developer to secure the completion of a programme of archaeological work in accordance with the written scheme.*
15. **Via Countryside Access** – No objection.
16. **Via Geo-environmental** – Has requested a further geo-environmental desk-based study to be produced.
17. **Via Landscape** – No objection. Further screening of the site is recommended and a list of recommended Landscape Character species has been provided.
18. **NCC Nature Conservation** – No objection subject to a condition requiring a detailed scheme, including species mixes, establishment methods and maintenance regimes, based on proposals in the submitted Preliminary Ecological Appraisal Report. *The proposals directly affect a very small area of low-value habitat (amenity grassland plus hard standing), and the scheme will not give rise to any significant ecological impacts. Site landscaping, including the creation of a strip of neutral grassland with trees and the provision of bird and bat boxes will help deliver a net gain for biodiversity.*
19. **Via Noise Engineer** – No Objection subject to conditions regarding noise complaints and noise monitoring.
20. No response has been received from **Nottinghamshire Wildlife Trust, Cadent Gas Limited** or **National Grid Electricity Distribution**. Any responses received shall be orally reported.

## **Publicity**

21. The application has been publicised by means of site notices, a press notice, and by neighbour notification letters sent to the ten nearest occupiers in accordance with the County Council's Statement of Community Involvement.
22. Three letters of representation have been received raising objections on the following grounds:
  - a) Visual impacts were the predominant issues raised along with the loss of the open space.

b) Noise and odour impacts were also issues raised.

23. Councillor Sybil Fielding has significant concerns about this project and formally request that the application is brought before committee for determination.
24. The issues raised are considered and further explored in the Observations Section of this report.

## **Observations**

### Planning policy introduction

25. The Nottinghamshire and Nottingham Waste Core Strategy (WCS) sets out the overall vision, objectives, and broad policies for future waste management within Nottinghamshire. The key issues covered in the WCS that are relevant to the development at Ashes Park Avenue are identified below:
26. As set out in paragraph 4.10, over the next 20 years additional sewage treatment capacity is likely to be needed in Nottinghamshire, particularly the Worksop area. With population growth, additional and improved sewage infrastructure should be built to help manage new demands where needed, as is mentioned in paragraph 5.7.
27. Paragraph 7.43 states sites should be away from housing and designed to minimise their impact on the surrounding landscape. However, choice of sites will be limited by operational requirements such as pumping distances.
28. Policy WCS13 states that new waste treatment facilities will be supported only when there is no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby. Waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat, or community facilities.
29. Policy WCS15 (Design of waste management facilities) states that all new or extended waste management facilities should incorporate high standards of design and landscaping, including sustainable construction measures.

### Location of the development in context of the Development Plan

30. The WCS does not provide specific locations for new waste management developments but gives guidelines and broad principles to narrow down suitable locations and are set out by Policies WCS4 (Broad Locations for Waste Treatment Facilities) and Policy WCS7 (General Site Criteria) which breaks it down by different types and sizes of waste management facilities.
31. Under Policy WCS4, smaller/medium sized waste facilities will be supported close to or in built up areas including the Worksop area. Policy WCS7 recommends alternative areas for sewage treatment facilities, however this planning application is for a small site, not a large sewage treatment works, with the primary focus being the sewage pump, so this is not considered to be a concern.



32. Policy DM9 D. *Open Spaces and Sports Facilities* of the adopted Bassetlaw Core Strategy (BCS) requires new developments to not adversely affect or result in the loss of open spaces. Exceptions will be made if the open space is identified as surplus.
33. The Bassetlaw District Local Development Framework Proposals Map identifies the site as being within the urban area of Worksop, however it does not afford it any other special listing. The underpinning Green Infrastructure Study also does not identify the site as forming part of any green corridor.
34. Bassetlaw District Council are at an advanced stage of finalising a new Local Plan. The Council's Publication Version of its Policies Map lists the site as a "locally important open space" which falls under Policy ST46 of the emerging local plan. This policy has the strategic objective of protecting the "natural environment by maintaining, conserving and enhancing its characteristic landscapes, biodiversity, habitats and species..."; it also aims to supply and maintain more open areas for local residents to use for leisure activities. As this map and Plan has not yet been officially adopted, it is open to modifications. Policy ST46 has had modifications made to it over the past 3 years and may have more before being adopted. This impacts on the level of weight that can be afforded this policy at the present time.
35. It is acknowledged that the location is publicly accessible open space, however it has not been designated as a protected open space. Loss of open land will result from the development no matter where it is placed, however by having it located close to the existing pump results in a reduction in required developed land due to sharing existing utilities and the access drive.
36. While the loss of open space is important to recognise, as noted above, Bassetlaw DC have raised no objections to the proposal in principle and the publication version of the emerging Bassetlaw Local Plan has also not been officially adopted (it remains at the examination stage). The impact on the proposed development in the green area would be limited by its small footprint. On top of this the WCS stipulates that site choice is likely to be limited. With an older existing sewage pump being located close by it is reasonable to assume that surrounding infrastructure such as electrical connections are already in place which heavily reduces costs and disturbances to the surrounding area. Its proximity to new housing developments is also a requirement, and thus further limits the possible locations for the new site.
37. Considering all of these points it is considered that the location of the site is appropriate, subject to environmental and amenity impacts being acceptable. However, some conflict with Bassetlaw policies DM9 d. and emerging policy ST46 should be noted but is considered not to be sufficient to refuse permission for what is essential local infrastructure.

#### Design, Landscape and Visual Impact

38. WCS policies WCS13 (*Protecting and enhancing our environment*) and WCS15 (*Design of waste management facilities*) are relevant.

39. Paragraph 7 of the National Planning Policy for Waste (NPPW) seeks to ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
40. The Waste Local Plan (WLP) Policy W3.3 (Plant and Buildings) seeks to minimise the visual impact of waste management facilities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Policy W3.4 (Screening) seeks to secure both the retention and protection of existing features which have value in terms of screening and landscaping to minimise visual impacts, including earth mounding, fencing, and/or tree and shrub planting.
41. Policy DM4 B.v. – *Amenity* of the BCS states that new developments should not result in detrimental effects on residential amenity while Policy W3.29 of the WLP also states that planning permission should be refused to new developments which have a “significant adverse impact” on the existing landscape character or local amenity.
42. Paragraph 7.52 of the WCS states “Facilities should be designed to fit in with their surrounding landscape...” This means that the proposed development has to take into account the open green nature of much of its surrounding landscape into the design.
43. Visual impact has been a major concern from objectors, all of whom are residents who live on the other side of Ashes Park Avenue and have a clear view of the site from their houses. Paragraph 9.5.2 of emerging local plan suggests providing adequate distances between sites and screening sites to help minimise undue intrusion.
44. While the site location is a green open space, the existing sewage pump with its minimal screening and uncoloured fence close to the application site has to be considered in terms of the current amenity of the location. The closest distance to a house with direct views is also approximately 80 metres which is considered suitable. On top of this it is considered that with the addition of the proposed screening the development would not reach the threshold of being classed as unacceptable.
45. The plans for this development will have a fence around its perimeter and trees planted along its southern boundary; to add to this the levelling of land will create an earth bund. All of these will help screen the site from the view of properties. Vegetation will be planted around the fence, and the fence painted green, to help further increase screening and reduce visual impacts. Recommendations for the planting and colour details would be controlled via a condition attached to any grant of planning permission.
46. A Landscape and Ecological Management Plan, as recommended by planning condition, can detail long-term requirements for maintenance and aftercare.
47. Factoring the policies, guidance, and the current Development Plan it is considered that the distance between residential properties and the site is adequate and that the overall landscape changes and visual impacts are not significantly adverse or unacceptable. Subject to the imposition of conditions, including for a full landscaping scheme, the proposal is considered compliant with policy regarding local amenity, design and visual appearance.

### Traffic, Access and Parking

48. Access to the site is already in place via an existing concrete track off Ashes Park Avenue. A short access spur would be formed into the new pumping station site. This is large enough for a service vehicle to be stationed on. Vehicles would be able to enter and exit Ashes Park Avenue in a forward gear due to a turning area already existing along the access track.
49. During operation there will be insignificant vehicle movements to occasionally service the facility. Further details of these are not considered necessary to inform the planning decision.
50. During construction some vehicles which cannot park in the site compound/access track may need to park on Ashes Park Avenue. Ashes Park Avenue is over six metres in width where it passes the application site, so on-street parking should not impact on the regular movement of traffic along the road.
51. Details of construction traffic management measures can be secured by condition, as recommended by NCC Highways. Subject to such an inclusion the proposal is considered to accord with WLP Policy W3.14 as vehicles can be satisfactorily accommodated.

### Consideration of other Environmental Effects

52. NPPF paragraph 191 states that planning decisions should ensure that new developments are appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
53. The day-to-day control of environmental emissions from wastewater management are regulated and enforced by the Environment Agency. However, the environmental impact from the proposed development is considered insignificant with little to no emissions expected as well as low chances of any other wider environmental effects. Robust contingency plans, as recommended by the Environmental Agency, are recommended to limit any potential impacts that may arise in the unlikely event of equipment or electrical failure.

### Noise

54. Saved Policy W3.9 (Noise) of the WLP enables the use of planning conditions to regulate and reduce the potential for noise emissions from waste management facilities. The policy suggests possible conditions over operating hours, sound proofing plant and machinery, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
55. A noise assessment has not been submitted with this application; the applicant states this is due to the fact that the development is expected to have negligible noise impact on surrounding receptors due to distance and the nature of the equipment and

machinery used. An existing sewage pump close to the site which is not enclosed has not had any noise issues.

56. The additional development now proposed as well as other Permitted Development work also occurring on site in conjunction with the existing pump could create unknown cumulative noise impacts when working together. There could also be some temporary construction noise disturbances to the wider area for up to 9 months.
57. The monthly site visits once in operation are however deemed to have negligible noise impact.
58. Under the guidance of Policy W3.9 and in consultation with Via Noise Engineers a condition is recommended, were permission to be approved, to help monitor any future noise complaints and a mechanism to put in place mitigation if noise issues do occur both in the construction and operational phases.
59. Additionally, given the nearby residential receptors, the proposed hours during construction should be controlled via a condition as follows:

07.30 hrs to 18.00 hrs Monday to Fridays;

08.00 hrs to 17.00 hrs Saturdays.

No construction work should be undertaken on Sundays, Public or Bank Holidays.

#### Odour

60. WLP Policy W3.7 (Odour) enables the use of planning conditions to help limit the impact from odours emitted from waste facilities. The policy sets out a number of areas these conditions could cover such as odour masking agents, and removal of malodorous materials.
61. The applicant states that odour created from the development is expected to be negligible due to the distance to surrounding receptors as well as due to the nature of the equipment and machinery used. The chemical dosing station should help further limit potential odours. An existing sewage pump close to the site which is not enclosed has not had any odour issues. Sewage pumps as well as chemical dosing rigs in general rarely, if ever, result in odour concerns.
62. Considering these factors odour is not a concern and an odour condition is not needed. Odour should also be dealt with through Environment Agency regulation.

#### Ground and Surface Water/Flood Risk

63. The development is located in Flood Zone 1 (lowest risk) and will have minimal impact on both surface and ground water, thus flood risk and water impacts are not a concern.

### Archaeology

64. The County Archaeologist has confirmed that she has been in contact with Severn Trent Water's archaeological consultant and a programme of works has been agreed. The consultant is monitoring the site whilst the ongoing permitted development works are taking place and has been in regular contact with the County Archaeologist in respect of these works. A condition requiring the implementation of an approved programme of archaeological works is recommended to ensure that any features of archaeological interest are protected in accordance with Policy W3.27 of the Waste Local Plan.

### Ecology

65. A Preliminary Ecological Appraisal submitted with the application confirms that the site comprises cultivated amenity grassland of negligible value. The proposed landscaping would provide enhancements including provision of wildflower meadow grass and native tree planting, for which establishment and maintenance details can be secured by condition. Best practice for construction is recommended, including no night-time working and the covering of any excavations overnight, or alternatively the use of mammal ramps. Again, this can be secured by condition.

### Contamination

66. Contamination is covered in the National Planning Policy Framework: Ground conditions and pollution, starting at paragraph 189.
67. Whilst a further geo-environmental report for the wider operations connected to this proposal has been submitted which identified no issues in the area of the site, a site-specific geo-environmental report for this proposal has not been submitted as recommended by Via Geo-environmental. However, it has been determined that a site-specific survey is not needed as no risks were identified in the wider report.
68. Due to this the likelihood of finding contamination during the construction phase is low but cannot be described as insignificant. A planning condition is recommended to deal with the presence of any unexpected ground contamination to reduce any impacts to the environment.

### **Other Options Considered**

69. 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**

70. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality



duty, the safeguarding of children and adults at risk, service users, smarter working, and 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.

#### Crime and Disorder Implications

71. The development will be surrounded by perimeter security fencing. A pre-existing lockable barrier will stop cars from reaching the site. The site will have 24-hour cameras fitted.

#### Data Protection and Information Governance

72. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

#### Human Rights Implications

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

#### Public Sector Equality Duty Implications

74. The consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty. Potential direct, indirect, and cumulative impacts from the proposal have been considered equally to all nearby receptors and resulting from this there are no identified impacts to persons with a protected characteristic. Throughout the decision-making process all people involved have been treated equally and fairly, regardless of their characteristics or identifications.
75. There are no Financial, Human Resources, Safeguarding of Children and Adults at Risk implications, or implications for Service Users.

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

76. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework. 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; liaising with consultees to resolve issues and progressing towards a timely

determination of the application. Issues of concern have been raised with the applicant, such as visual impact have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

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

## **DEREK HIGTON**

**Interim Corporate Director for Place**

### **Constitutional Comments**

Planning and Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council.

[JL 20.02.2024]

### **Financial Comments**

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

[PAA29 22/02/2024]

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

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: [www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4587](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4587)

### **Electoral Division and Member Affected**

Worksop West

Councillor Sybil Fielding

Report Author/Case Officer

Cai Beacham

0115 977 2607

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

**RECOMMENDED PLANNING CONDITIONS**

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

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

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

- (a) A7S13406-PEV-XX-ZZ-DR-C-0003: 3a) Proposed site layout plan received by the WPA and dated 19/10/23
- (b) A7S13406-PEV-XX-ZZ-M3-C-0100: 3b) Technical elevation plan received by the WPA and dated 04/01/24
- (c) A7S13406-PEV-XX-ZZ-DR-C-0082: 3c) Proposed Elevations received by the WPA and dated 09/11/23
- (d) A7S13406-PEV-XX-ZZ-PL-T-0006: 3d) Kiosk Elevations received by the WPA and dated 18/01/24
- (e) A7S13406-PEV-XX-ZZ-DR-C-0007: 3e) Dosing Elevations received by the WPA and dated 13/10/23

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

4. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation that has first been submitted to and approved in writing by the Waste Planning Authority. The completion of the programme of archaeological work shall be implemented in accordance with the approved written scheme of investigation and a report of the findings submitted to the WPA within 2 months of the completion of the archaeological work.

*Reason: To secure the protection of any features of archaeological interest in accordance with Policy W3.27 of the Nottinghamshire and Nottingham Waste Local Plan.*

5. Within 2 months of construction starting, a "Landscape and Ecological Management Plan" shall be submitted to, and approved in writing by the WPA detailing the species

mixes and location of trees and shrubs to be planted, which shall also include details of establishment methods, maintenance, and long-term aftercare, and the location and timing of provision of bird boxes, consistent with the Advice section of the Preliminary Ecological Appraisal Report supporting the application. The scheme shall be implemented as approved.

*Reason: To improve biodiversity and in the interest of local amenity.*

6. Unless in the event of an emergency when life, limb or property is in danger, the details of which shall be notified to the WPA within 48 hours of their occurrence, no construction work shall be carried out other than between the following hours:

07.30 hrs to 18.00 hrs Monday to Fridays;  
08.00 hrs to 17.00 hrs Saturdays.

There shall be no construction work undertaken on Sundays, Public or Bank Holidays.

*Reason: In the interest of residential amenity*

7. During the course of development operations, if contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the WPA) shall be carried out until the developer has submitted, and obtained written approval from the WPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

*Reason: To ensure that any ground contamination is satisfactorily remediated or removed in accordance with National Planning Policy Framework: Ground conditions and pollution.*

8. In the event that the WPA authority receives a noise complaint regarding the development, which is deemed justified in the considered opinion of the WPA, the operator, within one month of a written request from the WPA, shall conduct a BS4142 noise survey to determine if the rating level exceeds L90+5dB during the daytime (07:00-23:00hrs) and/or L90+0dB during the night time (23:00-07:00hrs) inclusive of any penalties for noise character. In the event that the noise survey indicates that either criteria is exceeded, then the submitted report shall include further measures to mitigate the noise impact as to ensure compliance with the criterion, including a timetable for the implementation of these additional mitigation measures. The additional measures shall be implemented in accordance with the approved details and thereafter retained for the life of the development.

*Reason: To minimise the impact of noise from the site in accordance with the Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

9. The pump house kiosk and fencing shall be coloured holly green.

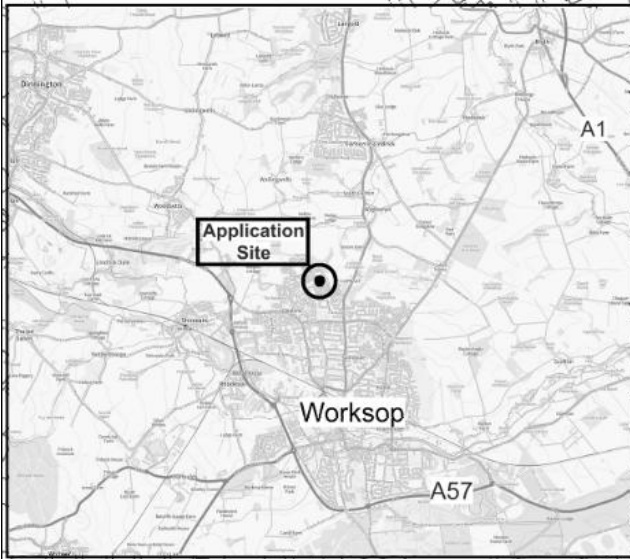
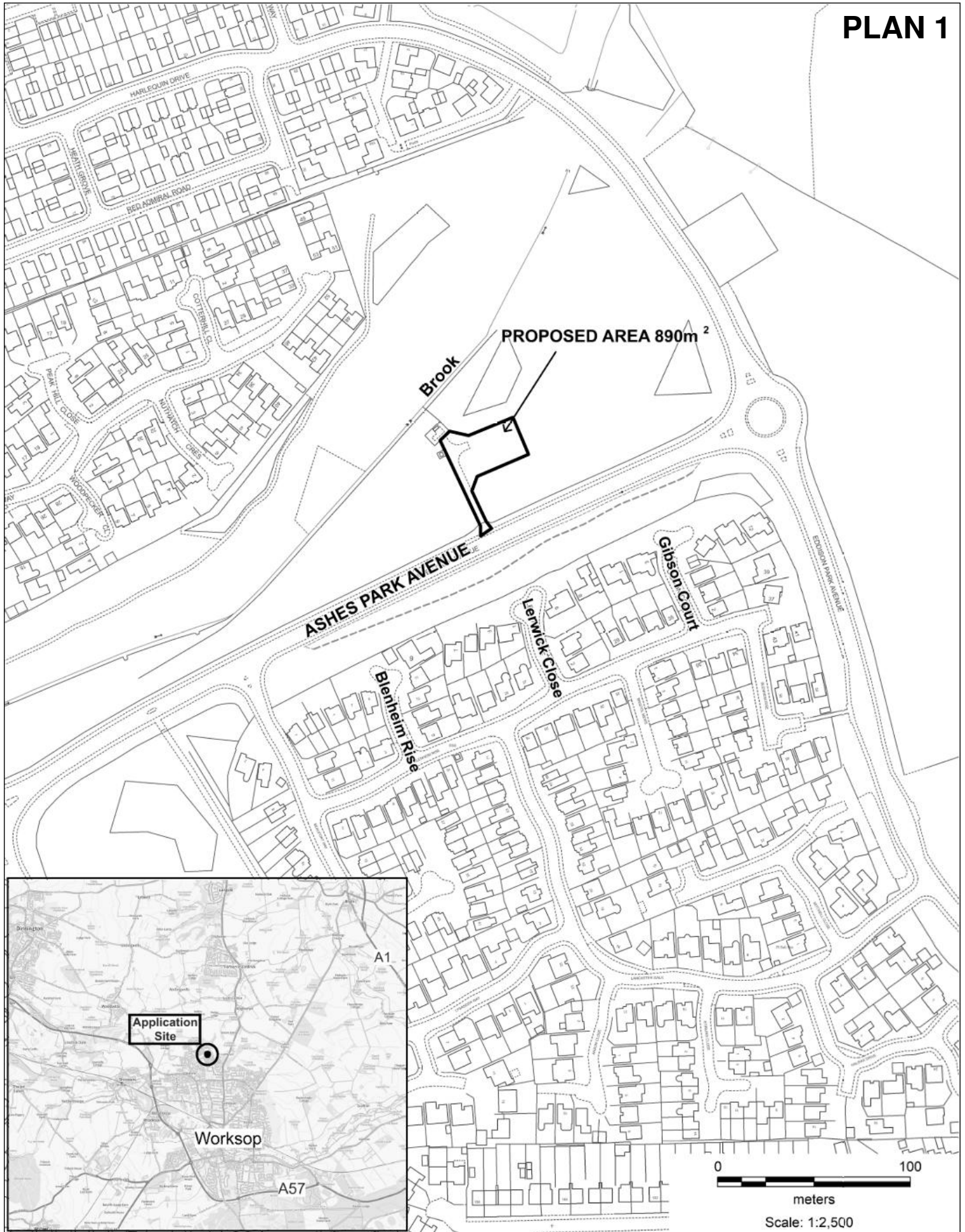
*Reason: To support visual amenity and to be compliant with policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.*



## **Informatives/notes to applicants**

1. In regard to condition 4, please make note of the attached magnesium limestone species list which provides guidance on suitable species for the landscaping and ecological plan, with the exception of Ash due to Ash dieback.
2. The applicant is advised to use the construction methods recommended in the preliminary ecological assessment.
3. The applicant is advised by the Environmental Agency to have a robust contingency plan in events such as pump failures or power outages.





**Nottinghamshire  
County Council**

Installation of a new sewage pumping station comprising a new pump house kiosk, chemical dosing rig, hardstanding and boundary fencing  
 Ashes Park Avenue, Gaterford, Worksop, Nottinghamshire, S81 7NH  
 Planning Application 1/23/01269/CDM

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019713, 2024



Date: 09/02/2024  
 Produced by: ket5

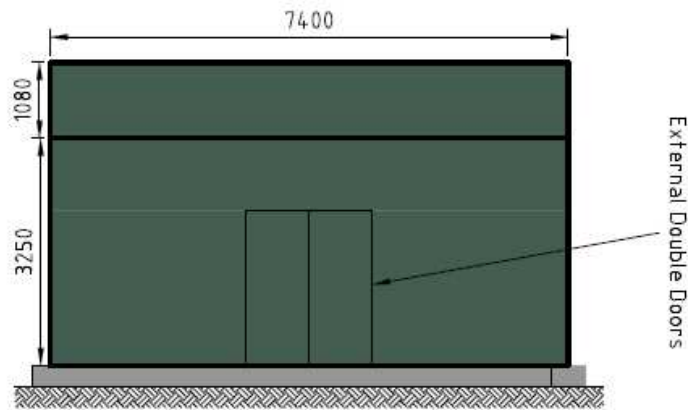




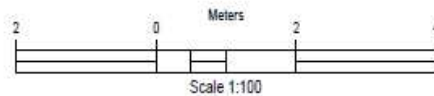




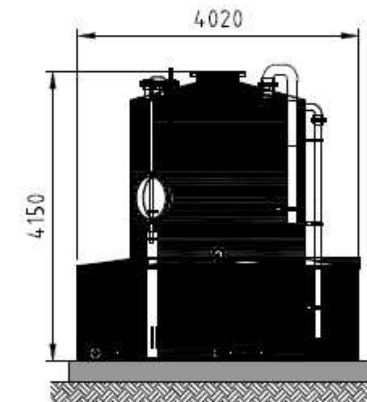
GRP Kiosk 14 C 39 Holly Green Finish



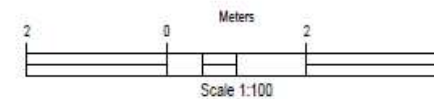
SOUTH  
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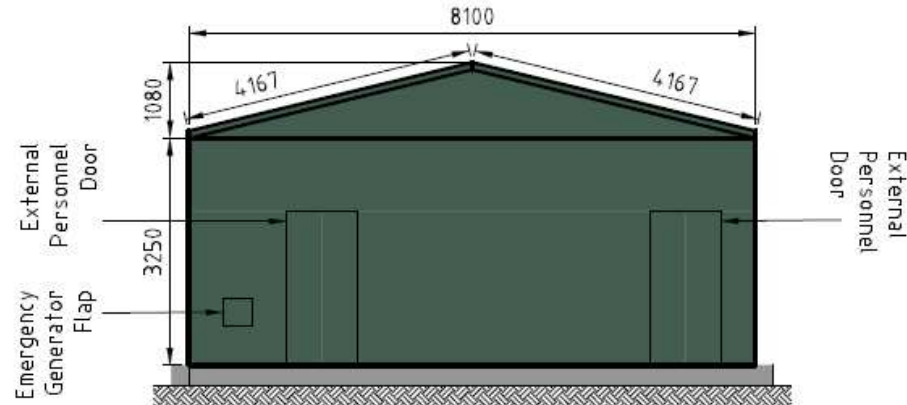
15m<sup>3</sup> DOSING UNIT BLACK SPIRAL WOUND HDPE



SOUTH  
Scale 1:100

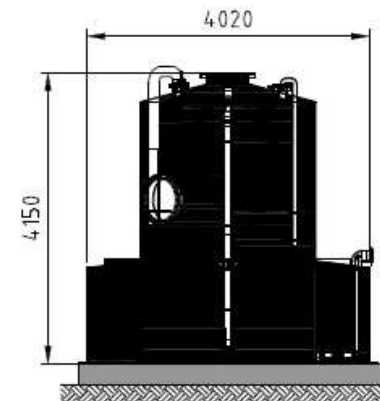


GRP Kiosk 14 C 39 Holly Green Finish



WEST  
Scale 1:100

15m<sup>3</sup> DOSING UNIT BLACK SPIRAL WOUND HDPE



WEST  
Scale 1:100





EXISTING PUMPING STATION

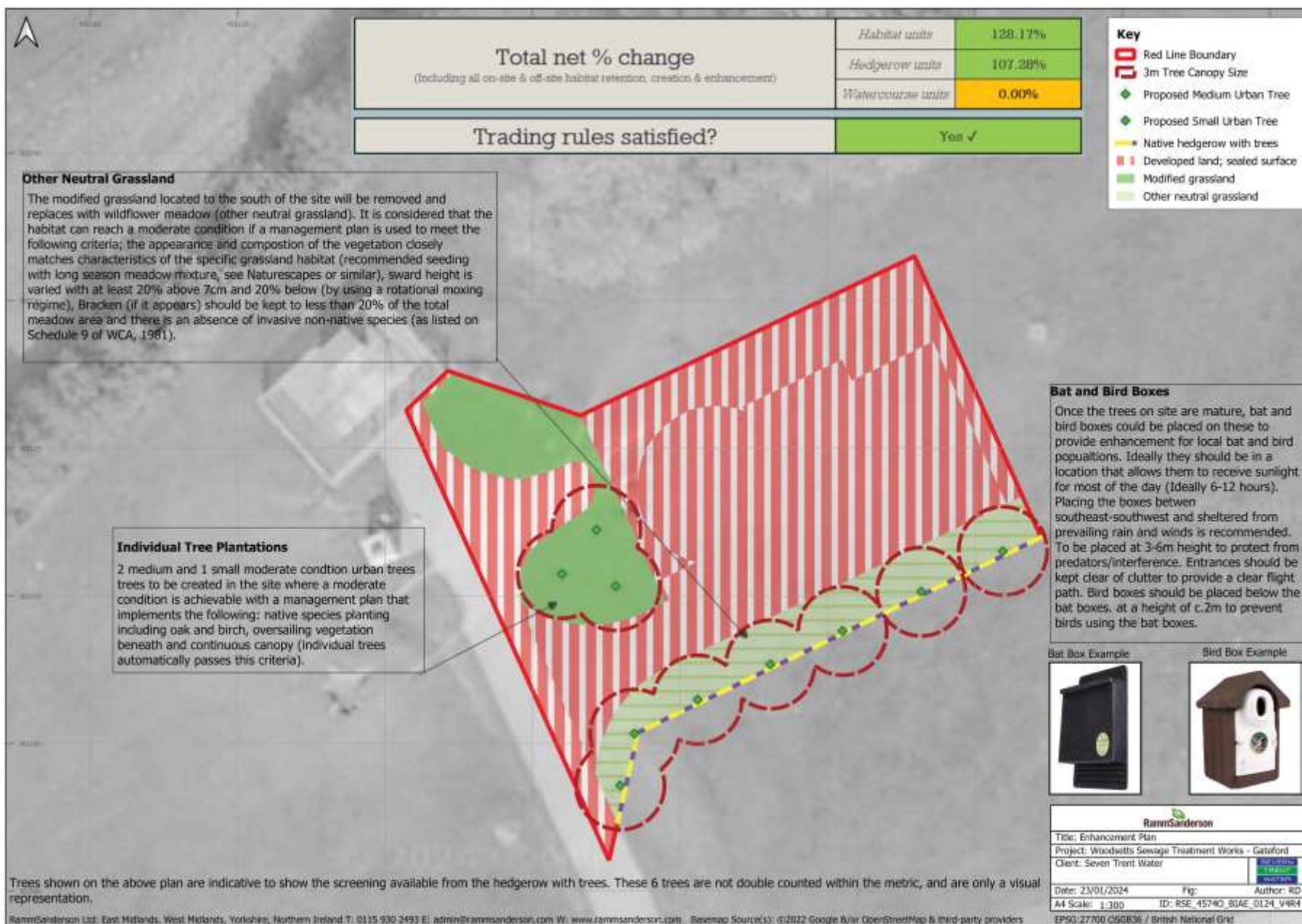
NEW TREES

NEW PUMPING STATION

View From Ashes Park Avenue











**12<sup>th</sup> March 2024**

**Agenda Item: 8**

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

### **ADOPTION OF THE COUNTY COUNCIL'S LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS**

#### **Purpose of Report**

1. To advise Members of the consultation exercise undertaken on the proposed changes to the County Council's Local Requirements for the Validation of Planning Applications, the responses received, and to seek Committee approval of the changes and formal adoption of the revised document.

#### **Information**

2. Nottinghamshire County Council's current Validation Guidance (which comprises Part One -statutory requirements and Part Two - the Local List) was adopted in March 2022 and, consequently, now needs to be replaced to ensure that the Authority has an up-to-date Local List against which it can validate incoming planning applications. Members are advised that, in accordance with the requirements of the National Planning Policy Framework (NPPF), Local Lists must be reviewed every two years if they are to remain valid. Without an adopted Local List, the Council can only rely upon the national requirements when validating applications being submitted to the authority which could potentially lead to the submission of less comprehensive applications, an increase in requests being made for additional information, and ultimately slower and less robust decisions being made.

#### **Review process**

3. The first step involved officers reviewing the existing Validation Guidance in the light of changes to planning legislation, updates to the NPPF and other national guidance, as well as changes to some development management procedures to reflect the increased level of electronic submission of planning applications.
4. The proposed main changes may be summarised as follows:
  - Update of the document to take on board the new requirements in relation to Biodiversity Net Gain,
  - Updates relating to the latest version of the NPPF and revisions/updates to other referenced documents and weblinks,
  - Reference to Active Travel England's Toolkit for use on relevant applications,

- Inclusion of New schools' guidance for developers and the inclusion of a statement stating that the Council will expect new schools to be located where the impact of drop-off/pick-up of school children on local residents can be minimised.
5. The Validation Guidance was updated to include these proposed amendments and relevant consultees were identified in accordance with the requirements of the national Planning Practice Guidance.

## Consultation

6. The range of consultees included Nottinghamshire's district and parish councils, County Council members, neighbouring authorities, statutory and non-statutory consultees, together with internal and external applicants and agents. Emails were sent to all relevant parties with a link to the document on the planning pages of the County Council's website, which also included details on how to make comments. Other Council departments, together with contacts from Via and Arc, as well as officers from within the Planning Group, were also consulted on the revised list.
7. In response to the consultation, which ran for 21 days from 15<sup>th</sup> January until 5<sup>th</sup> February 2024, nine responses were received. Given the uncontentious nature of the document the response was, as expected, fairly minimal. The most significant change proposed is the inclusion of a new section on Aviation Impact Assessments. A summary of the responses and the proposed changes to the Validation Guidance is set out in Appendix 1 to this report. The updated Validation Guidance, showing all the proposed changes in shaded text (including those made in response to the consultations, which are shown in **shaded bold text**) forms Appendix 2.
8. Members should note that the changes proposed following the consultation are not considered to materially amend the document to such an extent that would warrant a further round of consultation.

## Ongoing non-material updates

9. It is likely that before the next formal review of the Validation Guidance, in two years' time, there will be some updates to the NPPF, and other documents particularly in connection with Biodiversity Net Gain. To ensure that the Local List is kept up to date, this report seeks Committee approval for officers to make minor, non-material updates to the Validation Guidance without the need to refer to Committee. This forms the basis of Recommendation (B) of this report.

## The next stage

10. If Members approve the updated Validation Guidance as set out Appendix 2 to this report, then this will formally replace the version adopted in March 2022. It will be retained on the County Council website and will form the basis on which incoming planning applications are validated.

## **Other Options Considered**

11. Given the requirements set out in paragraph 2 above no options other than a full review were considered to be adequate to meet the Government's stipulation for Local Lists to be no more than two years old.

## **Reasons for recommendations**

12. To ensure that the Council has an up-to-date Validation document on which to validate incoming planning applications.

## **Statutory and Policy Implications**

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and 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. There are no crime and disorder, financial, human resources, public sector, safeguarding of children and adults at risk, smarter working implications or implications for sustainability and the environment.

## **Financial Implications**

14. There are no financial implications arising from this report.

## **Data Protection Implications**

15. The County Council has comprehensive procedures in place, such as redacting personal data etc. or sensitive information which accompanies planning applications, to ensure that information is kept securely and confidentially.

## **Human Rights Implications**

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

## **Implications for Service Users/Residents**

17. It is considered that the proposed review of the Local List will assist users of the document by containing more up to date and accurate information.



## RECOMMENDATIONS

18. It is RECOMMENDED that:

1. Members note the response to the consultation exercise and approve the revised document, known as Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications.
2. Members authorise officers in consultation with the Chair and Vice Chair of Planning and Rights of Way Committee to make minor changes to the document to reflect any updates to the NPPF and other referenced documents, as appropriate, during the intervening period before the next Validation Guidance review, where these do not materially affect the validation document.

**Derek Higton**  
**Interim Corporate Director - Place**

**For any enquiries about this report please contact: Jane Marsden-Dale, Senior Planning Officer, 0155 9932576, [jane.marsden-dale@nottsccl.gov.uk](mailto:jane.marsden-dale@nottsccl.gov.uk)**

### **Constitutional Comments (JL 28/02/24)**

19. Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council.

### **Financial Comments (PAA 12/02/2024)**

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

### **Background Papers and Published Documents**

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

- None

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

All

## Appendix 1 – Summary of responses to the consultation

Consultee	Summary of comments	Council's response and proposed action/amendments to Validation Guidance
Councillor Tracey Taylor	Confirmed that she had no comments or observations to make.	No changes necessary.
National Highways	<p>Noted the changes made to the document in this recent consultation all of which should be considered when reviewing planning applications.</p> <p>Further commented that in general the checklist forms a good basis for developers wishing to submit a planning application. Whilst it is undoubtedly useful for developers however large or small, it does not require input from National Highways who will continue in their role as a statutory consultee when <b>responding</b> to planning applications.</p>	No changes necessary.
Environment Agency- East Midlands Area	<p>The EA would request that the following text or a variation of this text is inserted within the pre app section.</p> <p><b><i>The Environment Agency has its own pre application service. If the applicant requires bespoke planning advice, they should contact <a href="mailto:planning.trentside@environment-agency.gov.uk">planning.trentside@environment-agency.gov.uk</a> in the first instance.</i></b></p>	Text inserted into document
Aerodrome safeguarding authority for East Midlands Airport	<p>Requested the following text for inclusion:</p> <p>Aviation Impact Assessment- For any development within the aerodrome safeguarding zone for East Midlands Airport evidence that the developer has considered, where relevant, of the impact of the development upon aerodrome operations for height (buildings or temporary equipment), lighting, wind shear, frequencies, glint and glare</p>	New section on Aviation Impact Assessment to be added to the Local List- the wording suggested has been modified to include all relevant airports and aerodromes and to refer

	<p>and wildlife. For wildlife this should include any Biodiversity Net Gain on site and any off-site locations. All wind turbine applications should demonstrate early engagement with all aerodromes within 30 nautical miles of the proposed location to determine the impact upon radar and whether any mitigation is necessary. Further information on aerodrome safeguarding can be found here: <a href="https://www.caa.co.uk/combined-aerodrome-safeguarding-team-cast/what-is-safeguarding/">https://www.caa.co.uk/combined-aerodrome-safeguarding-team-cast/what-is-safeguarding/</a></p>	<p>applicants to the Council for more information relating to safeguarding maps.</p>
Natural England	<p>Natural England welcomed the opportunity to comment on the Validation document and made the following comments:</p> <p>Natural England notes and welcomes the inclusion of information regarding Biodiversity Net Gain (BNG). The launch date for BNG is now confirmed to be 12th February 2024 and not January 2024 as noted in the checklist. Any reference to the metric should be noted as the statutory biodiversity metric.</p> <p>Sherwood Forest possible potential SPA As the Sherwood Forest possible Potential SPA (ppSPA) is not an official European designation, a Habitats Regulations Assessment (HRA) cannot be requested for analysis of a development in this area on breeding nightjar and woodlark and their habitats. It is more appropriate following the “riskbased” approach to request an additional and robust assessment to analyse the impacts of a development on this area.</p>	<p>Noted</p> <p>Commencement date amended to 12<sup>th</sup> February and “statutory” added to the text.</p> <p>Wording in the document amended to.</p> <p><i>In addition, where proposals have the potential to affect the Birklands and Bilhaugh Special Area of Conservation (SAC), then a Habitats Regulations Assessment (HRA) must also be undertaken. Where proposals have the potential to affect the Sherwood ‘proposed potential’ Special Protection Area (ppSPA), a risk-based approach will be adopted by the County Council requiring applicants to submit an additional and robust assessment of likely impacts to be presented in a format equivalent to an HRA.</i></p>

Councillor Michael Payne	<p>Commented that he is particularly pleased to see and support the additional reference to requirements regarding the impact of drop-off/pick-up of school children on local residents being minimised.</p> <p>I'm also pleased to see and support the new references made to protected species requirements, as well as biodiversity net gain provisions.</p>	Noted, no changes necessary.
The Coal Authority	<p>Commented that our records indicate that within the Nottinghamshire County Council area there are coal mining features present at surface and shallow depth including mine entries, coal workings and reported surface hazards. These features may pose a potential risk to surface stability and public safety.</p> <p>We are pleased to see that a Section 21 of the Validation List the requirement for a Coal Mining Risk Assessment to be provided in the Development High Risk Area, where relevant. We support the change proposed, in respect of the paragraph amendments in line with the updated NPPF.</p>	Noted, no changes necessary.
Sport England	<p>Sport England made the following comments:</p> <p>It is noted that the Supporting Planning Statement section of the Local Information Requirements makes reference to information requirements for school developments which impact on playing field and that the Playing Fields Policy is listed under further information. Sport England would welcome the inclusion of reference to Appendix B of the Playing Fields Policy setting out information requirements for all planning applications affecting playing fields.</p>	Web link to Sport England Playing Fields Policy updated, Appendix B added to the further information and text of the section amended to refer to the Information requirements.

Historic England	<p>Commented that Historic England note the references to the updated National Planning Policy Framework (NPPF) 2023.</p> <p>Historic England further noted the other key consideration relates to updating the document to reflect the requirements for Biodiversity Net Gain; we have no comments to raise on this issue.</p>	Noted, no changes necessary.
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## Appendix 2 – Updated Validation Guidance

# Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications - February 2024

## Introduction

In order for the County Council to deal properly and efficiently with the planning applications it receives, it is essential that the correct information is submitted from the outset.

This note sets out what “**minimum**” **requirements** applicants need to submit to enable the proper validation and determination of applications. This will ensure that applications are “fit for purpose” and minimise the need for the submission of information at a later stage. This in turn will enable the County Council to provide an efficient planning service and help to achieve targets for the determination of planning applications.

The County Council recognises that the scale and type of applications vary, and this will require the submission of differing levels of information and supporting documentation. This guidance note takes this into account in the scope of information needed for the various types of applications dealt with by the County Council.

The National Planning Policy Framework (NPPF updated in 2023) states that “Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question” (para.44).

## Pre-Application Advice

The County Council encourages applicants and their agents to seek pre-application advice. This is particularly relevant for larger, more complex, or potentially controversial proposals. This should help applicants identify the information and details that need to be submitted with their application. Such an approach can help minimise delays later in processing the application and identify whether other consents may be required. The NPPF also encourages pre-application discussions; it states early engagement has the potential to improve the efficiency and effectiveness of the planning application system. Such discussions should also involve local communities where relevant. The County Council charge for providing pre-application advice. The fee for this service depends on the scale of development. Some advice, such as whether planning permission is required, is provided free of charge. Full details of this pre-application advice service can be found on the County Council's website at [www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pre-application-advice](http://www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pre-application-advice)

**Compulsory pre-application engagement- On-shore wind turbine development**  
Article 3 of the Town and Country (Development Management Procedure) (England) Order 2015 requires a statement providing evidence of how the applicant has undertaken

and responded to community consultation before submitting an application for on-shore wind turbine developments where the development involves more than two turbines, or where the hub height of any turbine exceeds 15 metres.

### **The Validation Process (including the right to appeal against non-validation)**

All applications received by the County Council will be checked against the **Statutory national information requirements**, and the **Local information requirements (Local List)**. Most minor applications will be reviewed to ensure they are complete and incorporate adequate information to validate the submission within 3 to 5 working days from the date of receipt and most major applications within 10 working days.

### **Invalid applications**

Where an application does not contain all the information listed in the **Statutory national information requirements** the application will be deemed invalid under the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant will be informed in writing of the requirements necessary to validate it. There is no right of appeal against the Council's decision to invalidate the application; any challenge to the decision must be made through a judicial review.

Where an application does not include information (in sufficient detail) listed in the **Local information requirements (Local List)** that the Council considers should be provided, then the application will be treated as invalid, and the applicant will be informed in writing what information is required to validate the application. The Council will only request supporting information that is relevant, necessary, and material to the application. In the event of a disagreement with the Council, the applicant may submit a written justification (using an Article 12 Notice, which may be submitted at any time during the course of the application) explaining why the information requested is not required in the particular circumstances of their application. The Council will consider any written justification and either agree that the information is not required and validate the application or invalidate the application where it can be demonstrated that the additional information **is** necessary to determine the application. If the dispute cannot be resolved the applicant has the right of appeal against non-determination on grounds of invalidity once the 8/13 (16 for EIAs) week determination period, starting with the date of receipt of the application, has elapsed. The Planning Inspectorate will determine these cases, the inspector will consider both the dispute regarding invalidity and the merits of the application itself.

### **Electronic submission**

**The County Council's preferred method of receiving applications is electronically** and should be sent to [development.management@nottsc.gov.uk](mailto:development.management@nottsc.gov.uk) or submitted via the Planning Portal at <https://www.planningportal.co.uk/>

The national standards for on-line submission of electronic planning documents are as follows:

Maximum single or combined file size is 15 Megabytes file size (the sum of all document file sizes). Where these maxima are exceeded, the information should be submitted using Cryptshare. Cryptshare is a secure website that enables users to transfer large electronic files by email. All transfers are strongly encrypted and are made even more secure with authentication using passwords. NCC IT Services do not allow file transfer by any other means. For more information on using this service please use the following link <https://cryptshare2.nottscc.gov.uk/>

Portable Document Format (PDF) is the recommended file format. They should not be secured in order that they can be electronically date stamped by the County Council and to ensure that they can be read by consultees.

All drawings shall be produced in a single layer and should avoid covering multiple issues on one plan, such as existing and proposed vegetation or superimposing the proposed development on existing.

All drawings shall be correctly orientated for on-screen display, i.e., in landscape.

All drawings shall include a scale bar and key dimensions, paper size and scale (for example 1:1250 at A3) to allow for electronic scaling/measuring.

All plans and supporting documents should be clearly labelled.

Where available, a digitised plan of the site boundary should be provided in GIS format to facilitate accurate plotting of application sites.

All photographs should be submitted in PDF file format.

### **Paper Submission**

If you are unable to submit your planning application electronically the County Council will require one paper copy of the planning application form, a copy of all the above plans and one paper copy of all the documents required as part of the Local Information Requirements (Local list).

## Information required for planning applications

**Part One- Statutory national information requirements** that must be submitted with all applications, and

**Part Two- Local information requirements (Local List)** that must be submitted with planning applications depending on their type and scale.

### Part One – Statutory national information requirements

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the following forms, plans and information to be submitted with all applications unless otherwise stated.

**The planning application form:** Planning applications should be made on the relevant planning application form and submitted electronically to the County Council at [development.management@nottscc.gov.uk](mailto:development.management@nottscc.gov.uk) (or via the Planning Portal at <https://www.planningportal.co.uk/>)

The standard (1APP) application form should be used for all applications (except those for Minerals, which should be submitted on the Minerals application form available on the Council's website). A separate form is also available for onshore oil and gas development. All planning application forms are available to download at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk) All forms must be signed and dated with all relevant sections completed.

**Biodiversity Net gain:** Please note the new requirements regarding Biodiversity Net Gain which mandate achieving a minimum 10% increase in biodiversity value at the completed development stage (the biodiversity gain can be delivered on or off site). Unless exempt from mandatory BNG, applications will need to be accompanied by relevant information is set out Paragraph 011 of the Planning Policy Guidance on Biodiversity Net Gain, to include a completed biodiversity metric and habitat plan detailing the pre-development biodiversity value of the site. Relevant questions in the application form will also need to be answered.

[www.gov.uk/guidance/biodiversity-net-gain](http://www.gov.uk/guidance/biodiversity-net-gain), February 2024

**The application fee:** See Nottinghamshire County Council's or the Planning Portal's websites for the current fee schedule and exemptions. The Planning Portal's fee calculator can be used to calculate the correct fee. For information on how to pay the planning application fee please refer to the County Council's website at [www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pay-a-planning-fee](http://www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pay-a-planning-fee).

**Ownership/ Agricultural Holding certificates:** A completed, signed, and dated ownership/agricultural holding Certificate A, B, C or D confirming the site ownership and whether any of the land to which the application relates is, or is part of, any agricultural holding. Please complete only one Certificate to confirm ownership of the site. These certificates are part of the standard application form. For this purpose, an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. 'Agricultural tenant' means a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates. A notice to owners and /or agricultural tenant of the application site must be completed and served in

accordance with Article 13 of the Development Management Procedure Order (DMPO), 2015

**Location plan:** The location plan should be at a scale of 1:1250 or 1:2500, based on a metric, OS map, indicate north point and give a drawing reference number. In exceptional circumstances, such as a development covering a large area, location plans of a smaller scale may be more appropriate to enable the application site to be identified. **The application site should be edged clearly with a red line. Where the proposal involves development (such as a proposed extension) on a large application site the proposed development should be hatched in red to provide extra clarity for consultation purposes.** It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway etc. A blue line should be drawn around any other land owned by/under the control of the applicant, close to or adjoining the application site. **The location plan should wherever possible show at least two named roads, surrounding buildings, and features.** In the interest of clarity, the location plan should not include other information that is provided on other plans, such as topographical details. It would be helpful if all s73 applications included a copy of the location plan, taken from the original planning permission.

**Site Plan/Block Plan:** The site plan should be at an appropriate scale for the development proposed and should accurately show the direction of North and the proposed development in relation to the site boundaries and other existing buildings, with written dimensions including those to the boundaries. The site plan should also show the following, unless these would NOT influence or be affected by the proposed development; all the buildings, roads and footpaths adjoining the site including access arrangements, all public rights of way, the position of all trees on the site and those on the adjacent land, the extent and type of any hard surfacing and any boundary treatment.

**Other plans:** The details on any other plans will vary according to the type of development proposed and should complement any detailed assessments submitted in support of the application. All plans should be at an appropriate scale and include a unique drawing reference number and a title. Plans and elevation drawings submitted in electronic format should specify critical dimensions (external measurements) such as building footprint, height to eaves/ridge.

**Updated and superseded plans:** Any plans or supporting documents which supersede those originally submitted should be clearly labelled (i.e., 'Revision 1') and sent electronically to the County Council.

**Design and Access Statement:** A Design and Access Statement (DAS) must accompany the following applications:

- All applications for **major development** (as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015; or
- If within a designated area (Conservation Area or World Heritage Site) for development consisting of one or more dwelling or a building or buildings with a floor space of 100 square metres or more.



Applications for waste development, minor development, change of use, engineering or mining operations or applications to amend the conditions attached to a planning permission (Section 73 applications) do not need to be accompanied by a Design and Access Statement.

Design and Access Statements should explain the design principles and concepts that have been applied to the proposed development and demonstrate the steps taken to consider the context of the proposed development, and how the design of the development takes that context into account. Design and Access Statements should also explain the applicant's approach to access and state how relevant Local plan policies have been considered. The applicant is encouraged to detail any consultation undertaken in relation to access issues and how this has informed the proposed development. (Please refer to article 9 of the Development Management Procedure Order, 2015 for full details of DAS submission requirements). The level of detail required in a statement will depend on the scale and complexity of the application. For further requirements relating to design issues please refer to Section 3 Design Assessment in the Local List Requirements below.

#### *Further information*

*Town and Country Planning (Development Management Procedure) (England) Order 2015*

*National Planning Policy Framework*

*Planning Practice Guidance*

[www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

<https://www.planningportal.co.uk/> and [www.gov.uk](http://www.gov.uk)

### **General Data Protection Regulation (GDPR) and Redaction**

All information submitted as part of the planning application process will be collected, used, and retained in accordance with the County Council's Privacy Statement which may be viewed in full at [www.nottinghamshire.gov.uk/global-content/privacy](http://www.nottinghamshire.gov.uk/global-content/privacy).

To comply with the GDPR the Council will redact personal information (such as email addresses, telephone numbers and signatures) from documents before making them publicly available. Please ensure all sensitive information submitted as part of the planning application is kept to a minimum to assist with the amount of redaction necessary to enable the planning process to proceed as efficiently as possible.

If the County Council considers that a document contains unnecessary and significant amounts of personal data, such as on every page in headers or footers, applicants will be asked to revise such documents before the application is validated due to the significant officer time required to redact all the personal information.

## Part Two Local information requirements (Local List)

In addition to the national requirements above, the list below sets out further information and assessments that must be submitted with planning applications depending on their nature and scale. We will only request information about a matter which is likely to be a material consideration in the determination of the application. This information is required to enable the validation of the application. As requirements will vary from case to case you are advised to contact us at an early stage if you are unsure about what information you will need to submit.

**[All sections include references where further guidance may be found.** Where validation requirements involve the submission of a technical assessment or supporting document in any of the sections below, this should be undertaken by a suitably qualified, and where relevant, accredited professional.]

### 1. Supporting Planning Statement

A statement required for most applications explaining the need for the proposed development, it should be proportionate and specific to the development. Where appropriate it should demonstrate how the proposed development complies with policies in the development plan, national policy and guidance and other relevant documents. Where a proposal does not comply with development plan policies an explanation must be provided to justify the need for the development and set out overriding reasons as to why the proposal should go ahead. The supporting statement should also include details of the proposed development in terms of its achievement of sustainable development. This should cover economic, social, and environmental issues. Details of any consultation with Development Management or other County Council officers and wider community/statutory consultees undertaken prior to submission should be included in the supporting statement.

The Supporting Planning Statement submitted with proposals on school sites should also set out existing and proposed pupil and staff numbers, parking provision and nearby school information where there is a proposed change to pupil/staff numbers.

For school developments which impact upon or involve the loss of playing field area existing and proposed summer and winter pitch layouts should be provided and confirmation as to why the particular location within the site has been chosen.

**For information requirements please see the Guidance below.**

For landscaping schemes involving the importation of inert waste material, the supporting statement should detail the rationale behind the landform changes that are being proposed which should be supported by detailed pre and post contour plans submitted with the application.

*Further information*

*National Planning Policy Framework*

*Planning Practice Guidance*

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)[www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing fields policy](http://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing%20fields%20policy)  
[Sport England- Playing Fields Policy and Guidance, Appendix B Information Requirements -updated December 2021](#)

## 2. Environmental Statement

An Environmental Statement will be required if your proposal is likely to have significant effects on the environment and meets the criteria set out in the EIA Regulations. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require a developer to prepare an Environmental Statement for all Schedule 1 projects and some Schedule 2 projects. For detailed guidance, including indicative criteria and thresholds for proposals requiring environmental assessment, see documents listed below.

A “screening opinion” can be obtained from the County Council as to whether the proposed development falls within the scope of the Regulations. The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the applicant to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures.

You are entitled to request a “scoping opinion” as to the key environmental issues the Environmental Statement should cover. Any details submitted as part of a scoping request, in particular any plans and drawings, should meet the validation requirements set out in the document for planning applications.

Environmental Statements must be prepared by a competent expert and be accompanied by a statement outlining the relevant expertise or qualification of such experts. Early consultation with the Development Management Team is recommended prior to making your application.

### *Further information*

*The Town and Country Planning (Environment Impact Assessment) Regulations 2017*  
*Planning Practice Guidance*  
*National Planning Policy Framework*

## 3. Design Assessment

The NPPF states “Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussions between applicants, the local planning authority and the local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.” (Para [132\\_137](#)).

Methods and processes aimed at achieving good design are most likely to succeed if utilised as early as possible in the development process. Therefore,

applicants must proactively ensure good design principles are followed in the development of their proposals prior to submission. Tools and processes for improving the design of developments include workshops to engage the local community, seeking design advice and referral to design review panels. In assessing proposals, the County Council will have regard to the outcomes from these processes, including any recommendations made by design review panels.

The County Council envisages this process being most appropriate for major County Council development, such as new or replacement schools, and other significant community facilities. Design reviews could also be appropriate for major waste management facilities depending on their location and scale.

Any such statement should provide evidence of having gone through a design review panel, including setting out how any panel recommendations have been considered and incorporated into the final design, along with details of how any engagement with the local community has influenced the proposal.

For all built developments a statement demonstrating how a design would be in compliance with Local Plan design policies, and, where relevant, Neighbourhood Plans and Local Design Guides will be required.

Proposals will also be expected to be consistent with the principles set out in the National Design Guide, the National Model Design Code and any locally produced design guides and codes.

Although Design and Access Statements are not required for all types of development this does not mean that high quality design should not be a material consideration in the planning application process for all applications. All design considerations and assessments should be incorporated into the Design and Access Statement or the Supporting Planning Statement where a Design and Access Statement is not required but where design is an important and material consideration.

#### *Further information*

*National Planning Policy Framework- Achieving well designed and beautiful places (paras ~~126-136~~ 131-141).*

*Building for Life 12—A Framework for Achieving Good Design 2018*

*Building for a Healthy Life – July 2020 [www.gov.uk](http://www.gov.uk)*

*National Design Guide – Planning Practice Guidance for beautiful, enduring, and successful places, MHCLG, updated January 2021*

*Design: - Processes and tools, MHCLG, ~~October 2019~~ January 2021*

*Designing waste facilities, a guide to modern design in waste- Enviros Consulting Ltd on behalf of Defra, 2008.*

#### **4. Transport Assessment and Transport Statements**

All developments that generate significant amounts of vehicle movements should be supported by a transport assessment (TA) or a transport statement (TS). The need for a TA or TS should be scoped with the County Planning Authority in

consultation with the Highways Development Control. TAs and TSs are ways of assessing the potential impacts of developments and may propose mitigation measures to promote sustainable development. These measures may inform the preparation of Travel Plans (see below). Transport Assessments are a thorough assessment of the transport implications of development, and Transport Statements are a “lighter touch” evaluation to be used where this would be more proportionate to the potential impact of the development (i.e., development with anticipated limited transport implications).

Transport implications and the mechanism for remedying these may impact on a conservation area or the setting of a designated heritage asset. Where this is the case applicants must consider such impacts and include these within the TA/TS.

The coverage and detail of the TA/TS should reflect the scale of the development and the extent of the traffic implications. Information should include all existing and proposed vehicular and pedestrian movements to and from the site. Loading areas and arrangements for manoeuvring, servicing, and parking of vehicles should also be clearly identified. The assessment should describe and analyse existing transport conditions and explain how the development would affect those conditions and measures proposed to overcome any problems. A sustainable approach to transport should be explored for all proposals and the TA/TS should give details of proposed measures to improve access by public transport, walking and cycling.

For smaller developments, such as significant school extensions a TA/TS might still be required because thresholds are not solely based on the size of the proposed development but also the sensitivity of the location; for example, development which is likely to increase the risk of accidents or conflicts between motorised and non-motorised users, particularly vulnerable road users such as children, people with disabilities and elderly people. Applicants should submit details of employee numbers, an assessment of accessibility by non-car modes and an estimate of both vehicle and cycle parking spaces in order that the County Council can advise on the level of assessment required.

For relevant planning applications the County Council may use Active Travel England's Toolkit (see below) to gather evidence and assess the active travel merits of the proposal. Further advice on this should be sought at the pre-application stage.

#### *Further information*

*The National Planning Policy Framework – Promoting Sustainable Transport (paras 104-113 108-117).*

*Planning Practice Guidance- Travel Plans, Transport assessments and Statements.*

*The Nottinghamshire Highways Design Guide -*

[www.nottinghamshire.gov.uk/transport/roads/highway-design-guide](http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide)

*Active Travel England - [www.gov.uk/government/organisations/active-travel-england](http://www.gov.uk/government/organisations/active-travel-england)*

*Active Travel England: planning application assessment toolkit - GOV.UK ([www.gov.uk](http://www.gov.uk))*



## 5. Draft Travel Plans

Where a development will generate a significant amount of vehicle movements a travel plan should be provided (NPPF para. [113 117](#)). A travel plan is a long-term management strategy that seeks to deliver sustainable transport objectives. It will normally be prepared alongside the transport assessment or statement (see above). Draft Travel Plans should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social, and economic impacts. The draft travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. Travel Plans should be considered in parallel to development proposals and fully integrated into the design and occupation of the new site (see Planning Policy Guidance). It should identify the travel plan coordinator, the management arrangements, and the timetable of the plan.

School Travel Plans (see link below) will be required for all new schools or significant extensions to existing schools - these should address parent, staff, and pupil parking as well as vehicular and pedestrian access. The Council will expect new schools to be located where the impact of drop-off/pick-up of school children on local residents can be minimised. The likely trip composition (private vehicles, on foot etc) needs to balance safe access with protecting residential amenity in the locality. See the New School Guidance below.

For minerals and waste developments details to be submitted should include the amount of traffic movements that will occur during operating hours etc. For the purpose of validation, an application will need to be accompanied by the framework of a Travel Plan that identifies relevant travel related issues, objectives, initiatives and timescale for delivery and review.

Travel Plans can form part of the Transport Assessment or Transport Statement.

### *Further information*

*The National Policy Planning Framework*

*Planning Practice Guidance*

NCC -Guidance for the preparation of Travel Plans in support of planning applications, September 2010 (final version 1.2)

<https://www.nottinghamshire.gov.uk/education/travel-to-schools/school-travel-plans>

<https://www.nottinghamshire.gov.uk/education/travel-to-schools/school-travel-toolkit>

[www.nottinghamshire.gov.uk/media/5082032/new-school-guidance-for-developers-may-2023.pdf](https://www.nottinghamshire.gov.uk/media/5082032/new-school-guidance-for-developers-may-2023.pdf)

## 6. Planning and Health

The NPPF states that “planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community” (NPPF para. [93b 97b](#)). Nottinghamshire has endorsed the Nottinghamshire Planning and Health

Framework 2019-2022 which aims to ensure that health is fully embedded in the planning process. The document sets out a Checklist for Planning and Health - the Nottinghamshire Rapid Health Impact Assessment Matrix 'The Matrix' which focuses on the built environment and issues directly or indirectly influenced by planning decisions. The purpose of the Matrix is to ensure that the health impacts of a development proposal are identified, and appropriate action is taken to address negative impacts and maximise benefits. All planning applications which have potential health impacts should confirm that reference to the Planning and Health Framework (or any subsequent document that is published) has been made and appropriate mitigation measures are proposed. Where health impacts are identified this information can be submitted by completing the Matrix above or as part of the Supporting Planning Statement.

*Further Information*

*National Planning Policy Framework- Providing Healthy and Safe Communities (paras 92-103 96-107).*

*Nottinghamshire Planning and Health Framework 2019-2022 (and any future updates) [www.nottinghamshire.gov.uk/planning-and-environment/planning-and-health-framework/planning-and-health-framework](http://www.nottinghamshire.gov.uk/planning-and-environment/planning-and-health-framework/planning-and-health-framework)*

## **7. Planning Obligations – Draft Heads of Terms**

The purpose of planning obligations is to make development acceptable in planning terms where this cannot be achieved through the imposition of planning conditions. This is about mitigation, rather than just identification, of any undesirable impact and is generally negotiated during consideration of a planning application (see PPG). Where considered essential by the County Council, the draft heads of terms for a Section 106 agreement or unilateral undertaking should be provided with the submission of the planning application.

Draft Heads of Terms will only be required where this has been made clear during discussions at the pre-application stage. Matters likely to be included in a Section 106 include lorry routeing agreements and the provision of off-site Biodiversity Net Gain.

*Further information*

*National Planning Policy Framework – Planning Conditions and Obligations (paras 55 - 58)*

*Planning Practice Guidance- Planning Obligations*

<https://www.planningportal.co.uk/>

## 8. Flood Risk Assessment

### Flood Risk Sequential Test

The NPPF states that development should not be permitted if there are reasonably available alternative sites appropriate for that development in areas at a lower risk of flooding.

Where a site has not been allocated, or sequentially tested by the Local Planning Authority, it is the responsibility of the developer in consultation with the LPA to demonstrate that the Sequential Test is passed. The requirements for the flood risk sequential test are set out in the Planning Practice Guidance.

Planning applications for proposals for new development in Flood Zones 2, 3a and 3b and for proposals of 1 hectare or greater in Flood Zone 1 should be accompanied by a Flood Risk Assessment (FRA). Furthermore, a FRA should be submitted for proposals within an area of Flood Zone 1 which has critical drainage problems or where proposals may be subject to other sources of flooding. Information about these zones and their implications for development can be found in the Planning Practice Guidance and on the Environment Agency's website. The FRA should identify and assess all forms of flooding to and from the development and demonstrate how these flood risks will be managed now and, in the future, taking climate change into account. The NPPF states that developments should only be allowed in areas at risk of flooding where it can be demonstrated that the development is flood resilient, such that, in the event of a flood it could be brought back into use without significant refurbishment. Planning applications submitted in flood risk areas should therefore confirm the flood resilience of the development.

Where a FRA is required this should be prepared by the applicant in consultation with the Local Planning Authority (as the Lead Local Flood Authority), the Environment Agency, and the Internal Drainage Board where appropriate. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDS). The County Council is now the Lead Local Flood Authority with powers and a statutory duty to manage and coordinate local flood risk management activities and therefore early consultation with them is advisable.

In all cases, a sustainable approach should be taken to the discharge of surface water following the sequential preference: (i) soakaway; (ii) watercourse; (iii) mains drainage. Where a less sustainable form of surface water drainage is proposed the application should demonstrate why a more sustainable method of surface water drainage cannot be used.

### *Further information*

*National Planning Policy Framework – Meeting the Challenge of Climate Change, Flooding and Coastal Change (paras [152-173](#) [157-178](#)).*

*Planning Practice Guidance on Flood Risk and Coastal Change, updated August 2021*

*Association of Drainage Authorities - [www.ada.org.uk/](http://www.ada.org.uk/)*

*Local Flood Risk Management Strategy 2021-2027*

Lead Local Flood Authority - Flood Risk Management Team,  
[www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

Environment Agency – Advice for Local Authorities on non-mains drainage from non-major development

[www.gov.uk/guidance/flood-risk-assessment-for-planning-applications](http://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications) - February 2017

[www.gov.uk/guidance/flood-risk-assessment-standing-advice](http://www.gov.uk/guidance/flood-risk-assessment-standing-advice) - updated February 2022

*The Environment Agency has its own pre application service. If the applicant requires bespoke planning advice, they should contact [planning.trentside@environment-agency.gov.uk](mailto:planning.trentside@environment-agency.gov.uk) in the first instance.*

## 9. Groundwater and surface water protection

The NPPF seeks to ensure that new and existing developments are prevented from contributing to, being put at risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

A large portion of Nottinghamshire is underlain by the Sherwood Sandstone Principal Aquifer, an important water source for agriculture, industry and for drinking water. Ground waters can also play an important part in sustaining the surface water environment and for ecology.

Developers of proposals involving potentially polluting activities should investigate and take account of any designations applicable to the local ground waters such as Source Protection Zones and Drinking Water Safeguard Zones in selecting sites and in designing appropriate safeguards to remove potential pathways for ground water pollution. For waste management development, which would also require an Environmental Permit, a proportionate level of detail should be provided in a planning application as part of wider site investigation work to satisfy national and local planning policy.

Due to pressure from over-abstraction, development proposals requiring abstraction, including dewatering activities at quarries, should take account of the sustainability status of local ground water and surface water, having regard to the Environment Agency's Abstraction Licensing Strategy for the area. The Sherwood Sandstone aquifer has been closed to further consumptive abstraction and applicants should check with the EA to confirm the current status of the aquifer. Early consultation with the Environment Agency is recommended as the status of a ground water resource could have significant implications for details to be submitted under a planning application, or even the principle of the proposal itself. Details of how the design of a proposal takes account of such constraints should usually be set out within a hydrogeological and or hydrological assessment.

Twin tracking of planning and permitting /licensing is advisable to understand the likelihood of having a Licence granted alongside the planning process.

*Further information*

NPPF -Conserving and enhancing the natural environment (paras. 174-182 180-194)  
Environment Agency – The Environment Agency's approach to groundwater protection, February 2018.

[www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction](http://www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction)

## **10. Land Contamination Survey**

An appropriate contaminated land assessment must be submitted with any application where:

- the proposed development would potentially introduce or change any contamination sources, pathways, or receptors; and
- the site is either known and/or suspected to be contaminated or the proposed use would be vulnerable to the presence of contamination.

A desktop study and site walkover survey to establish the potential contamination risks at the site will be required in support of planning applications involving sites which have:

- previously been used for industrial purposes, landfill, or other potentially contaminating uses;
- are adjacent to or within influencing distance of land used for industrial purposes, landfill, or other contaminating uses (off-site), or
- where development could expose sensitive receptors to contamination risks.

Sensitive receptors can include, but are not limited to, residential uses, schools, play areas, principal aquifers, and local rivers.

If a desk top study identifies and recommends that further investigation is critical to the determination of an application (i.e., could not be the subject of a planning condition) an appropriate site investigation will be required to validate the application. This should be able to demonstrate whether the site is suitable for the proposed use taking into account pollution from previous uses and any measures for mitigation.

Applications involving any works to school buildings known, or suspected, to contain asbestos should be indicated as such on the planning application form and include, as a minimum, a desk top study.

*Further information*

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 174-182 180-194)

Planning Practice Guidance – Land affected by contamination, updated July 2019

[Land contamination risk management \(LCRM\) - GOV.UK](http://www.gov.uk/guidance/land-contamination-risk-management-lcrm) , [www.gov.uk](http://www.gov.uk/guidance/land-contamination-risk-management-lcrm) April 2021 updated July 2023

Environmental Management and Design – [www.viaem.co.uk](http://www.viaem.co.uk)

A Guide to Developing Land in Nottinghamshire – by the Nottinghamshire Land Quality Group 2013



## 11. Trees

The NPPF highlights the important contribution that trees make to the character and quality of urban environments and how they can help mitigate and adapt to climate change. Opportunities should be taken to incorporate new trees in developments, retain existing trees whenever possible and have appropriate measures in place to secure their long-term maintenance.

Where a proposal involves works that affect any trees or hedgerows within the application site, the position, species, spread and roots of trees should be illustrated accurately on the site plan. This must indicate any trees which are to be felled or are otherwise affected by the proposed development. For large scale proposals, or those on sites with significant tree coverage, it may be appropriate to submit a detailed tree survey with the application. The location of any trees within adjacent sites, including highway trees, which may be affected by the application, should also be shown. Information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

### *Further information*

BS5837; "Trees in relation to design, demolition and construction", 2012

National Planning Policy Framework (para ~~134~~ 136)

Planning Practice Guidance

East and East Midlands Area (England) – Forestry Commission [www.forestry.gov.uk](http://www.forestry.gov.uk)

## 12. Heritage Statement

A Heritage Statement should be submitted with all proposals affecting Heritage assets either directly or indirectly. 'Heritage Assets' include Listed Buildings, Conservation Areas, and Scheduled Ancient Monuments, Registered Parks and Gardens and sites of Archaeological Interest and assets identified by the local planning authority. This requirement also applies to non-designated heritage assets, such as buildings of 'local interest'.

The Heritage Statement should describe the significance of the heritage asset affected, including any contribution made by its setting and the effect of the development on the asset. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the Nottinghamshire Historic Environment Record should have been consulted along with specialist officers at the County Council and at the relevant District Council.

### *Further information*

National Planning Policy Framework – Conserving and enhancing the historic environment (paras ~~189-208~~ 195-214)

Planning Practice Guidance

~~DCLG MHCLG~~ - Arrangements for handling heritage applications Direction 2021

Conservation Officers – Nottinghamshire County Council and relevant District Council.

Historic England Guidance Notes- [www.historicengland.org.uk](http://www.historicengland.org.uk)

### 13. Archaeological Assessment

Applicants submitting proposals on sites of archaeological interest will be required to undertake an archaeological assessment and where necessary carry out further archaeological investigations to allow the significance of the archaeology, as well as the impact of the development, to be understood. The results of this work will need to be included in the Heritage Statement submitted with the application. The level of assessment required will depend on the archaeological sensitivity of the site. Advice should be sought from Archaeological Officers at the County Council. Documentation to support the application must be submitted in accordance with policy advice set out in the National Planning Policy Framework.

#### *Further information*

*National Planning Policy Framework – Conserving and enhancing the historic environment (paras ~~189–208~~ 195-214).*

*Planning Practice Guidance*

*Archaeological Officer – Nottinghamshire County Council.*

*Historic England Guidance Notes- [www.historicengland.org.uk](http://www.historicengland.org.uk)*

### 14. Biodiversity and Geodiversity Assessment

Where a proposed development may have potential impacts on biodiversity and/or geodiversity, an assessment of these potential impacts should be carried out. A statement should be submitted setting out the existing wildlife and habitats both on site and on adjacent sites. In all cases the sequential steps of the Mitigation hierarchy should be followed for all development projects comprising avoidance, mitigation, and compensation. For major development this assessment should take the form of an Ecological Impact Assessment (EclA), whilst for other development, a Preliminary Ecological Appraisal should be completed, noting that an EclA may subsequently be required. These should include a desktop study (to include consultation with the Nottinghamshire Biological and Geological Records Centre and relevant nature conservation organisations, groups, and individuals) and the results of surveys to determine the presence/absence of notable habitats, protected species or species of principle importance for the conservation of biodiversity in England. Such work must be undertaken by a suitably qualified and accredited person, following nationally recognised guidelines.

Where there is detailed information submitted relating to badgers and the following bird species (Goshawk, Peregrine, Honey Buzzard, Marsh Harrier, Red Kite, Osprey and Hobby), this information must be submitted in a separate, confidential report to enable the County Council to publicise and consult upon the application. This separate information is required due to the species susceptibility to persecution. If applicants have any concerns about any other species relevant to their application, they should contact us to confirm before the application is submitted.

When considering impacts on biodiversity and/or geodiversity, consideration should be given to both direct impacts (such as habitat loss) and indirect impacts (such as changes to hydrology, air quality, noise, and disturbance). Where proposals include mitigation and/or compensation measures, information to support those measures will be needed. Proposals should seek to provide ecological enhancements wherever possible and make provision for the maintenance and management of retained or created biodiversity/geodiversity features.

From February 12<sup>th</sup> 2024, all qualifying applications will be required to deliver a minimum 10% net gain for biodiversity (Biodiversity Net Gain, BNG). For smaller schemes this requirement will come into effect in April 2024. Certain exemptions are set out in legislation, for example some Section 73 applications to vary conditions. Where BNG is required, the County Council will require the submission of a correctly completed **statutory** Biodiversity Metric spreadsheet (using the most up to date approved version of the metric) completed by a suitably qualified (and where relevant, accredited) ecologist. The County Council could also request a copy of the metric in a different format (such as a PDF) for the purpose of publishing it to the web). The submitted information should allow the County Council to understand how the gain will be effectively delivered in terms of on or off-site provision (off-site gains are likely to require drafting of a Section 106 legal agreement and draft heads of terms should be provided). Proposals which include the delivery of significant onsite biodiversity enhancements, such as restoration plans for minerals and landfill sites should be supported with more details, including how these habitat enhancements would be delivered. All significant on-site gains and all off-site gains delivered under BNG will need to be managed for at least 30 years.

~~The Government has introduced a requirement for net gains for biodiversity in the Environment Act which requires development (with some exceptions, such as permitted development) to deliver a minimum 10% net gain for biodiversity. Where Biodiversity Net Gain (BNG) needs to be demonstrated, the County Council supports the use of the latest Defra Biodiversity metric to measure changes to biodiversity, and in these instances the metric calculation should be undertaken by a suitably qualified (and when relevant, accredited) ecologist, with the full calculation and results submitted with the planning application.~~

~~BNG will become a validation requirement (following an implementation period of two years). During the implementation period, where relevant applications involve impacts on biodiversity, net gain calculations supporting planning applications will be encouraged and there may be circumstances where the County Council will deem a BNG calculation to be necessary due to the sensitivity of the site and its surroundings, or due to the nature and complexity of the application.~~

~~In addition, where proposals have the potential to affect the Birklands and Bilhaugh Special Area of Conservation (SAC) or the Sherwood proposed potential Special Protection Area (ppSPA), then a Habitats Regulations Assessment (HRA) must also be undertaken.~~

In addition, where proposals have the potential to affect the Birklands and Bilhaugh Special Area of Conservation (SAC), then a Habitats Regulations Assessment (HRA) must also be undertaken. Where proposals have the potential to affect the Sherwood 'proposed potential' Special Protection Area (ppSPA), a risk-based approach will be adopted by the County Council requiring applicants to submit an additional and robust assessment of likely impacts to be presented in a format equivalent to an HRA.

For further advice on any of the above issues please contact the County Council's Conservation Team.

Where appropriate, early consultation with Natural England is also recommended, including use of the agency's Discretionary Advisory Service (DAS), together with its standing advice and detailed guidance.

#### *Further information*

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 174-182 180-194).

Circular 06/2005 Biodiversity and Geological Conservation- Statutory obligations and their impact within the planning system and the accompanying guide- Planning for Biodiversity and Geological Conservation: A Guide to good practice 2006

BSI: PAS 2010 Planning to halt the loss of Biodiversity

Association of Local Government Ecologists: Template for Biodiversity and Geological Conservation Validation checklists, [www.alge.org.uk](http://www.alge.org.uk)

Natural England and DEFRA's Guidance Protected Species: how to review planning applications August 2016 updated January 2021- [www.gov.uk](http://www.gov.uk)

Nottinghamshire Wildlife Trust <https://www.nottinghamshirewildlife.org/>

Habitats regulations assessments: protecting a European site March 2021. [www.gov.uk](http://www.gov.uk)

Natural England standing advice on protected species, <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife#protected-areas> (updated January 2021 September 2022) and on ancient woodlands, Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk)) (updated November 2018 January 2022)

Biodiversity metric: calculate the biodiversity net gain of a project or development, <https://www.gov.uk/guidance/biodiversity-metric-calculate-the-biodiversity-net-gain-of-a-project-or-development>

The Biodiversity Statutory Metric ~~3.0~~ 4.0 <https://publications.naturalengland.org.uk/http://nepubprod.appspot.com/publication/6049804846366720>

[www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance](http://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance)

Nottinghamshire County Council's Supplementary Planning Document on Biodiversity Net Gain

## **15. Noise Assessment**

A Noise Impact Assessment should be submitted with all applications for potentially noisy developments and uses where these are likely to raise issues of disturbance to the occupants of nearby existing buildings. Proposals for noise

sensitive uses (such as a school) close to existing sources of noise should also be accompanied by a Noise Impact Assessment. These should be prepared by a suitably qualified acoustician and should include information on existing and proposed noise levels (including night-time noise levels where relevant) and where appropriate should recommend a scheme of measures to mitigate noise impact.

For some proposals, such as for proposals for significant minerals or waste development where numerous noise sources are anticipated, and/or where the site topography is complex, the County Council will consider recommending that the noise assessment is supported by 3D noise modelling due to operational and/or site characteristics. This would need to be supported with copies of the noise modelling files, noise model input data (in a suitable format) and numerical noise data in a clearly labelled and concise spreadsheet. This information is required to assist the County Council and relevant consultees to understand predicted noise impacts on sensitive receptors, including nearby residents and wildlife sites. Applicants of relevant proposals will be informed at the pre-application stage of the need to submit this information and the scope of the data required. Advice may be sought from the County Council's noise consultant on the scope of the noise assessment and associated background data required to support the application.

Guidance is provided in the National Planning Policy Framework with specific guidance for minerals development, which can also be used to assess the noise impacts of waste development, in the Planning Practice Guidance.

#### *Further information*

*National Planning Policy Framework – Facilitating the Sustainable Use of Minerals (paras [209-214](#) [215-223](#)).*

*Planning Practice Guidance*

*BS4142:2014 Method for rating and assessing industrial and commercial sound*

*Noise Policy Statement for England, updated June 2019.*

*Environmental Protection Act 1990, as revised.*

*ProPG: Planning and Noise- Professional Practice Guidance on Planning and Noise, plus Supplementary Documents 1 and 2: New Residential Development, May 2017*

## **16. Air Quality Assessment**

Proposals that impact on air quality or are potential pollutants should be supported by an Air Quality Assessment indicating the change in air quality resulting from the proposed development, details of sensitive receptors/locations, the methodology used for assessing impact and the proposed mitigation measures. Air Quality Assessments will be required where a proposed development would emit dust, lead to an increase in congestion, HGV movements, or would introduce sensitive “receptors”, such as a school in an area of poor air quality. Specific guidance on the impacts of dust emissions from minerals development, which can also be used to assess the dust impacts of waste development, is provided in the Planning Practice Guidance.



*Further information*

*National Planning Policy Framework– Conserving and Enhancing the Natural Environment (paras ~~174-182~~ 180-194).*

*A Breath of Fresh Air for Nottinghamshire- Nottinghamshire Environmental Protection Working Group, 2008.*

*District Council Environmental Health Officers.*

*Air Pollution Information Service (APIS) [www.apis.ac.uk](http://www.apis.ac.uk)*

## **17. Sunlighting/Daylighting / Lighting Assessment**

Sun lighting/day lighting assessments are to be undertaken and submitted for all applications where there is a potential adverse impact upon current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including their gardens or amenity space.

Where significant external lighting is proposed as part of a development (for instance, floodlighting of a multi-use games area) the application must include a layout plan with beam orientation, a schedule of the proposed equipment and the proposed measures to reduce any impact on neighbouring sites/properties. Energy efficiency data should also be submitted for proposals for new external lighting.

*Further information*

*National Planning Policy Framework*

*Planning Practice Guidance- Light pollution*

*British Research Establishment (BRE): Site layout planning for daylighting and sun lighting; a guide to good practice 2011*

*<https://www.bats.org.uk/our-work/buildings-planning-and-development>*

## **18. Statement of Community Involvement**

Where relevant, applications need to be supported by a statement detailing how the requirements for pre-application consultation set out in the Council's adopted Statement of Community Involvement Review has been met. In particular this should demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.

*Further information*

*Planning Practice Guidance*

*Nottinghamshire County Council Statement of Community Involvement - Second Review adopted 2018 [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)*

## **19. Rights of Way (footpaths, bridleways, and byways)**

Proposals which affect a public right of way, even temporarily during construction phases, within or adjacent to the application site should indicate this on the submitted plans. Applications should include the details of any likely noise and

visual impacts on existing users of rights of ways, such as on horses using bridleways, and set out proposed measures to mitigate these impacts. Proposed plans should show any envisaged diversions/ alternative routes. A statement should be submitted outlining the details, including, where appropriate, the steps to be taken to comply with any legal requirement to stop up or divert the right of way. Early consultation with the County Council's Countryside Access Team is advisable.

*Further information*

*National Planning Policy Framework*

*Planning Practice Guidance- Open space, sports and recreation facilities, public rights of way and local green space*

*Countryside Access Team, NCC ([countrysideaccess@nottsc.gov.uk](mailto:countrysideaccess@nottsc.gov.uk)).*

*Rights of Way Management Plan 2018-2026*

## **20. Landscape and Visual Impact Assessments (LVIAs)**

Landscape and Visual Impact Assessments should be provided for all other development which, in the view of Nottinghamshire County Council, is likely to have an impact on the character of the local landscape and visual amenity. This applies to applications in both rural and urban settings. This assessment should include photographs and/or photomontages as appropriate. Early consultation with the Environmental Management and Design Team at Via is advisable.

*Further information*

*National Planning Policy Framework*

*Planning Practice Guidance- Natural Environment*

*"Guidelines for Landscape and Visual Impact Assessments" The Landscape Institute and Institute of Environmental Management and Assessment, April 2013*

*Landscape Institute Advice Note 01/11: Photography and photomontage in Landscape and visual impact assessment.*

*EIA Regulations, 2017*

*Environmental Management and Design – [www.viaem.co.uk](http://www.viaem.co.uk)*

*Natural England [www.gov.uk](http://www.gov.uk)*

*DEFRA: Construction Code of Practice for the Sustainable Use of soil on development sites 2011, updated June 2018*

## **21. Land Stability/Coal Mining Risk Assessment**

Coalfields are divided into high and low risk areas. A high-risk area is where there are hazards that are likely to affect new development. Planning applications for proposals involving built development or disturbance to the ground in Development High Risk Areas, as defined by the Coal Authority, and held electronically by the Local Planning Authority, should be accompanied by a Coal Mining Risk Assessment. Further information can be found on the Coal Authority website including an interactive map showing the extent of the referral area and the information required for inclusion in the Coal Mining Risk Assessment. If the development is subject to the Environment Impact Assessment process it is

suggested that the Coal Mining Risk Assessment should be incorporated into the Environmental Statement. Applications in low-risk areas need not be accompanied by a coal mining risk assessment.

*Further information*

*National Planning Policy Framework - Conserving and enhancing the natural Environment (paras ~~172-184~~ 180-194).*

*Planning Practice Guidance*

<https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

*Coal Authority website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)*

*British Geological Survey: [www.bgs.ac.uk](http://www.bgs.ac.uk)*

*Free of charge Coal Mining Information - October 2017, updated August 2021 [www.gov.uk](http://www.gov.uk)*

## **22. Agricultural Land Classification/Soil quality**

Should the proposal involve the disturbance of existing agricultural land, details of the Agricultural Land Classification will need to be provided. The best and most versatile (BMV) agricultural land is defined as Grade 1, 2 and 3a of the Agricultural Land Classification. Where BMV agricultural land is affected by the proposed development a statement should be submitted justifying why this land is needed, why land of a lower agricultural grade cannot be developed, as well as confirmation of what the intended restored grade the land would be if it is to be restored back to agriculture (e.g., as part of a future land reclamation scheme following mineral extraction).

Where soils are required for restoration purposes, planning applications must detail how soil resources on site are to be retained and protected through stripping, storage, and replacement operations to ensure that they help achieve and deliver the restoration proposals submitted with the application.

*Further information*

*National Planning Policy Framework- Conserving and enhancing the natural environment (paras ~~174-182~~ 180-194) and Annex 2*

*Planning Practice Guidance- Minerals*

*Natural England - Agricultural Land Classification- Technical Information Note published 2012*

*Good Practice Guide for Handling Soils in Mineral Workings- The Institute of Quarrying 2021 <https://www.quarrying.org/soils-guidance>*

## **23. Aviation Impact Assessment**

**For any development within the aerodrome safeguarding zones for East Midlands Airport and all other aerodromes within and adjoining Nottinghamshire, evidence that the developer has considered, where relevant, the impact of the development upon aerodrome operations for height (buildings or temporary equipment), lighting, wind shear, frequencies, glint and glare and wildlife. For wildlife this should include any Biodiversity Net Gain on site and any off-site locations. All**

wind turbine applications should demonstrate early engagement with all aerodromes within 30 nautical miles of the proposed location to determine the impact upon radar and whether any mitigation is necessary. Please contact the Council for further information on safeguarding maps if required.

**Further information**

<https://www.caa.co.uk/combined-aerodrome-safeguarding-team-cast/what-is-safeguarding/>

## **Definitions**

**Definition of major applications**, (based on Town and Country Planning (Development Management Procedure) (England) Order 2015), development involving:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development (i.e., operational development designed to be used wholly or mainly for the purpose of, or material change of use to treating, storing, processing, or disposing of refuse or waste materials);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 sq. metres or more; or
- development carried out on a site having an area of 1 hectare or more.

## **Contacts**

Further information and advice are available from the Development Management Team on 0300 500 80 80 or [development.management@nottscc.gov.uk](mailto:development.management@nottscc.gov.uk)

Useful websites: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk) , <https://www.planningportal.co.uk/> and [www.gov.uk](http://www.gov.uk)

**12<sup>th</sup> March 2024****Agenda Item: 9**

## **REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE DEVELOPMENT MANAGEMENT PROGRESS REPORT**

### **Purpose of the Report**

1. To report on the planning applications received by the Development Management Team between 23<sup>rd</sup> December 2023 and 23<sup>rd</sup> February 2024, to confirm the decisions made on planning applications since the last report to members on 30<sup>th</sup> January 2024, to report on the County Council's current performance, and to detail the applications likely to come before the Committee in the coming months.

### **Information**

2. **Appendix A** highlights the applications received and those determined since the last report to members on 30<sup>th</sup> January 2023. **Appendix B** reports on the County Council's performance against statutory targets for the speed and quality of decisions. **Appendix C** sets out the Committee's work programme for forthcoming meetings and members are asked to give consideration to the need for any site visits that would be beneficial on any application scheduled to be reported to Committee in the near future.

### **Other Options Considered**

3. To not produce a progress report and work programme for the Committee: this option is discounted as the progress report and work programme are important in keeping members fully informed on Planning matters, particularly where a site visit for an upcoming application may be beneficial in advance of the Committee meeting where it will be considered.

### **Reasons for Recommendations**

4. To keep members informed of Planning activity and to assist the Committee in carrying out its responsibilities and preparation its future work effectively.

### **Statutory and Policy Implications**

5. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, 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.

## **RECOMMENDATIONS**

6. That the Committee reviews the Development Management Progress Report and considers whether any further actions are required, including the arrangement of any site visits.

**Derek Higton**  
**Interim Corporate Director for Place**

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

Rebecca Kirkland, Planning Support Officer  
[development.management@nottsc.gov.uk](mailto:development.management@nottsc.gov.uk)

### **Constitutional Comments (JL, 29/02/2024)**

7. The Planning and Rights of Way Committee is the appropriate body to consider the contents of this report.

### **Financial Comments (PAA, 29/02/2024)**

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

### **Background Papers and Published Documents**

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

- None.

### **Electoral Divisions and Members Affected**

- All.

**Planning Applications Received and Determined**  
**From 23<sup>rd</sup> December 2023 – 23<sup>rd</sup> February 2024**

Division	Member	Received	Determined
<b>BASSETLAW</b>			
Tuxford	Cllr John Ogle	The erection of 1.93m high fencing, at East Markham Primary School. Validated:07/02/2024.	
Misterton	Cllr Tracey Taylor		Variation of condition 4 of planning permission 1/15/01678/CDM to allow additional time to complete the extraction of mineral from within the permitted area and its subsequent restoration – Scrooby South Quarry. GRANTED: 06/02/2024.
<b>MANSFIELD – NONE</b>			
<b>NEWARK &amp; SHERWOOD – NONE</b>			
<b>ASHFIELD</b>			
Sutton West	Cllr Tom Hollis		Removal of condition 10 of planning permission 4/V/2021/0386 to allow continued use as a small (2-bed) home for children in the care of the local authority – 32 Sudbury Drive. GRANTED: 30/01/2024.

Division	Member	Received	Determined
Sutton Central and East	Cllr Samantha Deakin		Installation of a 3.8MW solar array together with temporary site access and construction compound – Two Oaks Quarry.  GRANTED: 31/01/2024
<b>BROXTOWE</b>			
Greasley & Brinsley	Cllr Elizabeth Williamson		Creation of 6no. ponds including the construction of a bund – Willey Wood Farm.  GRANTED: 31/01/2024.
<b>GEDLING</b>			
Calverton	Cllr Boyd Elliott	Proposed installation of a Motor Control Centre kiosk, Sodium Dosing kiosk and widening of existing access, including the modification of the existing kerb line – at Calverton Sewage Treatment Works.  Validated: 11/01/2024.	

Division	Member	Received	Determined
<b>RUSHCLIFFE</b>			
Leake and Ruddington	Cllr Matt Barney/Cllr Reg Adair	Extraction, processing, sale and distribution of sand and gravel, and subsequent restoration together with the necessary highway and access improvements – Land off Green Street, Mill Hill and Land at Barton in Fabis off Chestnut Lane.  Validated: 19/02/2024.	
Leake and Ruddington	Cllr Matt Barney/Cllr Reg Adair		Variation to conditions 27 and 28 of planning permission 8/21/02694/CTY to extend the period for removal of a temporary access road and related reinstatement of open space – Millside Spencer Academy Primary School.  GRANTED: 17/01/2024.





## **Statutory Targets**

Local Planning Authorities are monitored by the Department for Levelling Up, Housing and Communities (DLUHC) on their performance in terms of the speed and quality of decision-making.

Planning Authorities which under-perform against any of these criteria may be deemed as poorly performing and risk 'designation' by the Secretary of State which then allows applicants the option to directly apply to the Planning Inspectorate (on behalf of the Secretary of State) rather than the Local Planning Authority.

Performance figures for Quarter 4 – 1<sup>st</sup> January 2024 – 31<sup>st</sup> March 2024 – will be reported at the next committee.



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

(Please note: The committee dates identified are for guidance only. A final decision regarding the committee date is not made until shortly before the agenda is published).

Target Committee	Planning App No.	Location	Development	Current Progress
30 <sup>th</sup> April 2024	4/V/2022/0643	Parts Emporium Ltd, Sidings Road, Kirkby in Ashfield, Nottinghamshire, NG17 7JZ	Part retrospective change of use of land and buildings for the acceptance, storage and treatment of end-of-life vehicles including ancillary storage of salvaged parts	Further noise survey has been submitted and is currently out for re-consultation.
30 <sup>th</sup> April 2024	8/23/02282/CMA	Land West of Sharphill Wood, Edwalton	Planning application for the spreading of waste topsoil on land west of Sharphill Wood with (post-development) continuing agricultural use	Further information has been provided to respond flooding/surface water management concerns.
30 <sup>th</sup> April 2024	3/23/01993/CMM	Kirton Brickworks and Quarries, Station Road, Kirton, Nr Ollerton, NG22 9LG	Variation of conditions 3 and 8 of planning permission 3/17/00897/CMM to allow the export of clay from the 'Red' Quarry	Objection from NCC (Highways) has been overcome. Confirmation required that the export of waste clay will not affect the consented restoration scheme for the site.
30 <sup>th</sup> April 2024	3/24/00054/CMM	Kirton Brickworks and Quarries, Station Road, Kirton, Nr Ollerton, NG22 9LG	Variation of conditions 1 and 5 of planning permission 3/FUL/99/0976 to allow the export of clay from the 'Cream' Quarry	Objection from NCC (Highways) has been overcome.
30 <sup>th</sup> April 2024	8/23/01824/CMA	East Leake Sewage Treatment Works, West Leake Road, West Leake, Nottinghamshire, LE12 6JZ	Extension of the East Leake Sewage Treatment Works and the installation of associated buildings and infrastructure	Consulting on further/revised information to try to address objections.

**Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Rights of Way Committee.**

Planning Application:	3/20/01244/FULR3N
Location:	British Sugar Corporation Ltd Sports Ground, Great North Road, Newark on Trent, NG24 1DL
Proposal:	Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.
Current Progress:	A supplementary flood risk assessment has been significantly delayed by technical difficulties with flood modelling work. Options with this longstanding application are under consideration. However the applicant advises the assessment should be ready by the end of February.
Planning Application:	3/22/00059/CMM
Location:	Land south of Church Street, Southwell, Nottinghamshire, NG25 0HG
Proposal:	Flood alleviation works including construction of an earth bund, flow control structure, and related ground works, landscape planting, boundary works including fencing, and ancillary operations.
Current Progress:	Revisions to the scheme have been made and the applicant is currently preparing a revised flood risk assessment to consider the flood impacts of this revised scheme. Archaeology issues require further consideration, as well as the detail of how the public footpath would cross the bund.
Planning Application:	1/23/01018/CDM
Location:	Former ash disposal lagoons south of Lound, Retford. DN22 8SG
Proposal:	The extraction, processing and export of pulverised fuel ash from former ash disposal lagoons and their progressive restoration, and associated development including earthworks, dewatering and soil storage, ponds and excavations, hard and soft surfacing and landscaping and boundary treatment, buildings and structures, plant, conveyors, utility connections, roadways, parking, drainage, and ancillary development.
Current Progress:	The applicant has submitted a package of further information and revised plans. This is currently out for full public re-consultation.
Planning Application:	4/V/2023/0599
Location:	Two Oaks Quarry, Coxmoor Road, Sutton in Ashfield, NG17 7QP
Proposal:	The importation of inert and non-hazardous wastes to enable the restoration of worked out quarry areas
Current Progress:	A hydrological risk assessment has now been submitted in response to an objection that has been made by the Environment Agency due to concerns for the principal aquifer.

Planning Application: 2/2024/0058/NCC  
Location: 31, Ellesmere Road, Forest Town, Mansfield  
Proposal: Conversion of residential dwelling to 2-bedroom children's home  
Current Progress: Application is out for consultation. NCC Highways have placed a holding objection and have requested further information.

Planning Application: 8/24/00162/CMA  
Location: Bunny Materials Recycling Facility, Loughborough Road, Bunny, NG11 6QN  
Proposal: Vary conditions 9, 15, 20, 31 and 32 of permission 8/20/01279/CMA to allow an increase in annual tonnage of materials and the number of HGV movements (Conditions 31 and 32), amended operating hours and plant (Condition 9), an updated Dust Management Plan (Condition 20) and revised noise restrictions to cover the updated operating hours (Condition 15).  
Current Progress: Application is out for consultation. Objections are being raised regarding the proposed throughput, associated traffic and noise impacts.

Planning Application: ES/4621  
Location: Land off Green Street, Mill Hill and Land at Barton in Fabis off Chestnut Lane  
Proposal: Extraction, processing, sale and distribution of sand and gravel, and subsequent restoration together with the necessary highway and access improvements  
Current Progress: Application has been received and is due out for consultation.

