

Planning and Licensing Committee

Friday, 06 December 2013 at 11:00

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

AGENDA

- | | | |
|---|--|-----------|
| 1 | Minutes 12 Nov 2013 | 5 - 10 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of Lobbying | |
| 5 | Erection and Extension Pierrpont Gamston Primary School, Coledale West Bridgford | 11 - 54 |
| 6 | Improvement Works to the Newstead and Annersley Country Park partial In-filling Newstead Village | 55 - 110 |
| 7 | Retrospective Permission for Marquee Rufford Abbey Country Park Rufford Ollerton | 111 - 128 |

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.

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

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

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minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 12 November 2013 (commencing at 2.00 pm)

membership

Persons absent are marked with 'A'

COUNCILLORS

Sybil Fielding (Chairman)
Sue Saddington (Vice-Chairman)

Roy Allan
Andrew Brown
Steve Calvert
Steve Carroll
Darren Langton

Rachel Madden
Andy Sissons
Keith Walker
Yvonne Woodhead

OFFICERS IN ATTENDANCE

Nathalie Birkett- Solicitor
David Forster – Democratic Services Officer
Jerry Smith – Team Manager, Development Management
Sally Gill – Group Manager Planning
David Marsh – Major Projects Senior Practitioner
Joel Marshall – Planning Assistant

MINUTES OF LAST MEETING

The minutes of the meeting held on 30 September 2013, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

MEMBERSHIP

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

APOLOGIES FOR ABSENCE

There were no apologies for absence

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

It was noted that in respect of agenda item 6(Disposal of inert Waste Material Land Adjacent to Shenton Lodge Derby Road Kirkby-in-Ashfield) all members had received some lobbying material from the Colsons Transport Limited.

ERECTION AND EXTENSION PEIRRPONT GAMSTON PRIMARY SCHOOL COLEDALE WEST BRIDGFORD

Mr J Smith in introducing the report informed members that Rushcliffe Borough Council's comments would not be available until the 15 November 13 and if any issue arose from those comments the Chairman and Vice Chairman would be consulted as to any course of action that would need to be taken. He also reported that a late consultation response from NCC's Contaminated Land Team had been received which recommended a limited site investigation be undertaken and implementation of a watching brief for previously unidentified contamination. Mr Smith highlighted condition 13 on the appendix 2 attached to the report which covered this issue together with a further more Informative. A further representation had also been received from a local resident expressing concerns at the absence of drainage proposals to prevent surface water run-off from the extended all-weather pitch. The issue was covered in condition 11. Reference was also made to some revised drawing numbers all of which had been the subject of appropriate consultation.

Following the introductory remarks of Mr Smith the speaker Mr Rowntree, owner of one of the adjacent properties, spoke against the application and highlighted the following issues-

- The siting of the proposed 3 classroom extension and the impact on Mr and Mrs Rowntree's property had not been properly considered
- The elevation creates an intrusive view to Mr and Mrs Rowntree's property
- The elevation has not been properly considered in relation to the two properties affected.
- Rushcliffe Borough Council's conclusion on a similar application was at odds to the conclusion on the report before members.

Following Mr Rowntree's presentation members felt that the Committee should undertake a site visit before a decision is made on this application.

On a motion by Councillor Saddington seconded by Councillor Calvert it was

RESOLVED 2013/035

That the report be deferred and that a site visit takes place at the earliest opportunity.

DISPOSAL OF INERT WASTE MATERIAL LAND ADJACENT TO SHENTON LODGE DERBY ROAD KIRKBY IN ASHFIELD

Mr J Smith introduced the report and gave a slide presentation. He reported that further information had been received regarding potential environmental impact upon the prospective Sherwood Special Protection Area although such impact could not be assessed prior to this meeting.

He also updated members on the comments which were omitted from the report on constitutional and financial comments informing members that the Committee have the power to decide the recommendation and that there are no financial implications arising from the report.

Following the introductory remarks of Mr Smith the speaker Mr Baseley representing the applicant, spoke in favour of the application and highlighted the following issues-

- The proposed fill period has halved from the previous application from 4 to 2 years.
- There is a pressing need for additional inert waste sites in the area.
- Local hauliers have said there is a shortage of operational sites at their disposal.
- Sites like Bentinck are effectively private sites and not for use by many hauliers.
- The impact on green belt would be limited.
- There have been no objections from local residents or highways, landscape or rights of way officers.
- Although the site sits in the Green Belt there are very special circumstances to the need for this application to be granted including economic and local needs.

Following the speaker and there being no questions members discussed the item and the following comments were made. Prior to these comments Councillors Madden and Carroll informed Committee that they were both members of Ashfield District Council (ADC) and were aware of this issue but took no part in the ADC's recommended refusal of the application.

- National Planning Policy Framework incorporates national Green Belt Policy which aims to prevent urban sprawl and the loss of open land.
- Highways issues are an important factor with heavier vehicles and the effect on local residents.
- Wildlife is a legitimate issue to be concerned with.
- Is this application warranted to alleviate what is seen as a short term problem?

On a motion by Councillor Fielding seconded by Councillor Saddington it was

RESOLVED 2013/036

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

CONSTRUCTION OF ANEROBIC DIGESTION PLANT PRIVATE ROAD 4, COLWICK INDUSTRIAL ESTATE COLWICK

On a motion by Councillor Fielding seconded by Councillor Saddington it was

RESOLVED 2013/037

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

IMPROVEMENTS TO NEWSTEAD AND ANNERSLEY COUNTRY PARK NEWSTEAD VILLAGE

Mr Smith introduced the report and gave a slide presentation to Members

Members raised the following issues with regard to the report

- The access to this application site is along a narrow track and concerns were raised about the conflict between lorry and walker.
- Is account of any damage to roads taken into account under the 106 agreement?
- Could this application be looked at further by the Highways Department as access and egress is an issue?
- Pleased a liaison Committee with local residents is being considered.

Following the above comments by Members and on a motion by Councillor Fielding seconded by Councillor Saddington it was

RESOLVED 2013/38

That the item be deferred to allow for further comments from the Highways Department on the application and a report be presented to a future meeting.

VARIATION OF CONDITION 16 OF PLANNING PERMISSION 1/66/02/00015 TO ALLOW MORE TIME FOR THE RESTORATION OF THE SAND QUARRY BY IMPORTATION OF RECOVERED INERT MATERIAL STYRRUP MAIN STREET STYRRUP

Mr Smith introduced the report and gave a slide presentation to Members

RESOLVED 2013/039

1. That the Corporate Director for Policy Planning and Corporate Services be authorised to enter into a Deed Variation to ensure that the original 106 agreement shall apply to the permission hereby approved as varied in respect of the date by which the landfill shall be restored and updating the management schedule; and

2. That subject to the completion of the legal agreement the Corporate Director for Policy Planning and Corporate Services be authorised to grant planning permission for the development subject to the conditions set out in the Appendix attached to the report.

REVIEW OF PLANNING APPLICATION VALIDATION REQUIREMENTS

RESOLVED 2013/040

1. That the report be noted
2. That an 8 week consultation period be undertaken on the proposed changes to the Guidance Note on the Validation of Planning Applications be approved as set out in the appendix attached to the report
3. That following the consultation exercise the final version of Validation Guidance be presented to the Policy Committee for approval.

MODIFICATION TO THE EXISTING SCHEME OF DELEGATION FOR DECISION MAKING ON PLANNING APPLICATIONS

RESOLVED 2013/041

That the modification to the current scheme of delegation be approved to allow for decisions on planning applications which are recommended for refusal on the grounds of insufficient information to be delegated to the Corporate Director for Policy Planning and Corporate Services.

WORK PROGRAMME

RESOLVED 2013/042

That the Work Programme be noted.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

RESOLVED 2013/043

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

The meeting closed at 16.10 pm.

CHAIRMAN



6 December 2013

Agenda Item:

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

RUSHCLIFFE BOROUGH REF. NO.: 8/13/01821/CTY

**PROPOSAL: ERECTION OF 3-CLASSROOM, STAFFROOM AND LIBRARY
EXTENSION. KIDS CLUB EXTENSION, HALL EXTENSION AND
FOUNDATION 2 EXTENSION; EXTENSION TO CAR PARK AND
WIDENING OF EXISTING VEHICULAR ACCESS, NEW
PEDESTRIAN ACCESS FROM COLEDALE AND (CANAL)
BRIDLEWAY; EXTENSION TO ALL WEATHER PITCH; NEW
EXTERNAL METAL STORE AND NEW CYCLE SHELTERS;
ASSOCIATED LANDSCAPE WORKS AND FENCING**

**LOCATION: PIERREPONT GAMSTON PRIMARY SCHOOL, COLEDALE,
WEST BRIDGFORD**

**APPLICANT: CHILDREN, FAMILIES & CULTURAL SERVICES AND
PIERREPONT GAMSTON PRIMARY SCHOOL**

Purpose of Report

1. To consider a planning application for the erection of a three classroom, staffroom and library extension, an extension to accommodate a re-sited Kids' Club, extension to the school hall and an extension to Foundation 2 at Pierrepont Gamston Primary School. The school All-Weather Pitch would be extended. An extension to the car park, a new pedestrian access to the site from the canal bridleway, widening of the existing vehicular access and related landscape works are proposed. The school capacity would increase from 210 to 315 children. The key issues relate to the impact of the increase in pupil numbers on the highway infrastructure and related highway issues, and the impact of proposed built development and operational use of the enlarged school on neighbouring residential properties. The recommendation is to grant planning permission subject to the conditions set out in Appendix 2.

Introduction

2. Members will recall that this application was presented to Committee for determination on 12 November 2013, but was deferred for a Member site visit.
3. In making a presentation to Committee the occupier of 26 Whinlatter Drive, to the west of the school, drew attention to the proximity and elevation of the

proposed extension in relation to their property. The specific points raised are summarised as follows:

- a) The measurement taken from 18 Whinlatter Drive to the current school building is from the corner of the house to the corner of the school. This represents a far less intrusive view than the one proposed for 26 Whinlatter Drive, which is an end view.
- b) The clear difference in elevation of the school relative to the two properties is not stated. Relative to 26 Whinlatter Drive the school is on very high land making the proposed single storey extension more akin to a two storey extension.

Comment: 18 Whinlatter Drive has a floor level approximately 0.65m above that of 26 Whinlatter Drive. The floor level of the classroom extension is 0.3m below the floor level of the school. A plan illustrating the differences in level and relationship between the buildings is attached as Plan 6. This plan will be available for the Members visit to the site.

- c) The conclusion that the proposed extension would not give rise to un-neighbourly impact is at odds to the conclusion drawn by the planning officer of Rushcliffe Borough Council when considering the application for the Kid's Club (application reference 05/01157/FUL). The Kid's Club was initially intended to be located in a similar position to the proposed extension, but after visiting 26 Whinlatter Drive "the planning officer concluded that this would be intrusive and ordered that the building be repositioned in line with the existing school elevation".
 - d) The present application proposes to build a far more substantial pitched roof building at a distance far closer to 26 Whinlatter Drive "than initially proposed for the [Kid's Club]. It is difficult to understand how this could be deemed appropriate given the earlier ruling".
 - e) The main concern is the impact that the extension on elevated land will have on 26 Whinlatter Drive. At the very least the extension should be re-sited in line with the existing school building.
4. The report presented to Committee on 12 November 2013 was in advance of the consideration of the application by Rushcliffe Borough Council. The views of Rushcliffe Borough Council and officer observation are reported at Paragraphs 41-43.

Site and Surroundings

5. Pierrepont Gamston Primary School is located on a site of 1.2ha on the north side of Coledale, West Bridgford, approximately 2.0km to the south-east of West Bridgford town centre. The 215 place single-form entry primary school has a frontage of 70m to Coledale, and is located opposite residential culs-de-sac Thelkeld Close and Angletarn Close. The rear gardens of properties at Stockgill Close/Lingmell Close (east) and Whinlatter Drive (west) adjoin the school. The school northern boundary is separated from a tarmac surfaced bridleway (West Bridgford Bridleway No.16) to the north by a narrow strip of un-adopted open

space. The former towpath and disused Grantham canal lie to the north of the bridleway. The canal is a biological Site of Importance for Nature Conservation (SINC). A bridge to the north of Lingmell Close carries the bridleway over the canal, and provides pedestrian access to Waterside Close and other residential culs-de-sac linked by Public Footpath Gamston No.12. The application site includes the school and its grounds as well as a strip of the un-adopted open space, owned by Bovis Homes, that provides continuity between the school site and the public bridleway (Plan 1).

6. Residential properties towards the northern end of Whinlatter Drive, adjacent to the grass playing field and school All-Weather Pitch, have experienced historic surface water flooding.
7. The school site is generally flat with a gentle fall to the north towards the canal. In forming a level plateau on which to build the school, levels at the western end of the site have been raised approximately 1.2m above the level at the site boundary with properties at 18-30 Whinlatter Drive. A detached modular building, referenced in the application as a Kids' Club, is used primarily for pre-school, after-school and holiday activities. The Kids' Club building is sited 20m from the site boundary and is approximately 28m from a conservatory erected to the rear of 26 Whinlatter Drive and 32m from the rear wall of 28 Whinlatter Drive. An All-Weather Pitch to the north of the school building is sited 30m from the residential boundary with 40 Whinlatter Drive, but is generally 37m from the boundary with residential properties to the west (Plan 2).
8. The school building has a generally linear form with a footprint 75m x 21m. The detached Kids' Club building is sited 6m to the north of the main school building. The school is of single storey brick-faced construction with a 18° pitch tiled roof. The school at closest lies 23.3m from the rear of 18 Whinlatter Drive with an eaves height of 2.9m. The ridge has a height of 6.2m, 31.8m from 18 Whinlatter Drive. Taking account of the approximate 1.6m change in floor level between the house and school, when viewed from 18 Whinlatter Drive the school would appear to have an eaves height of 4.5m and ridge height of 7.8m. A 1.8m high close boarded fence is erected along the western school boundary with properties on Whinlatter Drive.
9. The existing vehicular access to the site is positioned centrally on the frontage to Coledale. The school car park has 19 car parking spaces, in addition to two disability parking spaces, and is also used for service deliveries to the school. An outdoor hard play space is provided outside two classrooms adjacent to the car park.
10. A pedestrian access to the Key Stage (KS) 2 area of the school and main school entrance is located 5m to the east of the vehicular access. A second pedestrian access (principally used to access the Foundation Unit, KS1 and Kids' Club) is formed at the western end of the Coledale frontage, 5m from the boundary with 42 Coledale. The path runs immediately adjacent to the western elevation of the school building at an elevated level relative to properties on Whinlatter Drive. A semi-circular area with a hedge maintained at an approximate height of 1m on its western side is used for cycle parking. The area is formed adjacent to the path leading to the rear of the school building and is located generally opposite the rear gardens 22-24 Whinlatter Drive.

11. The central hub of the school is formed by the main entrance, school hall, staff room and administration areas. The school Foundation unit and KS1 classrooms are located at the western end of the building, with KS2 classrooms provided at the eastern end of the school.

Proposed Development

Planning History

12. Pierrepont Gamston Primary School is a Voluntary Aided School and planning applications other than those funded by the County Council are generally submitted to Rushcliffe Borough Council. Apart for the first phase development of the school granted by NCC in 2000 under application reference 8/00/00101/FUL, the following planning applications have been approved by Rushcliffe Borough Council:
13. Application reference 02/01522/FUL (January 2003): Extension to primary school to provide 3 classrooms, library and ancillary facilities
14. Application reference 05/01157/FUL (December 2005): Erection of building for use as pre-school and post-school playgroup and for school purposes. *The permission allowed use as a playgroup building outside of school term times for a temporary period expiring in December 2006 (Condition 6).*
15. Application reference 06/01757/FUL (December 2006): Continuation of use of building as a playgroup outside of normal term times (Condition 6 of planning permission 05/01157/FUL).
16. Application reference 10/01220/FUL (August 2010): Installation of synthetic sport and play surface.

Background

17. West Bridgford has experienced an increase in demand for primary school places in recent years. Although a significant number of primary school places are to be made available when the expanded Heymann Primary School opens in January 2014, there is still projected to be a shortfall of 10 primary school places in the wider West Bridgford area in 2013/14. This is expected to increase in successive years, with a shortfall of 180 primary school places predicted by September 2017.
18. Pierrepont Gamston Primary School is a Church of England Voluntary Aided school which does not have a school catchment, allocating places by proximity to the school when over-subscribed. The school has consistently filled its Published Admission Number (PAN). Health Authority GP registration data shows that the number of children aged 4+ in the immediate area of the school is greater than the current PAN of 30. For September 2013 the number of children of school starting age locally was 57, and in successive years is 77, 58 and 58.
19. It is proposed to expand the school and to increase the PAN to 45 at first admission, with the number of children attending increasing incrementally as each cohort passes through the school. When fully occupied the capacity of the

school would increase from 215 to 320 places (1.5 form entry), an increase of almost 50% in pupil numbers. In addition to meeting a local demand, the proposal would ease pressure on school places across the Gamston area of West Bridgford.

Proposed Development

Buildings

20. Planning permission is sought for the erection of four extensions to the school. The use of the existing school building would change with the Foundation and KS1 unit moved to the eastern end of the building. A new Foundation classroom would be built with a footprint of 9m x 8.4m, projecting 5.5m forward of the front elevation of the school (Plan 3). The extension would be 3.0m in height, faced with render, and of flat roof construction covered by a single-ply membrane roof covering. A free-standing canopy 6m x 8.4m and 3.0m high would provide a covered play area outside the Foundation classroom. Photo-voltaic (PV) panels would be applied to the canopy roof.
21. The school hall would be enlarged to accommodate the increased school capacity, extended forward of the existing building towards Coledale. The extension would be 13.5m x 9.0m (including an over-sailing roof) and would have an eaves height of 3.0m, and a ridge height of 6.0m. The hall extension would have a render finish, with a tiled roof to match the existing building.
22. The existing Kids' Club modular building subject of planning permission 05/01157/FUL would be removed. A replacement Kids' Club would be provided in a recess formed by the hall and a classroom on the north elevation of the school (Plan 3). The extension would be 11m in width, varying in depth between 9m and 11m, and would have a render finish. The flat roof would be 3.2m in height and would have a single-ply membrane roof covering. An over-sailing roof would create a canopy 'squaring-off' the northern elevation.
23. A three classroom extension, IT/library, staffroom and toilets would be provided to the north of the existing school, connected by a flat-roofed corridor and group room 3.2m in height. The link would be faced in render.
24. The linked extension would present a 15m elevation to properties on Whinlatter Drive. There would be no window openings in the west elevation, other than two roof lights at high level (Plan 4). The extension would project 8.5m closer to properties on Whinlatter Drive than the western elevation of the existing school. The extension would be sited 23.5m from the rear elevation of 24 Whinlatter Drive, a similar relationship to that between the existing school building and 18 Whinlatter Drive (Paragraph 8 and Plan 3). The north elevation of the building (facing the playing field) would be 27m in length. The building would have a traditional hipped roof construction with an eaves height of 3.0m and ridge height of 5.8m. The building would be faced in brick with a tiled roof to match the roof of the existing school.
25. The staff room would be formed in the south-west corner of the extension. A door in the southern elevation would give access to a small break-out area outside the staff room which would be enclosed by a 1.8m high timber enclosure

on its west and south-western sides to safeguard against overlooking of neighbouring residential property on Whinlatter Drive.

Use

26. The school does not currently run Saturday activities and does not have plans to do so. The Kid's Club runs throughout school holidays on Monday-Friday, and on inset days. The applicant has withdrawn an original proposal for Saturday use from the application. Community use is not proposed.

External Works

27. Trees planted to the east of the existing pedestrian access would be removed and the area would be surfaced to provide a Foundation outdoor play area including a 'Pick-Up Sticks' climbing structure on a rubberised surface. An outdoor storage building 4.5m x 3m would be sited within the play area. No details of the height or design of the storage building have been provided.
28. A garden area, with a tool storage area, canopy, picnic area and raised timber-edged planting beds would be provided to the east of the school adjacent to the boundary with 5-11 Lingmell Close.
29. The All-Weather Pitch to the north of the school would be extended by 33m x 27.3m to the west of the existing surface. The finished level of the All-Weather surface would be raised 0.6m above the level of the existing grass field, the effect of which would be to increase the gradient of the slope to the boundary with properties on Whinlatter Drive to 9% (1 in 11). An existing French drain running next to the boundary of properties to the west would be extended adjacent to the All-Weather Pitch (adjacent 36-28 Whinlatter Drive), connecting with existing drainage to intercept potential increase in surface water run-off.
30. At its closest, the All-Weather Pitch would be 6.5m from the boundary and 17.7m from the rear of the house at 36 Whinlatter Drive. A 2.0m high acoustic fence set 0.6m from the existing boundary would be erected between 30 and 40 Whinlatter Drive, subject to further noise assessment first being carried out to determine the need for the implementation of noise mitigation following the All-Weather Pitch being brought into use.
31. An outdoor classroom area of 50m² would replace the existing cycle parking area to the west of the existing school building. The area would not be directly accessed from a classroom and, in an area between two fenced enclosures, would be used under supervision (not an uncontrolled hard play area). Tree and landscape planting is proposed between western side of the building and properties on Whinlatter Drive. Trees to be planted within the site adjacent to 20-36 Whinlatter Drive are anticipated to achieve a height of 5m-15m, depending on each species planted. An evergreen *viburnum* hedge, which should attain a height of 3.5m would be planted along the boundary adjacent to 42 Coledale and 18 Whinlatter Drive, with additional landscape planting proposed on the school side of the hedge (Plan 5). The planting of laurel, which is referenced in representations at Paragraph 78f), had been proposed but would have attained a height of 7m and the evergreen *viburnum* hedge is proposed by the applicant as a more acceptable alternative.

Access and Car Parking

32. Vehicular access to the site would remain as at present. The existing car park would be modified, and extended in a westerly direction to provide a total of 24 car parking spaces and three disability parking spaces. The staff car park would be accessed across a block paved amphitheatre surrounded on its southern side by raised seating and planting. The amphitheatre would be enclosed by gates on its eastern side. Two of the car parking spaces and one disability parking space would be available for visitor car parking. Service deliveries would need to be restricted to the area to the east of the amphitheatre should that outdoor area be in use during the school day.
33. The modifications to the car park would require the existing pedestrian entrance at the western end of the frontage to Coledale to be closed, with a timber fence erected to match fencing to either side.
34. The existing pedestrian entrance to the east of the vehicular access would be retained as the principal school entrance and entrance to the Foundation unit and KS1. A new KS2 pedestrian entrance would be formed at the eastern end of the Coledale frontage, adjacent to the boundary with 1 Stockgill Close.
35. The pedestrian access to the rear of the school running along the western side of the building would no longer be used by parents to bring or collect children from the school. 2.0m high fencing would be provided between the existing school and the boundary with 20 Whinlatter Drive, and the linked extension and 28 Whinlatter Drive to control unauthorised access.
36. A mower and emergency access for a fire appliance would be taken from the car park and would run to the west of the existing school. An emergency vehicle would be able to turn on the extended All-Weather Pitch. The route to the west of the school would have a reinforced grass construction, retaining the appearance of grass but able to withstand the occasional passage of vehicles.
37. A new pedestrian access to the school is proposed from the bridleway to the north of the application site. The applicant has not yet secured an agreement with the land owner to allow the short linking footpath to be provided. If provided, the new access gate would be used at the beginning and end of the school day and offer an alternative to the use of Coledale as the only means of access to the school.
38. Two cycle shelters are proposed. One would be provided adjacent to the boundary with 5-7 Stockgill Close, with a second shelter provided adjacent to the bridleway pedestrian entrance, adjacent to the rear boundary of 21 Lingmell Close.
39. It has been confirmed that the cost of any required Traffic Regulation Order would be met by the applicant department.

Construction

40. The school car park would be used as a construction compound for the development. Construction would take approximately nine months to complete,

and it is intended that the project should be completed to open in September 2014. During the period of construction staff would have to park off-site.

Consultations

41. **Rushcliffe Borough Council (RBC)** – No objection subject to conditions requiring:
 - a) a noise assessment following completion of the extended all-weather pitch to be submitted to RBC and, if necessary, noise mitigation measures to be implemented;
 - b) the provision of landscaping in the first planting season; and
 - c) the surfacing and marking out of proposed car parking spaces before the development is brought into use.
42. In making the recommendation to the Committee of Rushcliffe Borough Council the case officer commented: *Because of the design and scale of the proposed extension, it is not considered that the extension would have an adverse impact on the outlook from the nearest dwellings, whilst the absence of windows in the west elevation of the proposed extension and removal of the existing footpath access would help eliminate issues of overlooking and privacy.*
43. Whilst not objecting to the development it has been advised that RBC Members *had strong concerns that despite a history of flooding in the area, a comprehensive Flood Risk Assessment had not been carried out, as required by Environment Agency Standing Advice, which should be carried out and agreed with the Environment Agency before the application is determined.*
44. **NCC Highways Development Control** - *As there will be a significant increase in pedestrian and vehicle movements associated with the site, improvement/mitigation measures are deemed to be appropriate.*
45. *The proposed improvements to provide access to the north of the site have the potential to decrease the number of car based journeys. The Highway Authority considers that this is a desirable improvement, but if it is not achievable, then it is not essential to the scheme.*
46. *There are vehicles which block the tactile paved pedestrian crossings from the school to the opposite side of Coledale. This has the highest potential of occurring at drop off and pick up times. As there will be an increase in pedestrians associated with the site, the Highway Authority recommends that a scheme to protect the crossing points, and to limit indiscriminate parking in the vicinity of the crossing points would be appropriate. A condition is recommended requiring the submission of a scheme of pedestrian safety improvements.*
47. *The Highway Authority is satisfied that both the layout of the car park, and the proposed amount of parking, are adequate to serve the school.*

48. Conditions are recommended to require the proposed car park to be laid out as proposed in the application, the submission of an updated School Travel Plan, and the on-going monitoring and review of the Travel Plan.
49. **NCC Road Safety Team** – *Comments made by NCC Highways Development Control are endorsed, especially with reference to safer routes to school. The additional pedestrian access route from the tow path is welcomed and may encourage more families to travel on foot if this is successfully achieved.*
50. *The Design and Access Statement and submitted School Travel Plan do not take into account the additional traffic that will be generated by parents and carers travelling to the school and does not suggest any mitigating actions for the effect of this on Coledale or the streets immediately surrounding the school.*
51. *The safer routes to school scheme should include some Traffic Regulation Order protection on the dropped crossing points and on the adjacent road junctions close to the school.*
52. **Sport England** – No objection. *The application proposes a number of elements of which only the classroom extension impacts on playing field area. However the impact is marginal and the area lost is not capable of forming a pitch or part of a pitch given the location of other buildings, the existing All-Weather Pitch (AWP) and the Hard Court/Play Area. The increase in size of the AWP is supported as it increases the size of the existing facility providing the playing field with a consistent surface rather than two differing surfaces. A condition is recommended to require the AWP to be constructed in accordance with Sport England guidance.*
53. **NCC Project Engineer (Noise)** – No objection subject to a post-completion noise survey. *Noise is predicted to marginally exceed 55dB which is considered to be the threshold between the “do-nothing” and “do-something” for noise mitigation purposes.*
54. *A post-completion noise survey should be undertaken to determine the actual noise level in garden areas. If the level exceeds 55dB then adjacent properties should be canvassed on their opinion of noise levels/mitigation measures, before undertaking any works. If all residents agree that the noise levels are acceptable, it seems reasonable to assume that no physical mitigation measures are necessary.*
55. *Noise impact from the extension to the car park and additional traffic flows associated with the increase in pupil numbers is not considered to be significant. An acoustic barrier is not required adjacent to the car park.*
56. *Details of any externally fixed plant and noise levels will need to be controlled by an appropriately worded planning condition.*
57. *Details of construction plant should be provided in a noise management plan outlining how development of the site will comply with the noise limits and guidance in BS5228-1:2009 (Code of Practice for noise and vibration control on Construction and Open Sites – Part 1:Noise).*

58. NCC Project Engineer (Noise) has commented on noise issues raised in representations:
59. *A comment is raised by a resident concerned at a maximum noise level of 56.5dB ($L_{Aeq, 15mins}$). To clarify the actual maximum predicted noise level is 56.1dB ($L_{Aeq, 15mins}$) and to put this into context, this is the maximum noise level predicted in the garden area of No. 36 Whinlatter Drive. This property has been used as the reference position as this is the closest property boundary to the proposed extended All-Weather Pitch (AWP). Noise levels are expected to be of a similar magnitude in garden areas of properties 34, 32 and 30. Noise levels are then expected to drop in garden areas north of No. 36 and south of No.30 due to increased distance from the AWP. It is considered unlikely therefore that noise levels will exceed 55dB $L_{Aeq, 15mins}$ at any property other than 30-36 Whinlatter Drive.*
60. *Unfortunately it is difficult to accurately predict the noise level generated by a particular number of children using an un-built facility. A number of assumptions are factored into any prediction, which are usually quite conservative to avoid underestimating the noise impact and as such there is potentially some margin of error. All assumptions are detailed in the noise assessment report. For this reason and given the marginal noise level above 55dB ($L_{Aeq, 15mins}$), it is suggested that a post-completion noise survey is undertaken to determine actual noise levels in garden areas. If noise levels are found to exceed 55dB ($L_{Aeq, 15mins}$) then a scheme of noise mitigation will need to be implemented.*
61. *Options for noise mitigation are somewhat limited. The three options are; an acoustic fence around the perimeter of the new AWP; an acoustic fence near the boundary of the properties, or; procedural changes to operational use of the area by the school to minimise the number of children using the outdoor space at any one time. The preferred option (proposed in a revised submission) is an acoustic barrier near property boundaries. Whilst a barrier as close to the noise source as possible is normally favoured, a fence around the perimeter of the pitch has been discounted due to the potential for additional noise problems of ball-rebound which could in fact worsen noise impact.*
62. *It is important that the height of the barrier is appropriate to ensure that there is no inter-visibility between the noise source and receptors. The higher the barrier the more effective it will be, however this has to be balanced with other issues such as visual impact. It is recommended that the fence construction is in accordance with [the acoustic fence design submitted in support of the application – recommended Condition 3o)].*
63. *The noise impact assessment considers the impact from use of the school premises Monday-Friday. This represents the “worst case” based on up to 315 pupils. Saturday use of the facilities would be likely to involve a much lower number of users. As such the noise levels presented in the assessment would be unlikely to be reached during Saturday use.*
64. **NCC Reclamation Team** – *The school site appears to have been used by housing developers for construction of the nearby housing. A limited site investigation should be undertaken to determine near sub-surface conditions*

within the main area of development and a watching brief implemented for previously unidentified contamination that may be identified.

65. **NCC Nature Conservation Team** – No objection subject to conditions. The site has low potential for roosting bats. A condition/informative is recommended requiring compliance with procedure for the unlikely event that bats are encountered during construction works.
66. There is limited potential for nesting birds on the site. A standard condition should be used to control vegetation clearance on the site.
67. **NCC Lead Local Flood Authority** - *The applicant has not yet fully demonstrated that the proposals will not have a detrimental effect on the surface water flooding issues that the adjacent residential property has previously experienced. It is suggested that any permission is conditioned so that further drainage details are provided to demonstrate that there will be no increase in surface water flooding risk.*
68. In commenting on the matter of flooding raised by Rushcliffe Borough Council at Paragraph 42: *it would appear that the only flood issue relates to surface water and the drainage of the site itself. As long as issues relating to surface water are conditioned so that site drainage is adequate and there is no increased surface water flood risk to adjacent properties, this would be regarded as satisfactory.*
69. **Environment Agency Midlands Region** – The site is in Flood Zone 1 (1 in 1000year+ risk of fluvial flooding) with few constraints.
70. **Severn Trent Water Limited** – No objection subject to condition requiring the submission of details of foul and surface water drainage.
71. **Western Power Distribution** – No response received.
72. **National Grid (Gas)** – Attention is drawn to National Grid apparatus on the site.
73. **Canal & River Trust** – No objection.
74. **NCC Countryside Access Team** – West Bridgford Bridleway No.16 runs parallel to the school northern boundary. The proposed path to link the school to the bridleway is in private ownership and will require the land owner's permission. The surface of the proposed path link to the bridleway would need to be maintained by the school, unless adopted by RBC as an area of public open space.
75. **Police Force Architectural Liaison Officer** – No response received.

Publicity

76. The application has been publicised by means of site notices and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
77. Councillor Steve Calvert and Councillor Liz Plant have been notified of the application.

78. Nine letters have been received from seven households on Whinlatter Drive and one on Coledale. Three of the households are generally supportive. One considers the development to be an improvement on other options considered. Acoustic fencing on the boundary is welcome. The following concerns are raised in the representations:

Other Options

- a) Other options should be considered (2) on a large site. Development could take place on the opposite side of the school. The car park should be extended on the opposite side of the school.

Traffic and Car Parking

- b) There will be increased car parking on Whinlatter Drive.
- c) Safety and access concerns for children playing on Whinlatter Drive which is a quiet cul-de-sac.
- d) Impact of exhaust emissions.
- e) 30 car parking spaces are not required for 22 staff. Car park spaces should be off-set from the boundary fence.

Comment: The car park has been reduced in size and off-set from the boundary with 42 Coledale in revised plans.

Privacy

- f) The extension will be closer to properties than existing development at the school (2).
- g) Impact on neighbouring residents. Adjoining property is at a lower level than the school/ the outside staff area is elevated (2).
- h) Overlooking from staff room, use of the external staff door, external staff area, and car park.
- i) Impact of car headlights in the car park.
- j) Additional planting should screen/filter views from the car park. Evergreen planting at a height of 4.5m-5m is suggested.
- k) 2.4m high boundary fencing would mitigate privacy impact that would not be achieved by planting.

Noise

- l) Noise from intensified use (2). Predicted noise when the play area is in use will exceed World Health Organisation (WHO) guidance.
- m) Noise nuisance from use of the outdoor staff area, staff arrivals and departures, and out-of-hours use.

- n) Private evening and weekend letting of the school and outdoor theatre are a potential source of noise nuisance. Noise from Saturday/evening use has not been assessed (3). Saturday Club use will be a source of noise. Noise from dropping-off/picking-up.
- o) Acoustic fencing should be raised to 2.5m.

Surface Water Flooding

- p) Historic surface water flooding and concern over change to the flooding regime (4). The extension will be over ground which currently acts as soakaway. The fire/mower access will compact ground that presently absorbs surface water (2).
- q) Surface water drainage needs to be addressed. That there are no drainage proposals to stop surface water running off the extended all-weather pitch to stop potential increased risk of flooding.

Additional Detail Required

- r) It is unclear which facilities are to be used on Saturdays.
- s) Noise from Saturday use has not been assessed.
- t) Drainage position/details are not provided.
- u) An acoustic fence specification is required prior to installation.
- v) Details of the height of proposed trees are required. Tree planting could potentially block light.
- w) Additional sections to demonstrate impact (Nos. 26 and 28 Whinlatter Drive) are required.

Comment: The applicant has submitted additional information in respect of matters r) – v) and neighbours have been notified. With reference to w), sections through 26 and 28 Whinlatter Drive would not be materially different to that at 24 Whinlatter Drive provided in support of the application.

- x) Low-level car park lighting (if required) should be used, rather than intrusive lighting mounted on the building.

Property Issues

- y) Proximity of the acoustic fence and lack of maintenance access between the acoustic fence and property boundary (2). Maintenance responsibilities need to be clarified.
- z) The existing fence could be replaced on the boundary.

- 79. Two letters have been received from residents on Whinlatter Drive in response to amended plans submitted by the applicant, raising the following matters:

- a) The proposed 1.8 metre high screen around the external staff area is welcome.
- b) Two outdoor classroom areas, in an elevated position relative to adjoining property are proposed (2). Outdoor activities to the west of the school building are not appropriate.
- c) The outdoor area adjacent to 22-24 Whinlatter Drive will overlook and be a source of noise to adjoining property. No noise impact assessment has been carried out for the outdoor classroom area.
- d) Screening of the outdoor classroom area is required.
- e) An acoustic fence adjacent to the car park has been omitted. Less car parking spaces are now proposed but noise and privacy are not addressed.
- f) Proposed boundary hedge planting (when planted) will not offer the immediate benefit of laurel which was proposed but has now been omitted. Taller evergreen planting is requested.
- g) Proposed planting will not be tall enough to screen view of the car park. Taller planting is requested.
- h) Car park lighting should be considerate, having less impact than existing eaves lighting at the school.
- i) The siting of the proposed hedge adjacent to 18 Whinlatter Drive will not allow maintenance access and may cause damage to property.

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

Observations

81. Policies in the Rushcliffe Non-Statutory Replacement Local Plan 2006 (RRLP) referenced in this report have been broadly assessed to be in accordance with the National Planning Policy Framework (NPPF) and should be given appropriate weight in the determination of this application.

Strategic Education Provision

82. Great importance is attached to ensuring that a sufficient choice of school places is available to meet the needs of new and existing communities in NPPF *Promoting healthy communities* (Paragraph 72). Great weight should be given to the need to create, expand or alter schools. In a letter to Chief Planning Officers the Secretary of State for Communities and Local Government has stated that there should be presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community. (Appendix 1). In determining this application, consideration needs to be given to whether the proposed development would give rise to significant harm that could not be mitigated through the imposition of conditions.

83. Projections for the number of school places in the wider West Bridgford area identifies the need to provide additional primary school places. The local authority has a statutory duty to provide school places for all pupils in Nottinghamshire who require them. Although the number of spaces at the school would increase by almost 50%, rising from 215 to 320 places, it would meet a demand for places in the local area close to the school as well as the wider West Bridgford Schools catchment.
84. RRLP Policy COM1 *New Community Facilities* will allow the development of community facilities provided that they are located in sustainable locations accessible by local transport. The site is located within the developed urban framework and can be easily accessed by various sustainable transport modes in addition to travel by car. The school has historically taken children from the immediate catchment when over-subscribed.

Siting of the Proposed Building on Playing Field

85. NPPF Section 8 *Promoting Healthy Communities* (Paragraph 74) seeks to ensure that open space, sports and recreational buildings and land, including playing fields are not built on, unless an assessment shows there is a surplus, the equivalent loss would be suitably provided elsewhere or the development would be for alternative sports and recreational provision and the need clearly outweighs the loss. The school playing field is subject to RRLP Policy COM4 *Protection of Open Space*, which seeks to ensure playing fields are not lost unless there is a demonstrated need or alternative, suitable provision can be made.
86. The development would result in partial loss of an existing grass playing field, but the area on which the linked extension would be built does not form part of a playing pitch. An existing area of grass playing field would be replaced by an All-Weather Pitch which would permit more frequent use. Attention is drawn to the consultation response received from Sport England. It is considered that the proposal would offer benefit for sport and the development would comply with RRLP Policy COM4 *Protection of Open Space*.

Highway, Access and Car Parking

87. An increase in school places is likely to attract additional cars to the school and cause inconvenience to local residents. However, congestion and parking issues on the highways immediately adjacent to the school are unlikely to worsen, but may extend further on the highway network. Whilst parent parking at schools can cause inconvenience to nearby residents the duration of parent parking at the beginning and end of the school day is relatively short lived.
88. NPPF *Promoting Sustainable Transport* Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. NCC Highways Development Control has drawn attention to issues where parents are parking next to pedestrian crossing points on Coledale, and parking close to highway junctions. The proposed development would result in an existing pedestrian access into the school being closed, which may make the nearby crossing point redundant and a less sensitive highway issue. Additional pedestrian guard rail and

protection of access points to the school may be required, in addition to which junction protection may be required to safeguard against inappropriate car parking. This may take the form of physical highway works or require the making of a Traffic Regulation Order. It is recommended that a review of existing road safety measures is carried out, and if appropriate a scheme is installed to reflect revised access points and an increase in pupil numbers that would attend the school (Condition 18).

89. The applicant has proposed the creation of an additional pedestrian access from the bridleway to the north of the site. The additional access could relieve pressure on access points on Coledale but could attract traffic to culs-de-sac on the north side of the canal. An alternative access point may also encourage a greater number of children to walk or cycle to the school, using the local footpath network. The traffic implications of the proposed additional pedestrian access point have been assessed, and on balance it is considered that any potential increase in traffic would be outweighed by the benefits offered. However, at present there is no certainty that the applicant can provide the pedestrian access and the impact of development using Coledale as the sole means of access to the site has to be considered. This matter has been considered by NCC Highways Development Control, but concluded that the bridleway footpath link is not essential to the acceptability of the proposal (Paragraph 45).
90. Sustainable travel to school is to be encouraged and the proposed provision of cycle parking is welcomed. However, the submitted School Travel Plan relates to the existing school and needs to be revised to reflect the significant increase in pupil numbers and subsequently reviewed regularly in successive years, and is the subject of recommended conditions (Conditions 21, 22 and 23).
91. The proposed alterations to the car park would make appropriate provision for staff and visitor car parking. Parking spaces should be constructed, drained and marked out prior to the KS2 linked extension being brought into use and is the subject of a recommended condition (Condition 19). The amenity impact on an enlarged car park is considered at Paragraph 96.

Design

92. RRLP Policy GP2 *Design and Amenity Criteria* will allow development that does not give rise to significant adverse affect on amenity, and where the scale, height, massing, design, layout and materials are sympathetic to the character and appearance of the surrounding area, amongst other criteria. With reference to the re-siting of the Kid's Club reported at Paragraph 3c), a planning decision was not made by RBC as to the acceptability of the proposal, although the building was relocated to a position where it would have lesser impact. Attention is drawn at Paragraph 3a) to the different relationship of 18 Whinlatter Drive to properties closest to the proposed three-classroom extension. Whilst the difference is accepted, the proposed siting is considered to be acceptable. Consideration has been given to the possible re-siting of the building further from properties on Whinlatter Drive (Paragraph 3e)), but the applicant has advised that this would have an unacceptable impact on the tarmac games courts and play area, and also be an unacceptable loss of daylight into some of the existing classrooms and the proposed extension. The design of proposed extensions are considered to be of an appropriate scale and massing that

complement the character and appearance of existing built development on the site. Attention is drawn to the comment made by the RBC case officer reported at Paragraph 42.

93. Particular consideration needs to be given to the impact of the linked KS2 extension and its potential impact on neighbouring property on Whinlatter Drive. The applicant has drawn attention to the proposed extension being sited no closer to the nearest residential property than the current relationship of the existing school building to 18 Whinlatter Drive.
94. The properties closest to the linked extension are set at a level approximately 1.6m below the school. Taking account of boundary fences and mature garden planting, the existing school building does not have an overbearing impact on the neighbouring properties. Although the proposed linked extension would be sited 8.5m closer to the residential properties than at present, it is considered that the extension, with an eaves height of 3.0m, relatively shallow hipped roof, and taking account of the change in level between the sites, would not give rise to un-neighbourly impact. Alternative designs and site layout could be explored by the applicant. However, the proposal presented for determination is considered to offer the best option to deliver education at the site without compromising the amenity which neighbouring occupiers could reasonably expect to enjoy. It is concluded that the proposed development would be in compliance with RRLP Policy GP2 *Design and Amenity Criteria*.
95. The proposed layout would alter the pattern of daily movements at the school. The relocation of pedestrian entrances to the eastern end of the Coledale frontage, would make use of the pedestrian route to the west of the school, at an elevated level relative to adjacent properties on Whinlatter Drive redundant, and offers betterment to the amenity of the adjacent occupiers.

Amenity and Landscaping

96. In trying to mitigate the visual impact of the extended car park and linked extension on properties on Whinlatter Drive and 42 Coledale, significant tree planting and other landscape works are proposed. The staff car park is likely to be used at the beginning and end of the school day, with little vehicle movement between those periods. There is already mature planting in the rear garden of 42 Coledale/18 Whinlatter Drive which filters views of existing car park movements. There is considered to be little change in character and usage of that area such as to give rise to harmful impact on the amenity or outlook of neighbouring property. The proposed hedge adjacent to 42 Coledale and 18 Whinlatter Drive should attain a mature height of 3.5m and is considered to be acceptable. Potential impact on private property rights is considered at Paragraphs 107-108.
97. Concern has been raised in representations that use of the break-out area outside the staff room could give rise to overlooking of neighbouring properties and loss of privacy. Revised plans have been received, proposing the erection of a 1.8m high screen fence that would address the issue satisfactorily. It is anticipated that the outdoor classroom area would only be used infrequently, for planned classes and subject to appropriate weather conditions. The area is approximately the size of a single classroom which would limit use of the area. The area is only visible from the first floor windows of houses on Whinlatter

Drive and having regard to the distance of the area, sited 12m from the residential boundary, and its controlled use by a small group, it is considered that use of the area would not give rise to unacceptable loss of amenity. First floor windows in the closest houses on Whinlatter Drive would lie 22m from the outdoor classroom and it is considered that use of the area would not give rise to unacceptable loss of privacy. Only occasional use of the outdoor classroom is envisaged.

98. Trees planted forward of the school towards Coledale would be removed. Whilst offering an attractive setting to the school, the trees are not of particular arboricultural merit, and replacement tree planting is welcomed. Tree planting proposed between the school building and properties on Whinlatter Drive is expected to attain a height of between 5m and 15m depending on species and location. The trees would filter views of the school building, but could have an unsatisfactory impact on the outlook of neighbouring occupiers. Notwithstanding details submitted in support of the application, it is recommended that tree species and the location of planting (without compromising the route of the mower and emergency access) should be the subject of further consultation with neighbouring occupiers (Condition 17a)).
99. It is considered that the siting of play equipment, canopy, cycle shelters and other outdoor equipment should not give rise to adverse impact on the amenity of occupiers on Stockgill Close and Lingmell Close. The submission of elevations of the storage sheds and other miscellaneous external structures is the subject of a recommended condition (Condition 4).

Noise

100. The increase in the number of children at the school and use of the enlarged All-Weather Pitch has the potential to increase noise experienced at adjoining residential properties on Whinlatter Drive. The noise assessment submitted in support of the application identifies that noise experienced may marginally exceed World Health Organisation levels of 55dB(A), which may give rise to *serious annoyance*. However, this is likely to be only for a short period of the day. Mitigation in the form of a 2.0m high acoustic fencing adjacent to the site boundary has been proposed. NCC Engineer (Noise) has drawn attention to a difficulty in accurately predicting noise at an un-built facility and has recommended that a post-completion noise survey is undertaken to confirm whether the proposed noise mitigation will be required. An appropriate condition is recommended (Condition 20). Whilst at Paragraph 41a) it is requested that the noise report is submitted to RBC, NCC would determine its acceptability. However, when received, the report can be the subject of consultation with RBC before the condition is discharged.
101. In response to concerns raised in representations, Saturday use is not proposed. However, NCC Engineer (Noise) has confirmed that although noise generated by Saturday use has not been separately assessed, predicted noise levels from Saturday use would be below those when the school is in normal daily use.
102. There is concern expressed by residents that use of the amphitheatre (by community or unauthorised users) could become a source of nuisance. The

applicant has confirmed that community use is not proposed. The area would be an outdoor school amenity area, used in a manner similar to play equipment or other outdoor facilities at the school and is considered unlikely to give rise to unexpected or significantly detrimental impacts.

103. Although noise that may be generated by use of the proposed outdoor classroom has not been separately assessed, the area would be used by a small group and under supervision. It is considered that further noise assessment is not required, but use of the area, and the site in general, would be subject to the operational noise restriction imposed by recommended Condition 24.

Drainage

104. With reference to the concern raised by Members of Rushcliffe Borough Council (Paragraph 43), the applicant has acknowledged the need to assess potential flood risk presented by the proposed development. NPPF Paragraph 103 advises that when determining planning applications it should be ensured that flood risk is not increased elsewhere. The Environment Agency has been contacted following the receipt of the consultation response from Rushcliffe Borough Council. Whilst agreeing with RBC, the Environment Agency advises that the review of the Flood Risk Assessment will need to be carried out by the CPA, suggesting that the Lead Local Flood Authority should have suitable expertise. Attention is drawn to the comments of NCC Lead Local Flood Authority reported at Paragraph 68.
105. Properties adjoining the application site have experienced historic surface water flooding. Although it is proposed to extend the French drain adjacent to the extended All-Weather Pitch to intercept any potential increase in surface water run-off from the extended surface, insufficient detail has been submitted to demonstrate that neighbouring property would not be adversely affected. Site drainage and the impact of development will require further investigation and is the subject of a recommended condition (Condition 11). A satisfactory drainage scheme would need to be approved prior to the commencement of main site works.

Other Matters

106. No details of lighting have been submitted in support of the application and is the subject of a recommended condition (Condition 15).
107. A grant of planning permission would not supersede any private property rights of access or maintenance. It is proposed that acoustic fencing would be off-set 0.6m from the boundary to allow access for maintenance but would not give rise to materially different planning considerations if sited on the property boundary. Fencing on the property boundary at a height not exceeding 2.0m would be permitted development not expressly requiring planning approval.
108. Although the details of proposed landscaping adjacent to 42 Coledale and 18 Whinlatter Drive are considered to be acceptable, the location of proposed planting should take account of rights of adjoining occupiers to maintain their property. The resiting of the hedge off-set from the boundary so as to allow

access for maintenance would not materially impact on the proposal. The detail of landscaping adjacent to 42 Coledale and 18 Whinlatter Drive is reserved for further consideration by planning condition (Condition 17b)).

Construction

109. The applicant has submitted details to illustrate the logistics of construction of the separate elements proposed in the application. The proposed phasing details are considered to be acceptable, but would result in the staff car park not being available for school staff for the period of construction. It is considered that the highway network near to the school has adequate capacity to accommodate staff car parking during the period of construction. Recommended Condition 19 would allow a degree of flexibility to accommodate construction the various phases of development whilst ultimately requiring the car parking spaces to be provided and marked out, fulfilling the condition recommended by RBC (Paragraph 40c)).
110. A condition is recommended to restrict hours of delivery to site when the school is in use, and to restrict hours of construction, to protect the amenity that neighbouring residents could reasonably expect to enjoy (Condition 8).

Other Options Considered

111. Other options for development of the site were discussed with the applicant prior to the submission of the application presented for determination. It has been suggested in representations that development should take place on the eastern side of the site rather than siting built development closer to properties on Whinlatter Drive. The Foundation unit would be relocated to the east of the school as part of the proposed development, with outdoor facilities provided in a presently little developed area of the site.
112. This report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.

Statutory and Policy Implications

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

Implications for Service Users

114. Construction activities may give rise to short-term inconvenience in the vicinity of the school arising from on-street parking by staff.

Financial Implications

115. The applicant has confirmed that costs associated with the making of a Traffic Regulation Order, if required, would be met by Children, Families and Cultural Services.

Equalities Implications

116. None.

Crime and Disorder Implications

117. Although there is internal fencing to segregate and control access to areas of the school, and 2.0m high perimeter fencing is erected on the northern school boundary, the frontage to Coledale is not secured. This would not change as a consequence of the proposed development.

Human Rights Implications

118. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts of noise and disturbance from intensified use of the site and loss of privacy impacting upon residents adjoining the site to the west of the school. However, these considerations need to be balanced against the wider benefits the proposals would provide in providing additional school places in West Bridgford. Members will need to consider whether these benefits would outweigh the potential impacts.

Safeguarding of Children Implications

119. The proposed development would not introduce new issues related to the safeguarding of children.

Human Resources Implications

120. None.

Implications for Sustainability and the Environment

121. NPPF (Paragraph 11 et seq.) states a presumption in favour of sustainable development. For decision taking this means approving development that accords with the development plan without delay, and where policies are out of date, grant planning permission, unless adverse impacts would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole or policies indicate that development should be restricted.
122. The proposed development would not give rise to any ecological impacts. The design of the building would incorporate photovoltaic cells that would reduce the energy requirements of the development.

Statement of Positive and Proactive Engagement

123. 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

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

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 22.11.13]

Comments of the Service Director - Finance

The financial implications are set out in the report. [SEM 25.11.13]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

West Bridgford Central
and South

Councillor Steve Calvert
Councillor Liz Plant

Report Author/Case Officer

David Marsh

0115 9696514

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



Policy statement – planning for schools development

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

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

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

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

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

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

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

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

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

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RECOMMENDED PLANNING CONDITIONS

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

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

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

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

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

- a) Location Plan (Drawing AL-0-1 Rev 1) received by the CPA on 2 September 2013.
- b) Proposed Site Plan (Drawing AL-9-1 Rev 3) received by the CPA on 23 October 2013.
- c) Proposed Site Sections (Drawing SK101 Rev 5) received by the CPA on 16 October 2013.
- d) Proposed Floor Plan (Drawing SK13 Rev 6) received by the CPA on 2 September 2013.
- e) Proposed Elevations (Drawing SK12 Rev 4) received by the CPA on 2 September 2013.
- f) Proposed Sections and Elevations (Drawing SK11 Rev 1) received by the CPA on 2 September 2013.
- g) Proposed Roof Plan (Drawing SK19) received by the CPA on 29 October 2013.
- h) Landscape Works General Arrangement (Drawing LR/P.Y.BE.29134.01/001 Rev D) received by the CPA on 22 October 2013.
- i) Landscape – Area 1 (Drawing LR/P.Y.BE.29134.01/002 Rev C) received by the CPA on 21 October 2013.
- j) Landscape – Area 2 (Drawing LR/P.Y.BE.29134.01/003 Rev A) received by the CPA on 22 October 2013.

- k) Landscape – Area 3 (Drawing LR/P.Y.BE.29134.01/004 Rev A) received by the CPA on 22 October 2013.
- l) Landscape – Area 4 (Drawing LR/P.Y.BE.29134.01/005) received by the CPA on 10 October 2013.
- m) Landscape – Area 5 (Drawing LR/P.Y.BE.29134.01/006) received by the CPA on 21 October 2013.
- n) Pick-Up Sticks 1 illustration received by the CPA on 10 October 2013.
- o) 2.0m Timber Noise Barrier (Drawing ESD 2/4) or Noisewall (Drawing RANS/Noisewall©/Timberpost/001) received by the CPA on 14 October 2013.

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

4. Prior to the following development taking place on site, plans, elevations and other details as appropriate of the;
 - a) storage building and tool shed ;
 - b) outdoor canopy (no part of which shall exceed 4m in height measured from existing ground level);
 - c) cycle shelter design; and
 - d) colour of security gates and fencing

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

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

5. Details of any external fixed plant or machinery shall be submitted to and approved in writing by the CPA prior to being erected or installed. Development shall be carried out in accordance with the approved details.

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

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

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

7. Prior to the commencement of main site works, a noise management plan outlining how construction plant and development of the site will comply with the noise limits and guidance in BS5228-1:2009 (Code of Practice for noise and vibration control on Construction and Open Sites – Part 1:Noise) shall be

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

Reason: To safeguard the amenity of nearby residents.

8. Unless in the event of an emergency, or otherwise may be previously agreed in writing with the CPA;
- a) no deliveries or site construction shall take place on Sundays, Public or Bank Holidays;
 - b) deliveries to site shall only be made between 07:30-08:15, 09:15 - 15:00, or 15:45-18:00 hours Mondays to Fridays during term time, or between 07:30 hours – 13:00 hours on Saturdays;
 - c) no deliveries to site shall be made except between 07:30 hours - 18:00 hours Mondays to Fridays outside term time, or between 07:30 hours – 13:00 hours on Saturdays; and
 - d) no construction shall take place except between 07:30 hours - 18:00 hours Mondays to Fridays, or between 07:30 hours – 13:00 hours on Saturdays

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

9. In the event that bats are encountered in the building during development, works shall cease until an appropriate scheme of mitigation has been submitted to and approved in writing by the CPA. Works of construction shall proceed in accordance with the approved scheme of mitigation.

Reason: To safeguard protected species.

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

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

11. Prior to the commencement of main site works a surface water drainage scheme for the site, shall be submitted to and approved in writing by the County Planning Authority. The scheme to be submitted shall demonstrate that the approved development would not place properties on Whinlatter Drive at increased risk of surface water flooding. The scheme shall be implemented in accordance with the approved details. Measures to safeguard against properties on Whinlatter Drive being placed at increased risk of flooding shall be implemented in accordance with approved details prior to the commencement of the linked extension (the extension generally on the site of the existing Kids' Club building) or the extension of the All-Weather Pitch.

Reason: To prevent the increased risk of flooding.

12. Prior to the commencement of main site works for each respective phase of development, details of the means by which children, parents, staff and visitors to the school will be segregated from construction activities within the school site shall be submitted to and approved in writing by the CPA. All construction shall be undertaken in accordance with the approved details unless otherwise previously agreed in writing by the CPA.

Reason: To safeguard children, staff and visitors attending the school throughout the period of construction.

13. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

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

14. Prior to their use on site, samples of facing materials of the classroom building, and a material/colour schedule of proposed finishes to the roof, doors, windows, fascia, guttering and downpipes, shall be submitted to and approved in writing by the CPA. 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.

15. Prior to their installation on site, details of external lighting to be installed on the site, including a lux plot) shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. All light fittings shall be shielded as appropriate to minimise the level of light spillage outside the application site.

Reason: To protect the privacy of nearby residents.

16. The extended All-Weather Pitch permitted by this development shall not be constructed other than in accordance with the design and layout details set out in the planning application and substantially in accordance with Sport England/National Governing Body Technical Design Guidance Notes *Artificial Surface for Outdoor Sports*.

Reason: To ensure the development is fit for its intended purpose.

17. Notwithstanding details submitted in support of the application, within 6 months of the date of commencement of development:
- a) the location, species and planting sizes of trees to be planted between the school and properties on Whinlatter Drive;
 - b) the location of the hedge to be planted adjacent to 42 Coledale and 18 Whinlatter Drive;

and a scheme, including:

- c) a specification for the seeding of grassed areas;
- d) a specification for tree pits; and
- e) a schedule of planting maintenance;

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

The approved scheme shall be completed no later than the first planting season following the development first being brought into use. Any tree, plant, shrub or grass seeded area 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.

18. Prior to the development approved by this permission first being brought into use, a review of the School Safety Zone taking account of alterations to pedestrian access points to the school approved by this development shall be submitted to and approved in writing by the CPA. Recommended measures in the review of the School Safety Zone shall be implemented to the satisfaction of the CPA in accordance with the approved details and agreed timescales for implementation.

Reason: In the interest of highway and pupil safety.

19. Prior to the extensions approved by this development first being brought into use (or such other times scale as may first be agreed in writing by the CPA), the car parking spaces approved by this development shall be constructed, surfaced, drained and marked out to the satisfaction of the CPA.

Reason: To ensure the provision of adequate operational car parking on the site for the completed development.

20. Within two months of the extended All-Weather Pitch approved by this development first being brought into use, a report assessing noise generated when the extended All-Weather Pitch is in use shall be submitted to the CPA. Notwithstanding the extent of acoustic fencing shown on approved Drawing AL-9-1 Rev 3, acoustic fencing equivalent to the specification approved by this permission, shall only be required to be erected in the event that noise when the All-Weather Pitch is in use exceeds 55dB ($L_{Aeq, 15mins}$) when measured within the curtilage of any residential receptor.

Reason: For the avoidance of doubt as to the development permitted and to safeguard the amenity that residents of nearby residential properties could reasonably expect to enjoy.

21. Notwithstanding details submitted in support of the application, within three months of the development hereby permitted first being brought into use, a review of the School Travel Plan shall be submitted to and approved in writing

by the CPA. The School Travel Plan review shall set out proposals (including targets, a timetable, monitoring and enforcement mechanism) to promote travel by sustainable modes, including on-site provision for cycling, which are acceptable to the CPA and shall include arrangements for the monitoring of progress of the proposals. The School Travel Plan review shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable modes of travel and in the interest of highway safety.

22. The Head Teacher of the school, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the School Travel Plan.

Reason: To promote sustainable travel.

23. The Travel Plan Coordinator shall first submit a report to the CPA within 6 months following the development approved by this permission first being brought into use, and thereafter submit annual reports for a minimum period of 5 years and until Travel Plan targets have been met. The monitoring reports shall summarise the data collected over the monitoring period and propose revised initiatives and measures where Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA, and including the extension/addition of on-street parking restrictions and associated Traffic Regulation Orders where necessary.

Reason: To promote sustainable travel.

24. Following the completion of the development, noise levels generated by operational use of the site shall not exceed 55dB ($L_{Aeq, 15mins}$) measured at a distance of 3.5m from the nearest façade of a property. Where the specified noise level is exceeded, a scheme of noise mitigation shall be submitted to the CPA for approval and shall be implemented within a timescale agreed by the CPA.

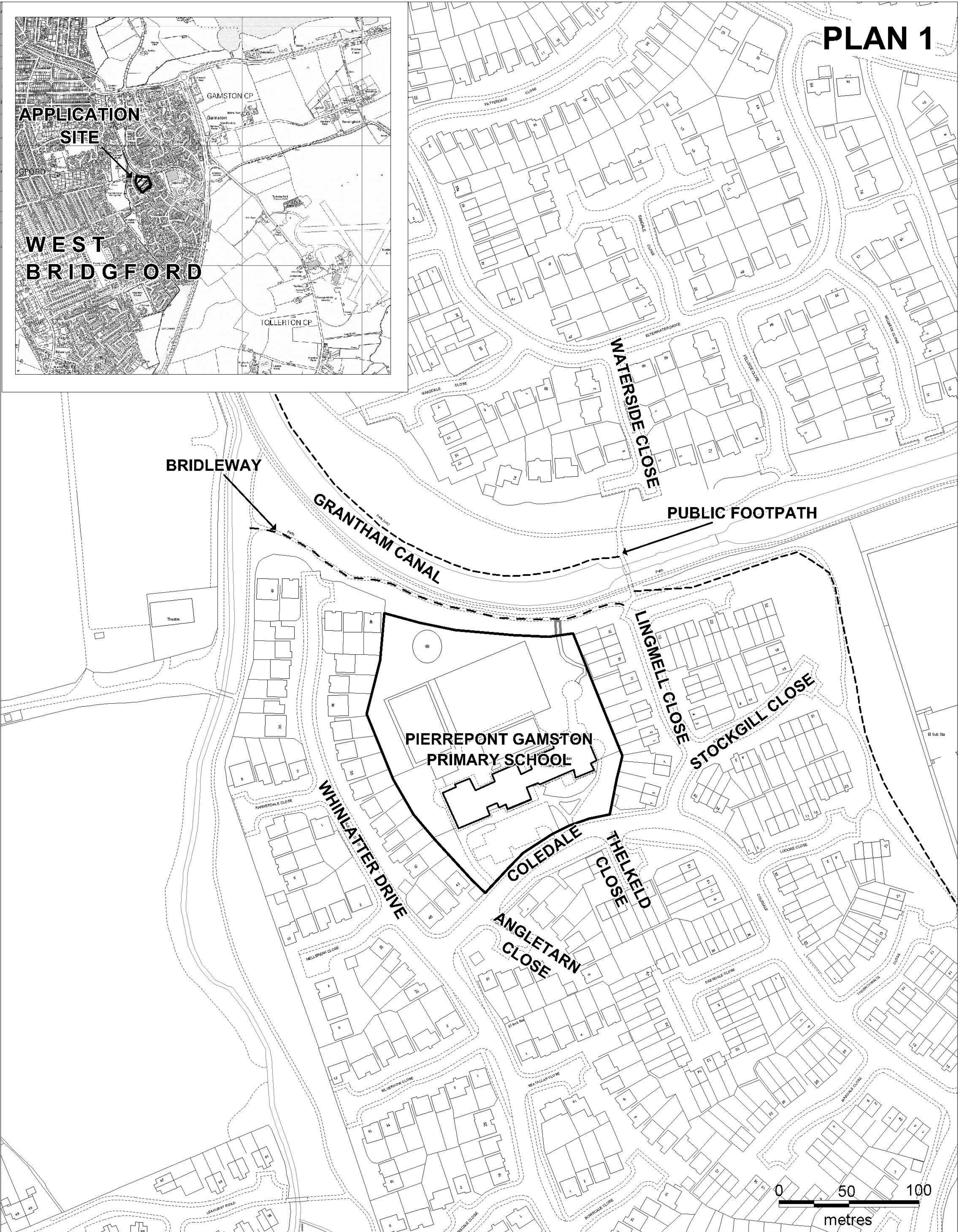
Reason: To protect the amenities enjoyed by the occupiers of nearby residential properties.

25. Notwithstanding the requirement of Condition 24, following the completion of the development, noise levels from any fixed plant shall not exceed the existing background noise level of $L_{90}+10dB$ during the daytime (07:00-23:00 hours) and $L_{90}+5dB$ during the night-time (23:00-07:00 hours) including a 5dB tonal penalty, measured in the garden of any property adjoining the site boundary.

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

Informatives/notes to applicants

1. With reference to Condition 4b) the specified height relates to development that may be carried out by the CPA as permitted development (Town and Country Planning (General Permitted Development) Order 1995 as amended – Schedule 2 - Part 12 *Development by Local Authorities*). However, consideration should be given to the impact of the canopy on the amenity of the neighbouring occupier.
2. With reference to Condition 13, NCC Reclamation Team advises that limited site investigation should be undertaken to determine near sub-surface conditions within the main area of development.
3. With reference to Condition 17a), it is advised that the species of trees to be planted should be discussed with neighbouring occupiers of properties on Whinlatter Drive, with consideration given to the impact that mature trees may have on the adjoining properties.
4. With reference to Condition 17b), the location of the planting of the hedge should be discussed with neighbouring occupiers taking account of property rights of access for the purpose of maintenance.
5. With reference to Conditions 21, 22 and 23, School Travel Plan advice can be obtained from Steve Stevenson - School Liaison Officer (0115 9772360).



PLAN 1

APPLICATION SITE

WEST BRIDGFORD

BRIDLEWAY

GRANTHAM CANAL

WATERSIDE CLOSE

PUBLIC FOOTPATH

**PIERREPONT GAMSTON
PRIMARY SCHOOL**

LINNELL CLOSE

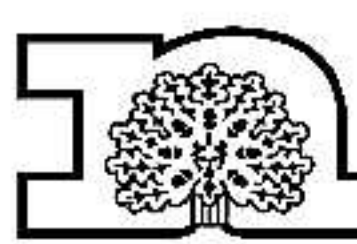
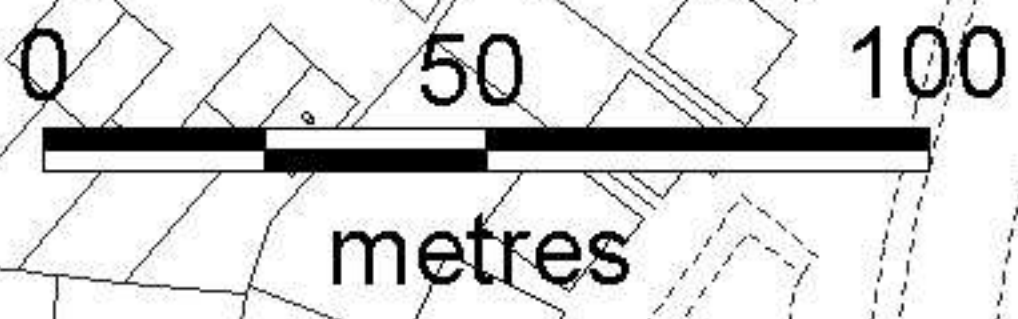
STOCKGILL CLOSE

WHINLATTER DRIVE

COLEDALE

THELKELD CLOSE

ANGLETARN CLOSE



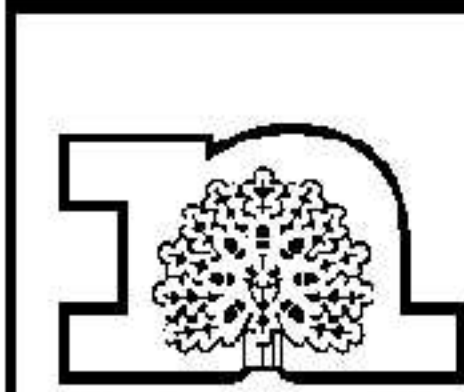
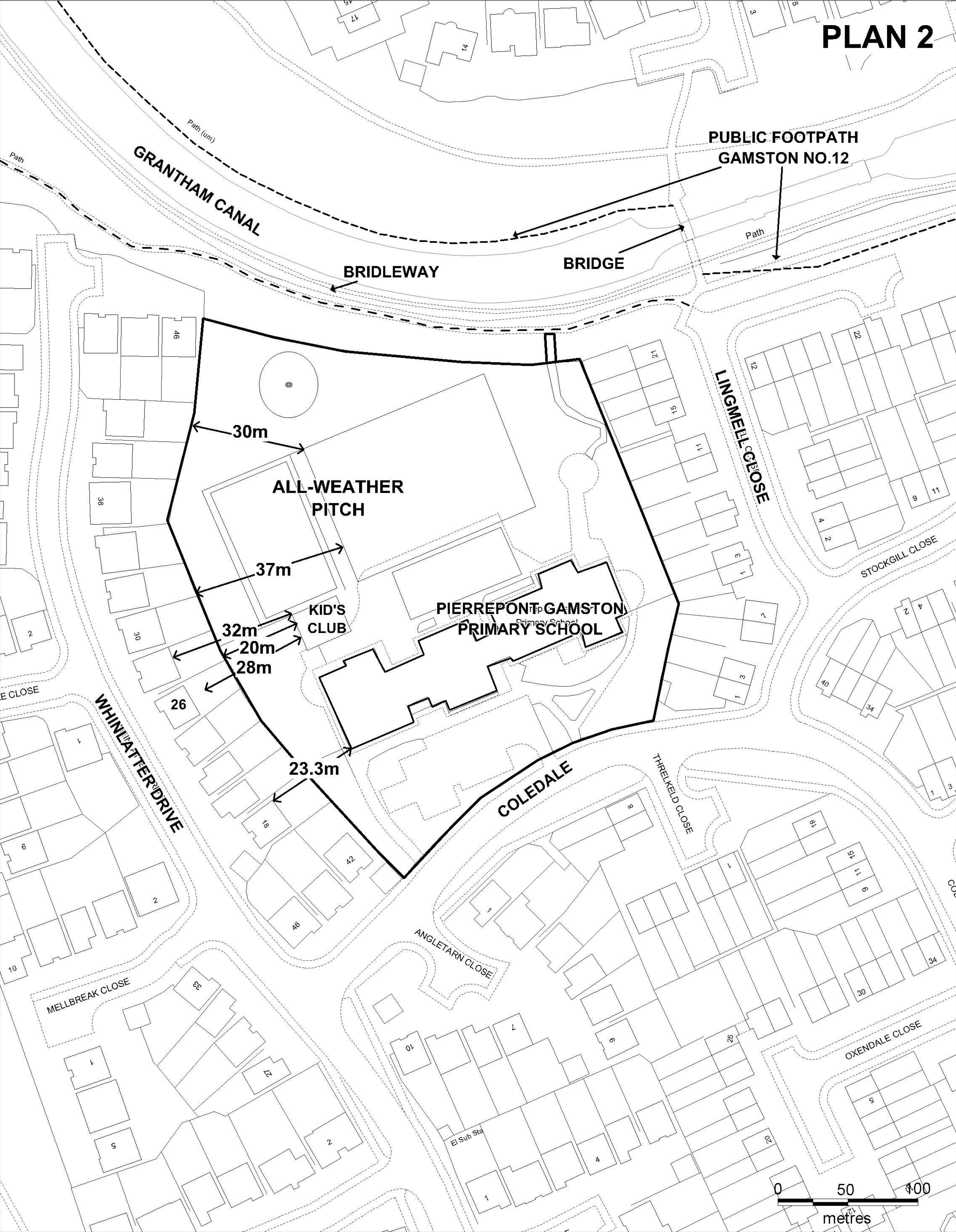
**Nottinghamshire
County Council**

ERECTION OF 3-CLASSROOM, STAFFROOM AND LIBRARY EXTENSION. KIDS CLUB EXTENSION, HALL EXTENSION AND FOUNDATION 2 EXTENSION; EXTENSION TO CAR PARK AND WIDENING OF EXISTING VEHICULAR ACCESS. NEW PEDESTRIAN ACCESS FROM COLEDALE AND (CANAL) BRIDLEWAY; EXTENSION TO ALL WEATHER PITCH; NEW EXTERNAL METAL STORE AND NEW CYCLE SHELTERS; ASSOCIATED LANDSCAPE WORKS AND FENCING. PIERREPONT GAMSTON PRIMARY SCHOOL, COLEDALE, WEST BRIDGFORD. PLANNING APPLICATION NO. 8/13/01821/CTY

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Date: DEC 2013



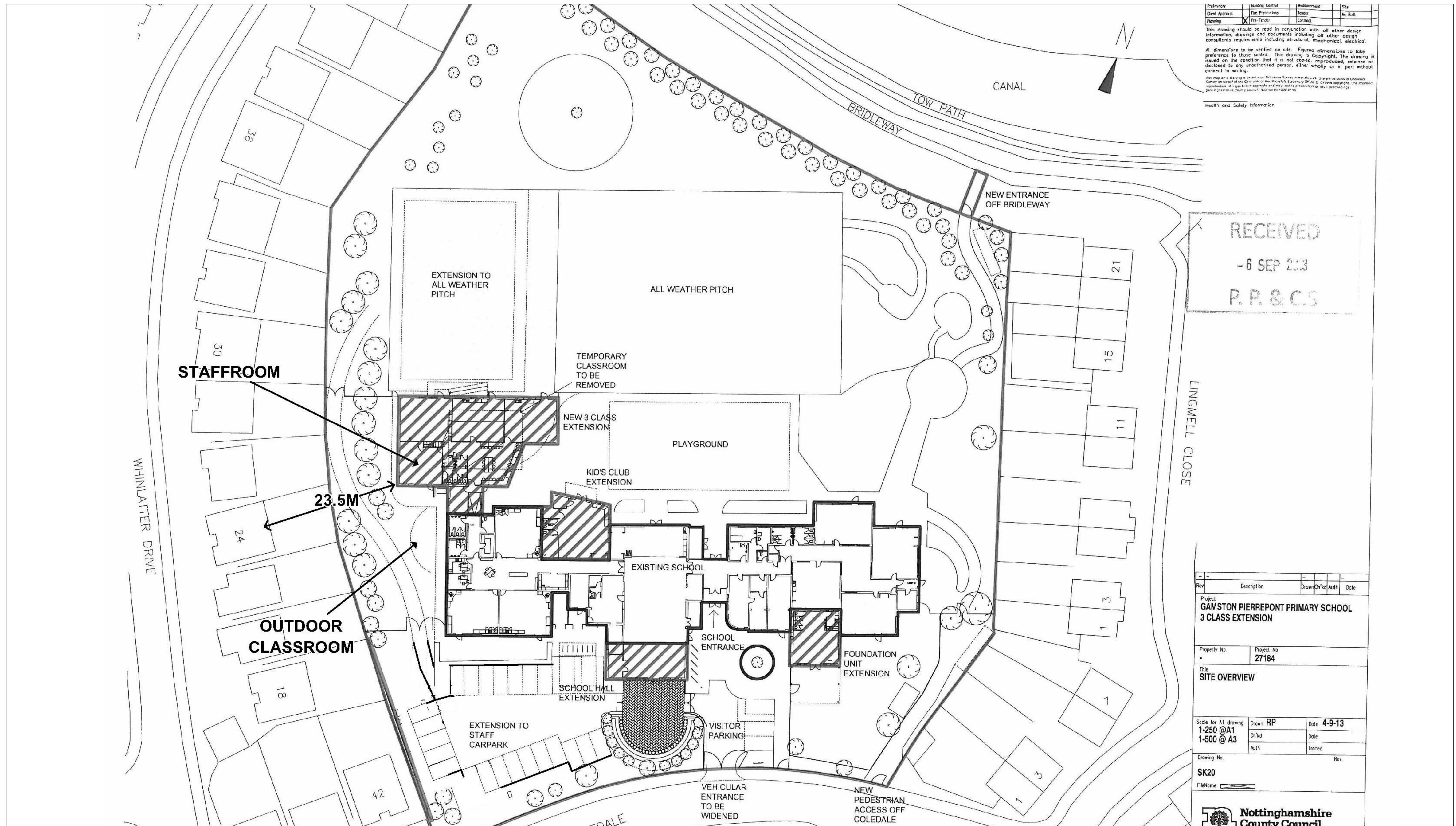
Trent Bridge House, Fox Road
Nottinghamshire
County Council
West Bridgford, Nottingham, NG2 6BJ
Tel: 0115 982 3823

ERECTION OF 3-CLASSROOM, STAFFROOM AND LIBRARY EXTENSION.
KIDS CLUB EXTENSION, HALL EXTENSION AND FOUNDATION 2 EXTENSION;
EXTENSION TO CAR PARK AND WIDENING OF EXISTING VEHICULAR ACCESS,
NEW PEDESTRIAN ACCESS FROM COLEDALE AND (CANAL) BRIDLEWAY;
EXTENSION TO ALL WEATHER PITCH; NEW EXTERNAL METAL STORE AND
NEW CYCLE SHELTERS; ASSOCIATED LANDSCAPE WORKS AND FENCING.
PIERREPONT GAMSTON PRIMARY SCHOOL, COLEDALE, WEST BRIDGFORD.
PLANNING APPLICATION NO. 8/13/01821/CTY

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Date: DEC 2013



Drawing Status

Preliminary	Stalling, Control	Measurement	Site
Client Approval	Fire Protection	Tender	As Built
Planning	As-Is/Under	Contract	

This drawing should be used in conjunction with all other design information, drawings and documents including all other design consultants requirements including structural, mechanical, electrical.

All dimensions to be verified on site. Figured dimensions to take preference to those noted. This drawing is Copyright. The drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part without consent in writing.

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Health and Safety Information

1. Approved for planning application

2. Final tender, etc. & 3 class block extension

3. Approved

Rev

Description

Drawn/Chk/Rev

Date

Project

GAMSTON PIERREPONT PRIMARY SCHOOL EXTENSION

Property No.

Project No.

27184

Title

PROPOSED ELEVATIONS

Scale for all drawings

Drawn

RP

Date

5-6-13

1-100 @ A1

Chk'd

Date

1-200 @ A3

Auth

Treed

Drawing No.


Rev.

SK12

4

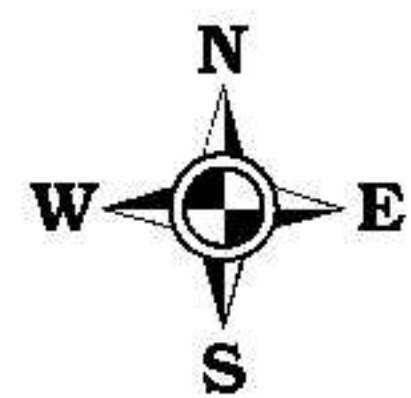
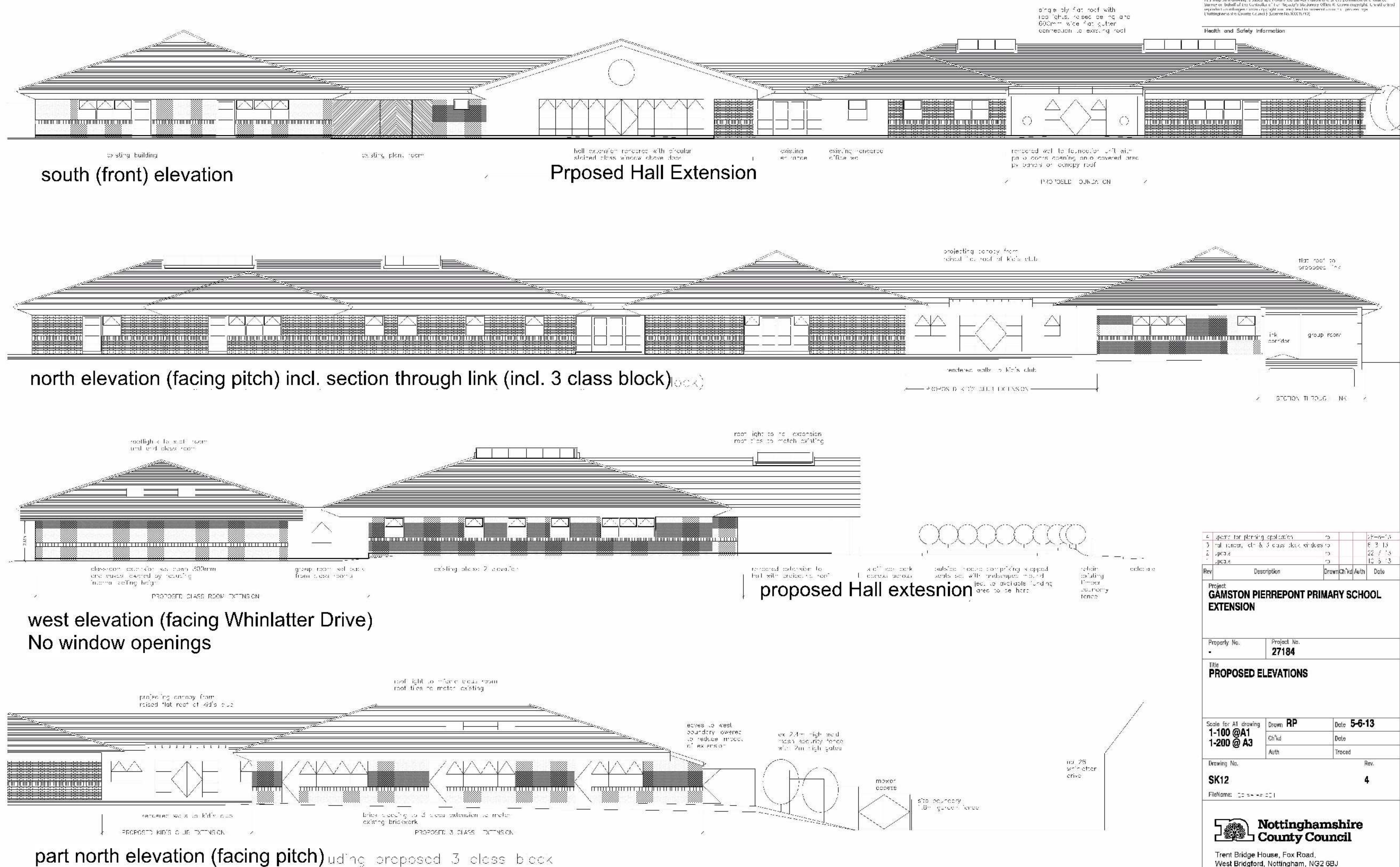
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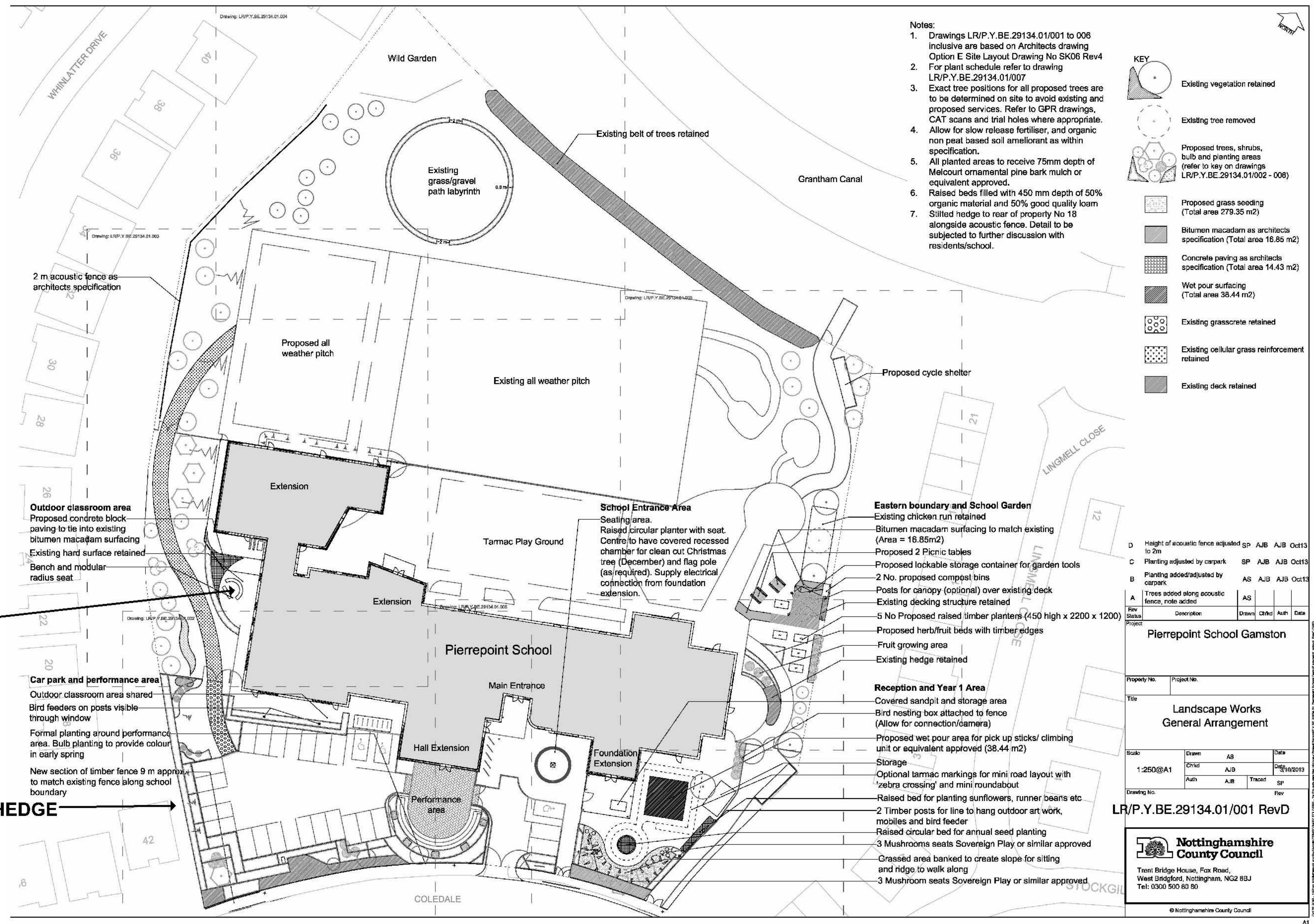
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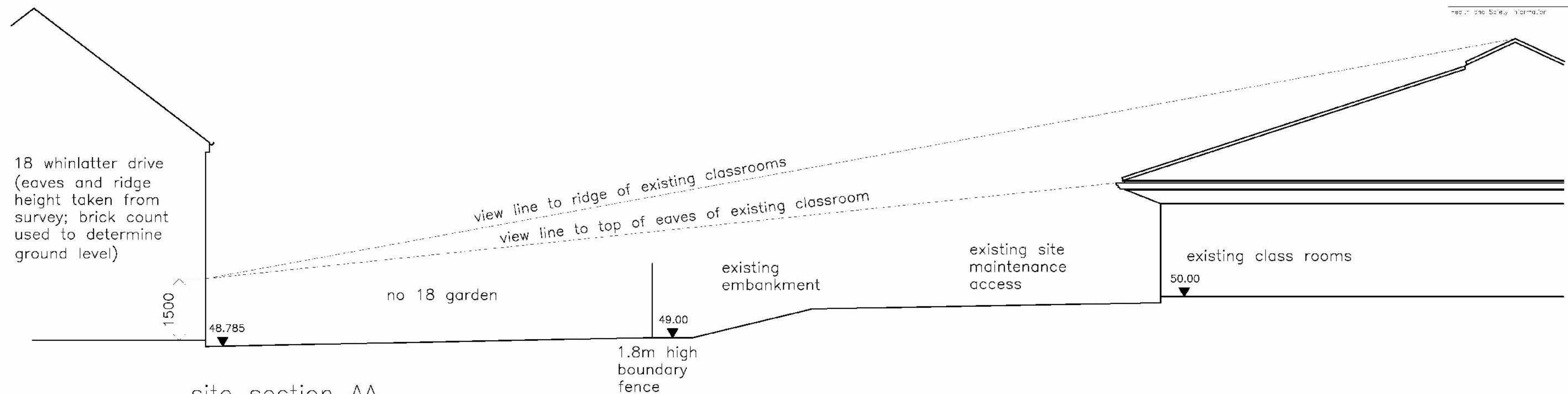
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Tel: 0300 0500 80 80

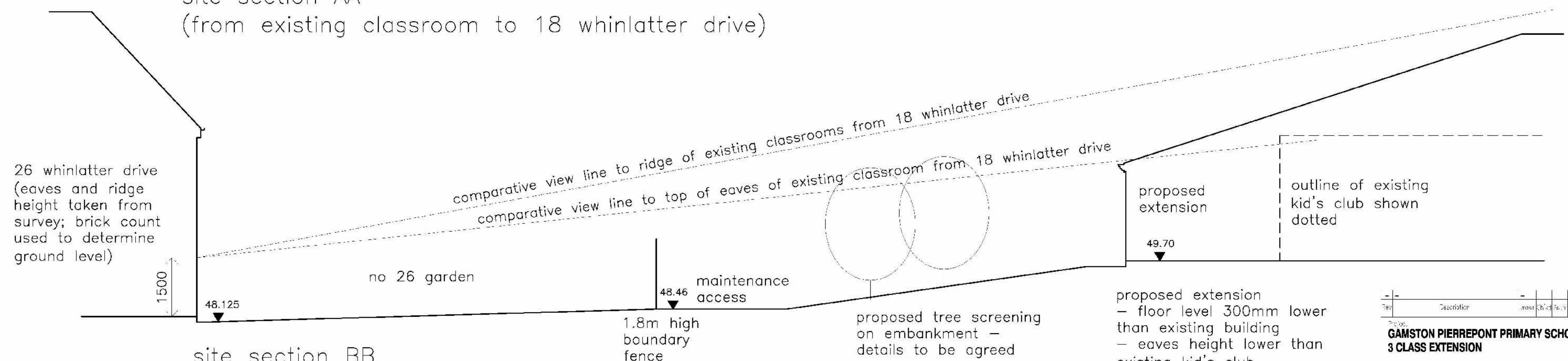
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site section AA
(from existing classroom to 18 whinlatter drive)



site section BB
(from proposed extension to 26 whinlatter drive)

proposed extension
 - floor level 300mm lower than existing building
 - eaves height lower than existing kid's club
 - eaves and ridge are lower than existing classrooms
 - therefore impact of extension will be less than view from 18 whinlatter drive

Ref	Description	Area	Volume	Date
Project: GAMSTON PIERREPONT PRIMARY SCHOOL 3 CLASS EXTENSION				
Property No.	Project No.			
-	27184			
Title: PROPOSED SITE SECTIONS 2				
Scale for A1 drawing	Drawn RP	Date: 21-11-13		
1:50 @ A1	Checked			
1:100 @ A3	Scale	Notes		
Drawing No.		Rev.		
SK102				
Reference: 				



6th December 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

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

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

LOCATION: NEWSTEAD AND ANNESLEY COUNTRY PARK, NEWSTEAD VILLAGE

APPLICANT: RURAL COMMUNITY ACTION NOTTINGHAMSHIRE (RCAN)

Purpose of Report

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

Highway issues*HGV routeing*

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

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

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

Access options from/to the A611:

(a) Unrestricted routeing

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

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

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

HGV's at the Annesley Cutting / A611 Derby Road junction would cause delay in the am and pm peak hours.

(b) Newstead Road/Hucknall Road only

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

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

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

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

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

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

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

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

(d) Left turn into Annesley Cutting only

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

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

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

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

Junction improvements at A611/Annesley Cutting

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

Controls on access track

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

Implications at the railway underbridge

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

Conclusions

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

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

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

Other Options Considered

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

Statutory and Policy Implications

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

Financial Implications

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

Human Rights Implications

24. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have

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

Implications for Sustainability and the Environment

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

Implications for service users

26. There are no implications on County Council services.

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

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

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

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

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

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

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

[NAB 25.11.13]

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

The financial implications are set out in the report.

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Newstead - Councillor Chris Barnfather

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

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

W001217.doc – DLGS REFERENCE
PSP.JS/RH/ep5389.DOCX
27 November 2013



Report to Planning and Licensing
Committee

12th November 2013

Agenda Item:

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

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

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

LOCATION: NEWSTEAD AND ANNESLEY COUNTRY PARK, NEWSTEAD VILLAGE

APPLICANT: RURAL COMMUNITY ACTION NOTTINGHAMSHIRE (RCAN)

Purpose of Report

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

The Site and Surroundings

32. Newstead and Annesley Country Park is located directly to the east of Newstead village and is formed from a restored colliery waste tip which was part of the former Annesley Colliery as well as a site for colliery waste from other

surrounding mines. In total the site covers around 90 hectares straddling the Gedling and Ashfield local authority boundary, between Hucknall and Kirkby in Ashfield. The site lies within the Green Belt and is subject to various local wildlife designations.

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

39. A rich variety of flora and fauna is now established and the site has accordingly been designated as a Site of Importance for Nature Conservation (SINC) or Local Wildlife Site. It is described as '*A diverse site with a mosaic of habitats and a notable flora*' and is an example of where natural regeneration on the former colliery spoil has taken place. Notable breeding birds and a large amphibian population would also merit its SINC classification. The SINC designation extends to include the access track from the end of Annesley Cutting. A number of further SINC sites are present in the locality forming a wider area of habitats and wildlife corridors. Linby Quarries Site of Special Scientific Interest (SSSI) is situated around 1km to the south-east at its closest to the proposed areas of work.
40. The majority of the country park lies within Gedling Borough and is within the Green Belt, however the north-west corner, along with an access track is situated in neighbouring Ashfield District.
41. As part of the grant of planning permission in 2011 by Gedling Borough Council to turn the site into a country park, much of the works so far undertaken have been focussed around the southern end of the site, where Lake 1 (see attached plan for the general arrangement) has been remodelled for angling (including disabled angling) along with creation of fishing pegs. The construction of a visitor centre overlooking the lake (constructed with re-used tyres) has been on hold, however works have recently recommenced on the shell of the building and the formation of the access and car park are progressing. Most of the tracks on site are loose shale or spoil and become heavily churned and rutted in wet weather. The use of these tracks by unauthorised off-road vehicles has also caused damage.
42. Moving north of Lake 1, up the rising track lies Lake 2- the former colliery polishing ponds. This was formally three separate lagoons in parallel layout, which have been opened out into a single, but deep lagoon with an island and shallow bars which remain from its previous form.
43. Following the main track northwards again, as it rises, it passes areas of immature woodland on the slopes before reaching the large expanse of Lake 4 with its surrounding expanse of bare spoil. North of Lake 4, the path level then falls away to reveal Lake 5 in a more secluded situation. These pair of lakes are separated by a embankment and have some marginal vegetation.
44. The track takes a turn to run around Lake 5 at which point the track from Annesley Cutting via the railway bridge runs into the park and joins the internal access track. The remaining Lake 3 is situated on the north-western side of the park on the tip plateau. The layout of the lakes and the main tracks can be seen on the attached plan.
45. The five lakes are therefore characterised as Lake 1 and 2 which are the smallest and in the case of Lake 2 a deep and engineered lagoon and Lakes 3, 4 and 5 which are much larger and in the case of Lake 3 and 5, exist in a more remote situation.
46. A series of interlinking ditches drain water via gravity down the slopes and between the lakes before discharging into local watercourses.

Proposed Development

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

Works to Lake 2

50. Lake 2 formerly existed as three separate 'polishing ponds' arranged in parallel form, however previous works developed this into a single lake, but with shallow bars and an island remaining. At its deepest, the lake is circa 5 metres deep and it remains characteristically a man-made, engineered feature with steep slopes and with areas of sparse vegetation.
51. The proposed works to Lake 2 seek to create a shallow water body with an improved marginal environment, making it safer for angling and also a more favourable habitat. The current steepness of the lake sides is not conducive to such aims.

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

Landscaping works

55. A proportion of the imported material would comprise soil making materials for use in site landscaping works, to assist in the regeneration of areas of bare spoil by providing a soil base for grass seeding and other planting.
56. Most of the landscaping would be around Lakes 1 and 2, and around the visitor centre where a more amenity character of landscaping is envisaged. Subsoils and top soils to a total depth of 200mm would be spread before a suitable wild grass mix is sown with some additional native planting.
57. Additionally, material would be used to repair and reform the main access track running the length of the park which has been heavily churned and eroded. The improved track would be formed at 5 metres wide and would be hard surfaced with crushed stone. Soil margins would be seeded to re-establish grassland on either side.
58. The proposed works would also seek to address some stability issues arising on site. The embankment between Lakes 4 and 5 would be reinforced with 200mm of imported subsoil material to enable natural re-vegetation to take place so to bind the bank and prevent rainfall erosion. These soils would be required to be suitably low-nutrient in make-up so not to introduce nutrients into the adjacent lakes, which are more ecologically sensitive.

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

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

Access and routeing

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

Phasing

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

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

Consultations

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

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

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

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

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

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

The Parish Council note that the site is an important area for wildlife and is listed as a SINC and go on to highlight the findings of the ecology report. They believe that the chosen haulage route runs counter to the management

objectives in the ecology report and would have a huge detrimental effect on the wildlife present, noting that the upper areas of the tip are important to breeding and over-wintering birds, which are prone to disturbance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In relation to breeding birds, notes that the works would be completed prior to the onset of the breeding season, and as such there should be no impact on either Little Ringed Plover, Woodlark, or Black-necked Grebe. To ensure this is the case a condition should be made to prevent works taking place during March-August inclusive. Should works during this period be permitted, requests monitoring of potential breeding activity with the help of the local birdwatchers and mitigation or a halting of works made if evidence indicates activities are causing disturbance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The manner of controlling water levels in the lake system is not detailed, the management of such should be identified along with details of a gradual dewatering. The proposal would reduce the storage volume of the drainage system

across the site, hence a drainage assessment to confirm that this system has not been compromised should be undertaken prior to the works.

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

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

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

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

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

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

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

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

Notes that the applicant states that on occasions there may be stockpiling of waste material next to the area of intended use - in and around the lakes. Such storage locations would be unacceptable as during rainfall events the material

can wash into the lakes to the detriment to micro organisms. Advises that stockpiles should be located at some distance from the lake and sheeted from rainfall.

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

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

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

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

Planning conditions relating to unexpected contamination were previously recommended.

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

Publicity

- 79. The application has been publicised in accordance with the County Council's adopted Statement of Community Involvement by means of site notices, a press notice and neighbour notification letters to 29 of the nearest occupiers, primarily around the haulage route at Annesley Cutting.
- 80. A period of re-consultation took place with these neighbours, along with three additional addresses, when additional supporting plans were received. This included a revised set of plans covering all aspects of the proposed works and a

supporting statement addressing points of concern raised from the initial round of consultation.

81. A third round of consultation has now taken place on the amended application description and reduced scope of works, following the removal of the planned infill of Lake 5.
82. The applicant has placed a local press notice under Article 11 of the Town and Country Planning (Development Management Procedure) Order 2010 in respect of notifying the owner of the access track, which has not been established.
83. A total of 11 proforma letters of objection have been received during the first round of consultation raising objection to the proposed haulage route and based upon the response from Annesley and Felly Parish Council. The letter proposes that haulage should alternatively be routed via Tilford Road through Newstead Village. The objection to the use of Annesley Cutting (the proposed route) is based on the following grounds:
 - (a) Increased public safety risk to pedestrians utilising the access track.
 - (b) Impact upon wildlife and breeding birds adjacent to the access track which is a SINC and also on the plateau top as lorries enter and manoeuvre within the site.
 - (c) Increased dust emissions impacting on residents, especially those on Byron Road and Moseley Road and particularly for new residents at the Persimmon development.
 - (d) Deposition of mud and debris on Annesley Cutting.
 - (e) Increase in vehicle mileage distance and emissions as opposed to suggested alternative route.

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

84. Persimmon Homes as the lead developer at the adjacent former pit head site has been consulted with regards to implications on their highway obligations to resurface Annesley Cutting. They raised concerns that the haulage operation as part of the proposed development could lead to damage to a new road surface they plan and are required to install outside their development and how any repair liability would be assigned.
85. From the second round of consultation a further six letters of objection were received raising the following points:
 - i. The impact of up to 45 vehicles a day upon the safety of pedestrians, horse riders and cyclists, insufficient information/ surety.
 - ii. Impact on livestock in adjacent fields to access track.

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

Observations

Background to the country park

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

Principle of the development - Green Belt considerations

91. Newstead and Annesley Country Park is located in the Green Belt for which the Government attaches great importance through the National Planning Policy Framework (NPPF), paragraph 81 of which encourages local authorities to enhance the beneficial use of the Green Belt and provide opportunities for access and recreation and to enhance landscapes, biodiversity or to improve damaged and derelict land. The use of the site as a country park is therefore deemed an appropriate development in this situation, as confirmed by the grant of planning permission for the change of use by Gedling Borough Council.
92. With regards to the present application, the NPPF does not deal with waste disposal and such developments are not expressly listed as an appropriate form of development in the Green Belt, although 'engineering operations' are referenced, nevertheless the proposed development should be considered against paragraphs 87 and 88. These states that as with previous Green Belt policy, inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the potential harm is clearly outweighed by other considerations.
93. Local policy on waste development is set out by the Nottinghamshire and Nottingham Waste Local Plan (WLP) and the published Nottinghamshire and Nottingham Waste Core Strategy (WCS), as a material consideration which is at an advanced stage and therefore can be given significant weight.
94. Policy W3.17 of the WLP permits waste disposal in the Green Belt only where this would be the *best option* for reclaiming mineral workings or other derelict

voids to an after-use appropriate to the Green Belt and where there would be no unacceptable impact on the open character.

95. Policy WCS4 (Disposal sites) of the submitted WCS states that where disposal sites proposed in the Green Belt constitute inappropriate development, very special circumstances would need to be demonstrated in line with national guidance. The supporting text refers to bringing environmental benefits which may include and relate to landscape, heritage, biodiversity, access and recreation. It further states that very special circumstances can include enhancing the beneficial use of the Green Belt, such as opportunities to provide access, outdoor recreation, retaining and enhancing landscapes, visual amenity and biodiversity or to improve damaged and derelict land.
96. Against the relevant Green Belt policy, it is evident that the most recent policy in the NPPF and the submitted WCS gives greater protection to the Green Belt, by requiring 'very special circumstances' to support the development, whereas the adopted WLP requires an assessment in terms of it being the 'best option' to reclaim land to an appropriate after-use whilst not having an unacceptable impact on the open character of the Green Belt.
97. It is considered, in line with the supporting text in the WCS, that very special circumstances can be demonstrated through the development enhancing the beneficial use of the country park, by means of improving visual amenity, improving damaged and derelict land and landscape enhancement, as well as improving access to the park. This is in line with the approach in paragraph 81 of the NPPF. Elements of the proposed development seek to address several outstanding issues, following-on from previous restoration works, notably Lake 2 remains with steep, engineered slopes which are not favourable for wildlife or particularly safe for visitors nor suitable for anglers. Plans to spread top and sub-soils over bare colliery spoil would allow for grassland to be established, thus providing a visual enhancement to areas of degraded land. The formation of a hard-surfaced track network would assist in the year-round access and enjoyment of the park.
98. The importation and disposal of inert waste and soils would therefore enable such enhancements to be made to the country park, with an after-use of angling which would be an appropriate activity in the Green Belt and the completed works for which would not impact upon the open character. A temporary impact on the local character would be expected, in terms of limited plant and HGVs and any temporary stockpiles, however this is not considered unacceptable in this location.
99. The development and all its individual elements should be the 'best option' for the site as required by the adopted WLP policy. Clearly as proposed the total scheme represents the most financially favourable option for the charity, however if this is viewed from a sustainability and environment view, whether the best option has resulted depends on matters of ecology and residential amenity which are of particular relevance and these are explored further in the report.
100. In terms of alternative options, it has been put to the applicant that a greater proportion of the fill materials could be sourced from within the site itself and

whilst this has been explored by them, they state that this would lead to wider disturbance to wildlife and habitat and crucially would not realise a financial receipt needed for the parks' survival and sustainability.

101. Against Green Belt policy it is considered that the proposed importation, in general terms, allows improvements to be made to the country park, which would be sufficient to demonstrate very special circumstances. An assessment in terms of whether the development and its constituent parts would be the best option for the site is subject ecological and other considerations which follow.

Disposal need and locations

102. WLP Policy W3.20 states that where a waste development would destroy or degrade defined heathlands, permission would not be granted unless the need for the proposal outweighs the value of the heathland. The site is not a defined heathland as such, though the grassland is naturalising into a heathland environment. The value is thus somewhat limited and, whilst the policy remains applicable, the site as a former colliery tip entails the consideration of WLP Policy W10.1.
103. Policy W10.1 of the WLP permits waste disposal where it would reclaim incomplete colliery spoil heaps or mineral voids, subject to meeting a recognised need for disposal capacity and subject to achieving *environmental benefits* without causing an unacceptable environmental impact.
104. The latest position on the need for disposal capacity is set out in the emerging WCS which states that an indicative additional 3.2 million cu.m. of capacity for inert waste would be required going forward in the context of a high overall recycling target. The importation of 17,000 cu.m. under this proposed development therefore represents a very small proportion in this context. The WCS has completed its public examination, and is therefore at an advanced stage of preparation. Substantial weight therefore can be given to its policies in accordance with paragraph 216 of the NPPF.
105. Policy WCS4 gives locational preference for disposal sites around the Nottingham and Mansfield/Ashfield areas and whilst preferring existing sites, does permit disposal and restoration at former colliery tips and other man-made voids where this would have associated environmental benefits. Policy WCS6 also identifies former un-restored or poorly-restored colliery land as suitable for waste disposal subject to there being no unacceptable environmental impacts.
106. Both the adopted WLP and the emerging WCS therefore provide a level of support for the proposed waste disposal development subject to the environmental considerations. Such considerations include a wide range of impacts on the local population, built and natural environment and are set out in chapter 3 of the WLP and its associated policies. The emerging WCS takes a more positive stance on the environment, under Policy WCS12 seeking to protect and enhance the environment, however under Policies W10.1 and W10.2 of the WLP, environmental benefits should also be realised.
107. The following sections discuss the main environmental considerations which arise from the proposed development.

Ecological Impacts

108. The country park is designated as a SINC (Site of Importance for Nature Conservation), making it of County importance for wildlife and it is a good example of how nature can re-colonise former derelict or degraded land such as this former colliery tip. The development of the country park goes very much in step with the wildlife and habitat on site, but recognising that community access can also be accommodated to appreciate and benefit from the natural resource. The size of the park is such that there are more remote areas at the top of the former tip, which allows room for wildlife, whilst areas nearer to the village at the base, are more popular with the community.
109. Into this mix of nature and human activity, the anglers can be added. The CAST angling project currently makes use of Lake 1 and it is proposed to expand the angling activities and associated revenue by developing Lake 2 as a fishery. Proposals to develop a large carp fishery on one of the larger lakes has been withdrawn from the current application, and may or may not come forward as a subsequent planning application.
110. In planning policy, the WLP, in Policies W3.21, W3.22 and W3.23 relating to water features, biodiversity and nature conservation apply. Policy W3.21 states that development which would destroy or degrade the amenity, setting or nature conservation value of wetlands and lakes will not be permitted unless their value is outweighed by the *need* for the development. Policy W3.22 states that where a development would harm or destroy a species or habitat of county importance planning permission will only be granted where the need for the development outweighs the local conservation interest. Policy W3.23 takes a similar approach for local wildlife sites.
111. Policy ENV36 (Local Nature Conservation Designations) of the Gedling Replacement Local Plan, is also relevant and states that where proposals may have an adverse effect on a SINC, the reason for the proposal will be weighed against the local ecological and community value of the site. Consideration will be given to the long-term ecological viability of the site and any impact upon the public's enjoyment of the site. Impacts should be mitigated or compensated.
112. At a national level, the NPPF, in chapter 11 states that development should minimise impacts on biodiversity and provide for net-gains where possible. Planning should contribute to preserving and re-creating priority habitats and the protection and recovery of priority species. It seeks to direct development to areas of the least environmental or amenity value. Paragraph 118 states that planning permission should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
113. The proposed works raise several important ecological considerations, given the quality and diversity of wildlife which is known to be present on site. Some impacts would relate only to the construction phase, whilst others relate to the final operation and form of the development.

114. In the absence of a detailed ecology impact assessment, officers with assistance from NCC Nature Conservation Unit, have assessed the proposed development with particular attention paid to species and habitat which would be directly affected. Much of what is known about the on-site ecology is as a result of the work of volunteer record-keepers, such as bird watchers therefore whilst good and up to date information about the wildlife present is known, this has not been coupled with a full assessment of the likely impacts which may arise as a result of the proposed development. An amphibian survey has now been submitted and this supplementary information addresses the impacts which would arise at Lake 2, which is a spawning pond for toads and other common amphibians.
115. The majority of the works within the revised scheme are proposed in and around Lakes 1 and 2 which can be described as the more publicly accessible area of the park and the site of the future visitor centre. The most notable wildlife on site make use of other lakes and terrestrial habitat not affected by this development, such as the Black-necked Grebe which have successfully bred on the upper lakes over the past three years. These are exceptionally rare birds in the county and the Newstead/Annesley population represents 2% of the national population. As a Schedule 1 breeding bird, the species is protected under the Wildlife and Countryside Act 1981 (as amended). It is unlawful to intentionally or recklessly disturb such a bird whilst it is nest-building or is at or near a nest with eggs or young; or to disturb their dependent young. Two further Schedule 1 birds; Little Ringed Plover and Woodlark are also known to be on site, as well as various reptiles and invertebrates.
116. At Lake 2 (the former polishing ponds), a 600 strong population of common toads has been recorded to use this as their spawning ground and could therefore be directly affected by the lake remodelling works. Such a population would qualify for designation as an Amphibian SINC, if it was not for the fact that it already sits within a large site-wide SINC. A recent amphibian survey has been undertaken and a range of mitigation and working methods has been identified and a final method statement can be conditioned as part of any planning permission. As a starting point, the eastern parcel/strip of the lake, which is not proposed to be infilled, would be left with water during works in the other part and also provides ideal habitat in terms of the existing marginal vegetation. Works would take place so to avoid the toad breeding period. Should the toads return during the works, additional protection measures including specialist fencing will be required to direct toads into the retained part of the lake. Provision of some additional small ponds has also been identified by the survey in order to compensate for loss of frog and common newt habitat, which are less compatible within a fishery.
117. Whilst the lake does support a significant population of common toads and frogs, the assessment is that as long as the works are undertaken in accordance with a method statement and prescribed mitigation measures, the final conditions in the lake would still be suitable for the toads, and the introduction of a fishery should not adversely impact upon the toad population or their reproduction. There are numerous other examples where large toad populations share water bodies with a fishery. The benefits are also clear, in that by remodelling the lake, new marginal areas would replace the steep sides thus providing an environmental enhancement and also serving to address a safety

concern for anglers and visitors. Therefore this element of the proposed development is considered ecologically acceptable.

118. The proposed development to import inert waste material and soils into the site could if not properly controlled, change the balance of nutrients on site and in particular in and around the lakes. The landscaping and spreading of top soil around Lake 1 is accepted, as an amenity character has always been the plan in this area, in conjunction with the future visitor centre. Clarification has been sought that soil spreading around Lake 2 would comprise low-nutrient sub-soils to preserve the emerging conditions. In addition, the soil-making materials to be used on the surrounding landscaping works and stabilisation works to the bank between Lakes 4 and 5, also need to be of a suitable low-nutrient condition to prevent nutrient run-off into the lakes and to establish a wild grass/flower sward. The applicant intends to let any contract with the requirement for the appropriate testing and assurance, prior to its delivery on site and conditions are proposed in relation to this.
119. Original proposals to partially infill the larger Lake 5 raised key concerns and objections from officers at the County Council and objections from the Environment Agency and Nottinghamshire Wildlife Trust. This was due to the potential harm to the particular water conditions/chemistry in the lake which is a priority habitat supporting the notable breeding Black-necked Grebe and other breeding and over wintering wildfowl. It was not adequately demonstrated that the particular water chemistry and conditions could be recreated after completion of any works. The impact of the introduction of a specimen carp fishery on the overall ecological balance was unclear and therefore could have adversely impacted on this habitat and the wildfowl it supports. There was also the unknown impact of potentially increased human activity into that area, including night angling and vehicular access for anglers, and whether this would be compatible with the wildlife making use of this tranquil area. As a result of these concerns the applicant agreed to remove this element from the scope of the application. The works to raise the surrounding track are also removed.
120. Despite the removal of the works to Lake 5, there is still potential for disturbance to the Grebe if works overlap with an early spring return of the birds. Over the past years the birds have bred on both Lakes 4 and 5. If they return to Lake 4 they could potentially be disturbed as a result of HGV movements traversing the main access track. The advice is that this species is sensitive to disturbance (based upon research into a closely related Grebe) and requires a buffer of between 150 and 300 metres from any source of disturbance such as machinery or HGVs. Applying this to the site, would mean that the access tracks would be close enough to lead to disturbance, therefore in order to overcome this impact, works at the site should be prevented during the breeding season (March-August) unless such works can demonstrate that there would be no adverse impact on Schedule 1 breeding birds or amphibians. The attachment of this condition is considered reasonable, given the wildlife present on site and the fact that limited ecological surveys have been completed.
121. The access track commencing at the end of Annesley Cutting has been identified as part of the SINC designation covering the park and although the application does not include a specific assessment of impacts, officer advice has been received that there should be no long term or significant impacts upon

it, given that it is already utilised by vehicles to a certain extent and the fact that the track itself only covers a limited part of the land designated.

122. Given the range of other wildlife known to be present on site which could be affected, mitigation for each species or class can be implemented during the construction phase. Such measures can be part of a method statement to be followed by on-site operatives. Measures have been identified which will protect a range of species including reptiles, and other protected species (should they move on to the site), breeding birds and butterflies. The timing of the works outside of the breeding periods, avoids many direct impacts on the species present and additional mitigation measures could be enacted or works temporarily ceased altogether.

Impact from haulage traffic

123. The application is for the importation of 17,000cu.m. of material which would equate to an estimated total of 1,900 deliveries at 9cu.m per delivery. The associated traffic figures have been more than halved following the removal of the proposed element to infill Lake 5 (from a total of 4,400 deliveries to 1,900). The proposed haulage operation may still run on a campaign basis, therefore a maximum of 40 deliveries (80 2-way movements) is proposed, which is a small reduction of 5 deliveries. Clearly the revised haulage figures, whilst lessening impact, still raise concerns due to its nature and volume and the impact such an operation would have upon the amenity of local residents along the proposed access route.
124. The proposed route would take HGVs from the A611 along Annesley Cutting, passing the Persimmon Homes development to the end of the adopted highway. At this point the farm track running north-eastwards would be used passing under the railway bridge, before entering the northern point of the country park. Using this route option, HGVs would pass a grouping of properties at the A611 turning, running past the end terraces of Byron Road and Moseley Road before passing in front of around a dozen newly completed houses at Annesley Cutting. Some of these properties (completed by Persimmon Homes) sit close to or directly on the edge of the highway.
125. Policy W3.14 of the WLP states that development will be permitted where the associated vehicle movements can be satisfactorily accommodated on the highway network and where this would not cause unacceptable disturbance to local communities.
126. In justifying the level of traffic which would be generated, the applicant contends that Annesley Cutting has been used by Persimmon and Morris Homes as their main construction site access, which until it was recently moved to Newstead Road, was used by a greater volume of mixed traffic than that proposed under their current application. However this claim has been questioned locally.
127. NCC Highways raises no objection to the level of traffic proposed, in terms of highway safety and capacity, subject to a legal agreement to secure a road condition survey and to remediate any damage to Annesley Cutting which might be reasonably attributed to the haulage operations.

128. Local objections have been received from Annesley and Felley Parish Council and from 16 local residents who believe that the proposed haulage route via Annesley Cutting would create adverse impacts upon local amenity, in terms of dust, mud, noise/disturbance and road safety and that an alternative delivery route via Newstead village should instead be used. Ashfield District Council also raise a concern with the chosen route, whilst Newstead Parish Council raise no objection to the development, nor do they raise any highway related concerns.
129. The alternative route put forward by Annesley and Felley Parish Council would take HGVs via Tilford Road through the centre of Newstead village. Not only would this require HGVs to pass directly in front of Newstead Primary School (more than likely during the school term) and a community centre, but also passing the front of in excess of 50 terraced properties on both sides of Tilford Road as well as shops and recreation spaces, before crossing the railway at the level crossing. Whilst it is accepted that this route will be the main access to the country park and its car park, once complete, this is not likely to involve HGV tipper lorries and plant deliveries, which would raise road safety concerns in this built-up area. It has been assessed that this cannot be a viable alternative haulage route to the site and would not be in accordance with WLP Policy W3.14. Officers at the Highways Authority agree with this assessment.
130. A further comment has been made as to whether there is the local availability of suitable inert material, as a result of the decline in the construction market, the concern being that the proposed timescales may slip and lead to an extended operation. The applicant is however confident that a supply is available and have had numerous approaches from house builders, hauliers and construction firms and they have appointed a consultant to assist them.
131. In light of the local concerns raised, the applicant has been asked whether more of the infill material could be sourced from within the site (from the former colliery tips) rather than be imported and thus limit the impact upon residential amenity. However the applicant advises that this would not be possible for two broad reasons. Firstly this would result in disturbance to habitat and wildlife across a greater area of the country park, which is home to important breeding birds for example. Secondly the financial income to the charity and to the ongoing development and maintenance of the park would be reduced, in the context of a declining funding base.
132. A further option whereby both routes are utilised for the haulage, so as to spread the impact and lessen impacts on properties along Annesley Cutting has also been explored, but discounted, due to safety and amenity concerns in the village. The routing of the haulage traffic can be secured by a legal agreement to ensure HGVs use the correct route and avoid the village centre.
133. In assessing the transport and haulage impacts of the proposed development, it is accepted that the traffic could be accommodated on the local road network, however in terms of impact on residential amenity, the local impacts of a haulage campaign in terms of noise, disturbance and mud/dust, cannot entirely be mitigated, and as a result may lead to disturbance to the local community. It is noted that the proposed delivery route has previously been used as a haul route in connection with former restoration works, however this was prior to the

housing regeneration taking place on Annesley Cutting, which would result in a greater number of residents living with the impacts of a haulage campaign. Some of these properties are also on comparatively small plots, with a very limited set-back from the highway. The likely impacts of the haulage scheme have substantially reduced following the removal of works to infill Lake 5, this alteration more than halving the total lorry movements into the site, however it is acknowledged that some disturbance to local residential amenity is still possible and a high tempo operation is still possible.

Dust, mud and safety

134. Local residents and Annesley and Felley Parish Council raise concerns over mud and dust arising from the haulage operations. Concern is focussed on the use of the farm track which is not a metalled surface but formed of hardcore. During extended wet periods the track condition can deteriorate and measures to prevent mud being deposited along Annesley Cutting are necessary in accordance with WLP Policy W3.11. The provision of a full wheel-wash is physically constrained, however the operation of a simple jetwash has been identified along with other control measures such as road sweepers which could be deployed if inspections identify a problem. In particularly poor conditions, haulage operations could be halted altogether.
135. Conversely in dry periods, dusty conditions could arise. Local objections have referred to the concern that this could blow over towards properties along Moseley Road and has done so previously. However, due to the distance between the track and this street and the direction of prevailing winds such occurrences would be infrequent. The use of water bowsers and sweepers could be employed in such circumstances, in accordance with WLP Policy W3.10 to combat any significant emissions.
136. It is acknowledged that the farm track is used as access to farmsteads and by some local walkers, it is not however a right of way and remains a private track. Local concern has been raised with regards to the safety of pedestrians and agricultural tenants should they encounter a HGV on the track. Given the narrowness of the track, which would prevent two HGVs passing each other, and the length of the route, the risks require an understanding and measures to ensure safe working. A package of measures and safe working arrangements has been identified, the final details of which can be conditioned as part of any approval. Measures would include a method of traffic control to ensure lorries do not meet on the track. This could simply be a radio or telephone procedure to give clearance to individual vehicles to proceed, or alternatively a traffic light set-up. This would be coupled with signage to make all users of the track, including pedestrians, cyclists and horse riders, aware of the traffic and the control operation in place. Clear instructions would be given to all haulage companies and to individual drivers, to stop and give way to other users when required and to abide by a speed limit.

Potential for damage to highway

137. Representations have been made by Persimmon Homes, the lead developer of the former pit head site, with regards to the possibility of damage to the road surface. As part of their planning permissions to develop 193 homes they are

required to re-surface parts of Annesley Cutting and Newstead Road as secured via a legal agreement and bond. Concern was raised that as these road works were imminent, the proposed haulage operations could damage this newly-laid surface, raising the problem of responsibility.

138. Discussion between the applicant's agent, Persimmons and NCC Highways officers has resulted in an agreement that Persimmon should proceed with the planned works and resurface the end of Annesley Cutting (this option is now available to them following the relocation of their site access). Upon re-adoption by NCC, Persimmon's liability would be fulfilled and their bond could be released. As part of any grant of planning permission, a Section 106 agreement could be secured between the applicant (RCAN) and NCC to survey the length of Annesley Cutting both before and after the haulage operations with a subsequent assessment of any damage which should reasonably be rectified at the applicant's expense. Such an assessment would be mindful of the other traffic using much of Annesley Cutting.
139. Confirmation has been received from NCC Highways that the survey requirement is still necessary as part of the substantially reduced scheme. In order to secure this survey on highway land outside of the development and site boundary, legal agreement is needed. Such a solution is considered to accord with WLP Policy W3.15 and has been used in similar cases involving haulage.

Tip stability

140. The country park is a former colliery spoil tip which needs to be maintained in a stable and safe form to prevent slips and other movements. Effective drainage is central to the maintenance of a stable site. Whilst restoration works previously undertaken in 2007/8 installed a new drainage system, some elements require rectification notably at Lake 5 where a temporary outfall pipe has been installed, which drains into an adjacent brook. A permanent drainage outfall is ultimately needed to regulate water levels, however following the omission of works to Lake 5 and the containing bank, the present opportunity to create a permanent spillway has gone, however the applicant will be advised again of the need to undertake this work.
141. The plans still propose works to the bank between Lakes 4 and 5 to address a current erosion issue caused by rainfall run-off which is creating a series of fissures or channels affecting the integrity of this bank which supports the water body in the middle level lagoon. To overcome this problem it is proposed to use imported subsoils to a depth of 200mm to build up this bank to prevent water accumulation on the top and then to over-seed this to establish vegetation cover which should prevent rainfall erosion. This is considered acceptable, subject to working around ecological constraints and utilising appropriate low-nutrient soils.
142. Alterations will be made to the lake drainage system between Lake 3 (the upper lagoon) and Lake 2, so that a sluice maintains a minimum water level in Lake 2. Such an arrangement would ensure that a healthy fishery is viable during the summer months, when the water level would otherwise be expected to fall and the exact details will be required through a condition. A drainage assessment has also been requested and a suitable condition can secure this prior to commencement of any works.

Contamination

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

Other matters

Railway Bridge

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

Impact on the Conservation Area

146. Annesley Conservation Area is formed by two areas of land adjacent to Annesley Cutting, along which is the proposed haulage route. The mining terraces along Moseley Road and Byron Road, along with Moseley Farm form one area. The former pit head site, now being redeveloped forms the second part. The movement of HGVs along Annesley Cutting between these two areas would not significantly impact upon the status of the Conservation Area and is already frequented by various construction traffic.

Noise emissions

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

disturbance could arise. It is recognised that some level of disturbance would still occur, albeit this would be temporary in nature.

Aftercare

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

Fishery viability/sustainability

149. Representations have been made questioning the design of the lake(s), particularly in terms of the depth and water conditions, and whether they could support a fishery. The initial plans resulted in an objection from the Environment Agency which also raised concerns relating to the maintenance of adequate water levels. The applicant has clarified that additional sluices would be installed on the existing drainage network, which would maintain a minimum water level within Lake 2, as fed from the upper lagoons. Advice has been sought from a suitably qualified fisheries management consultant, the Environment Agency (EA), the British Disabled Anglers Association and the Nottinghamshire Angling Group. A fisheries appraisal report dated March 2010 has been provided in support of the plans, it states that the lakes are suitable for angling and makes a series of recommended development works. The average water depth should be 1.5 metres, with some 'holes' and shallows. It further recommends that marginal ledges should be created along fishable banks to improve safety and provide habitat for marginal plants. It does not address or refer to the importation and fill of materials in order to reduce lake depth and simply states that the creation of the ledges could be through simple re-sculpting of the bank side. The applicant is currently looking to commission a full management plan for the proposed fishery.
150. The Environment Agency in their response has also made recommendations that the lake bed should be designed with a variation in depths and that it is important not to plant anything, but allow natural plant colonisation to take place. The applicant can be advised accordingly and there is scope for some shallows and 'holes' to be formed in the lake bed. The ecological and chemical conditions of the water in Lake 2 is not as sensitive or notable as in Lake 5, where many of the Agency's concerns related to.

Socio-economic benefits

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

and improve the site as a whole, indicating that they would have to seriously re-consider their continuing running of the park should the plan be unsuccessful.

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

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

Concluding assessment

154. The proposed development has raised key concerns related to ecology, residential amenity and highways impacts. The impacts relating to individual elements of the proposed development have been assessed against key policies in the WLP. These policies generally weigh up the principle and merits of the proposal against the environmental considerations, whether on the natural environment or on matters relating to the impact upon the local community.
155. A starting point is WLP Policy W10.1 which permits disposal for reclamation purposes in former colliery spoil heaps, but this is subject to there being no unacceptable environmental impacts, whilst realising environmental benefits. The site has been largely restored into a country park and the imported material for the lakes would address outstanding safety and erosion issues, whilst benefits would be realised from the associated landscaping works and from the generated angling income which would allow the continuation of the wider site management and its development over the long term.
156. During the course of the application it was assessed that environmental benefits would not be achieved with the works to infill Lake 5, indeed an unacceptable impact was likely. This likely harm to the environment and habitat of Lake 5 was also considered to outweigh any financial benefits which would arise from the waste disposal operation and any subsequent angling income at this lake. Following discussions, the applicant agreed to remove this element of the proposed application.
157. The ecological effects relating to the remaining elements of the proposed works have been carefully assessed. WLP Policies W3.21, W3.22 and W3.23 weigh up the impact on water features, biodiversity and nature conservation respectively, against the benefits of the proposed development. The assessment has not identified a conflict on ecological grounds, subject to careful mitigation around Lake 2.
158. The removal of the large Lake 5 element from the proposals has cut the volume of imported material by more than half, thus the total vehicle movements has

similarly reduced thereby greatly mitigating the impact of the haulage of material on the amenity of local residents. The resulting scheme would still lead to some impact on local amenity with disturbance from deliveries during the haulage campaign. Daily HGV deliveries may run up to a maximum of 40, given the likely campaign basis of moving waste materials, however the overall duration of the operation would be significantly reduced and consequently impacts upon local and residential amenity in terms of possible associated noise, dust and mud would be mitigated in accordance with WLP Policies W3.9, W3.10, W3.11, W3.14 and W3.15 and which would be monitored for their effectiveness. A high tempo delivery campaign with a much smaller quantity of imported material would hasten the completion of the works, and is considered favourable as opposed to a longer duration operation. Measures to address road safety concerns and a routeing requirement can be controlled. The proposed hours of operation are also considered to be acceptable.

159. The benefits which would be delivered need to be kept in mind, despite the remaining highway/amenity impact. Benefits which would arise from the development include the wider landscaping works; improving grassland and heathland habitat; and measures which would address erosion and drainage. Community benefits from increasing the scope of angling to Lake 2 and improving its amenity and safety would be achieved and a notable financial gain to the applicant to assist with the management of the country park would still be realised. It is recognised that the original proposals for Lake 5 would have entailed a significant amount of imported waste thus realising a larger fee income, as well as an on-going angling income, however the granting of a limited permission would still realise benefits for the applicant and the organisation are studying a large range of other schemes on the site, which may financially support the park. The removal of works at Lake 5 enables this part of the site to remain favourable to protected species and provides an opportunity for a more thorough ecological assessment to be made of this lake should a subsequent application be made.
160. The revised development is considered to achieve a necessary balance between wildlife and the community and is itself more in line with the ecological /management plan for the country park. The parts of the original scheme which were assessed to be in conflict with policy have been removed, enabling the acceptable elements of the proposed development to now proceed.
161. The County Council is therefore of the opinion that the proposed development (as revised) is in accordance with WLP Policies W10.1 (waste disposal in...incomplete colliery spoil heaps), W3.17 (Green Belt), W3.20 (heathlands), W3.21 (water features), W3.22 (biodiversity) and W3.23 (nature conservation sites). Conditions are recommended to mitigate impacts arising against WLP Policies W3.9 (noise); W3.10 (dust); W3.11 (mud); W3.13 (drainage); W3.14 (vehicular movements); and W3.15 (vehicle routing). Landscaping and aftercare measures are in accordance with WLP Policy W4.5 and W4.9.
162. The County Council considers that any potential harm as a result of the acceptable elements of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Other Options Considered

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

Statutory and Policy Implications

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

Implications for service users

165. There are no implications on County Council services.

Financial Implications

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

Equalities Implications

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

Crime and Disorder Implications

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

Human Rights Implications

169. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under

Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts of traffic noise and disruption upon local residents along the haul route. However, this would be a temporary impact which needs to be balanced against the wider benefits the proposals would provide for the improvement to the country park. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

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

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

172. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to cover highway condition surveys and rectification works relating to an element of the public highway and the routeing of HGV traffic via the A611 and Annesley Cutting.
173. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for; the importation and deposition of inert waste into Lake 2; the importation and spreading of soils around Lakes 1 and 2; the reinforcement of the embankment between Lakes 4 and 5; and improvement of tracks. The approval is subject to the conditions set out in Appendix 2 of this report. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

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Constitutional Comments

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

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

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

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Newstead - Councillor Chris Barnfather

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

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

W001150 – DLGS REFERENCE
EP5389.DOCX
27/11/13 – Date Report Completed by WP Operators

RECOMMENDED PLANNING CONDITIONS

Commencement /notification

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

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

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

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

Approved details

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

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

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

Duration of works

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

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

Material importation and movements

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

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

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

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

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

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

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

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

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

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

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

Unexpected contamination

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

Reason: Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Hours of operation

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

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

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

Drainage

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

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

13. Prior to the dewatering of Lake 2 a project plan for the drawdown of the water within the respective lake shall be prepared and submitted to the WPA for its written approval. The plan should address potential impacts of the drawdown. The methodology should ensure that a gradual reduction of water is undertaken to maintain ground stability and to avoid potential flooding downstream.

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

14. Prior to the commencement of works at Lake 2, details of how water levels will be maintained at an agreed minimum depth, by means of a sluice system linked to the upper lagoon, shall be submitted to the WPA for its written approval. The

approved scheme shall thereafter be installed and maintained for as long as a fishery is operating.

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

Haulage

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

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

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

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

Control of mud

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

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

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

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

Control of dust

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

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

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

Noise

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

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

Ecology

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

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

21. Prior to the commencement of works, a phasing schedule shall be submitted to the WPA for its approval in writing. The phasing shall aim to avoid ecologically

sensitive periods. Restoration works shall thereafter be undertaken in accordance with the approved phasing plan.

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

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

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

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

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

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

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

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

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

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

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

27. Prior to the commencement of works a method statement to protect reptiles and amphibians shall be submitted to the WPA for its written approval. The statement should identify mitigation measures which may include, but is not

limited to; vegetation manipulation to displace reptiles/amphibians from the working areas; the provision of any temporary fencing to limit the working areas; and the creation of hibernaculae. Operatives undertaking works should be made aware of the potential presence of reptiles/amphibians on site and the recommendations of the method statement shall be implemented throughout the programme of works.

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

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

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

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

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

Landscaping

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

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

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

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

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

Alternative Restoration

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

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

Other measures

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

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

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

Reason: To control any ancillary development.

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

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

Informatives to applicant

1. The works will require an Environmental Permit under the Environmental Permitting Regulations 2010. The applicant is advised to contact the Environment Agency (Everal Burrell on 0115 8463725) for further information. A regulatory guide (EPR:13- Defining Waste Recovery: Permanent Deposit of

Waste on Land) is included for your attention. Additional 'Environmental Permitting Guidance' can be accessed via the Environment Agency website.

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

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

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

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

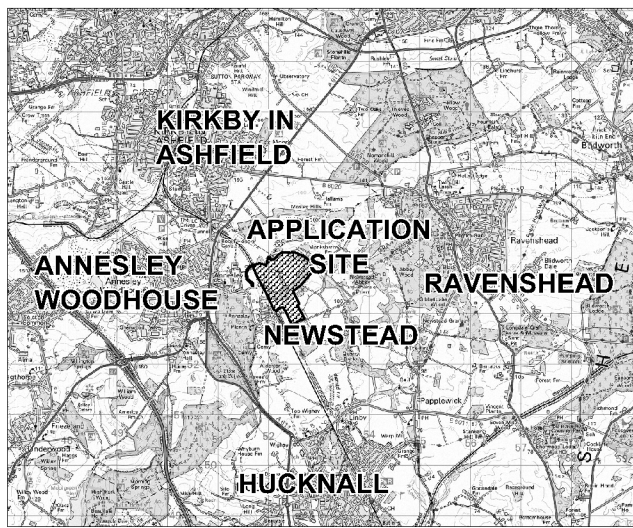
Any waste materials used on site which do not comply with the requirements of the above, would be subject to Environmental Permitting Regulations and other relevant legislative controls on waste. For further information please contact the Leics & South Notts EPR Waste Management Team on 03708 506506.

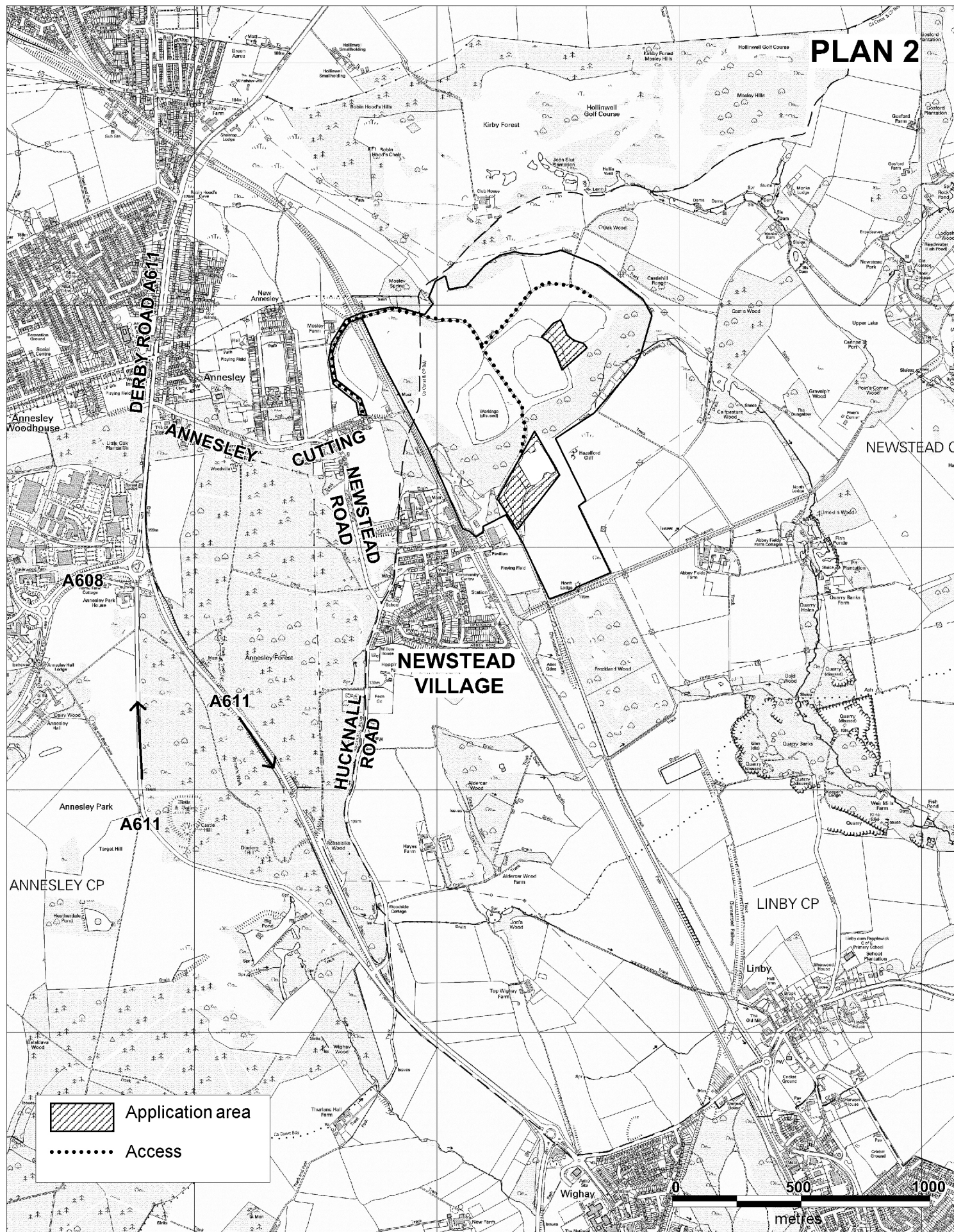
2. The Environment Agency advise that the choice of fish species and stocking density should be carefully considered and ideally the lake should be lightly stocked over a number of years as the fishery is allowed to mature.
3. There still remains the requirement to construct a permanent weir and discharge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

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

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

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





6 December 2013**Agenda Item: X****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/13/00493/FULR3N**

PROPOSAL: RETROSPECTIVE APPLICATION FOR PERMISSION TO INSTALL A 20M X 20M SAND CARPET BASE WITH CONCRETE APRON AND GROUND FITTINGS FOR SUPPORT, PLUS APPLICATION FOR TEMPORARY SEASONAL ERECTION OF A MARQUEE 20M X 20M ON THIS BASE FROM APRIL TO NOVEMBER (INCLUSIVE) IN 2014 TO PROVIDE SHELTER AND WET WEATHER COVER FOR PUBLIC EVENTS AT THE COUNTRY PARK.

LOCATION: RUFFORD ABBEY COUNTRY PARK, RUFFORD, OLLERTON

APPLICANT: NCC CHILDREN, FAMILIES & CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for the retention of an area of sand based all-weather surface and the seasonal erection of a marquee from April until November (inclusive) in 2014 at Rufford Abbey Country Park. The key issue relates to heritage impact of the proposed development on the setting of Rufford Abbey. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. Rufford Country Park sits within 150 acres of historic parkland, woodland and gardens and is managed by Nottinghamshire County Council (NCC). It is situated 3km south of Ollerton and 27km north of Nottingham on the A614 Nottingham to Doncaster road. The park includes the remains of a medieval monastery and later country house estate, a contemporary craft centre, gardens, woodland walks, children's play village, sculpture trail and a lake (Plan 1).
3. The country park contains a considerable collection of designated and non-designated heritage, some of which is of the highest grade and therefore of national importance. These include Grade I, II* and II listed buildings, a Scheduled Ancient Monument and the whole site is part of a Grade II Registered Park and Garden.

4. The main buildings within the country park are grouped around the remains of the original 12th century Cistercian Abbey and the country house built in its stead albeit largely demolished in 1956. The Jacobean wing (Grade I listed) and former stable block and coach house (Grade II listed) have been converted to provide office space, a craft shop and ceramic gallery and a café.
5. The group of buildings also incorporate the Rufford Orangery (Grade II listed), a brick structure originally constructed in 1725 as a bathing facility and one of the earliest in the country. It was roofed over and converted into an Orangery (glass house) in the 19th century. The Orangery underwent some restoration in 1995 to make it accessible to the public. The glass roof was not reinstated and the structure presently comprises a walled courtyard area surrounded by brick walls approximately 3.6m in height.
6. The main visitor car park is situated to the west of these buildings, accessed directly from the A614. Between the car park and these buildings a seasonal temporary marquee is erected and struck (on up to 28 days each year) on a 20m x 20m sand-based area. The marquee is used during the summer months as a visitor attraction/education facility (Plan 2).
7. Residential properties within Rufford village, accessed from May Lodge Drive adjoin the Country Park on its southern boundary. These properties are in close proximity to the main buildings at the country park and include several listed buildings of the original country house estates (such as the head gardener's house, the brew house and water tower). The side wall of the Orangery forms the garden wall of the Garden House and the attached 18th century kitchen garden wall forms a garden boundary to several other 20th century residences.
8. The Rufford Mill buildings are situated to the north of Rufford Lake adjacent to a secondary car park for the country park accessed off Rufford Lane. These buildings incorporate a gift shop, conference facility (known as the Talbot Suite), toilet facilities and office space. The Talbot Suite has the benefit of planning permission for holding weddings and has proved popular as a civic wedding reception facility.

Proposed Development

Background

9. The sand-based carpet to the west of the stable block and coach house has been laid without the benefit of planning permission.
10. The temporary erection of moveable structures (the marquee) for not more than 28 days in any calendar year is development permitted by Schedule 2 Part 4 *Temporary Buildings and Uses* of The Town and Country Planning (General Permitted Development) Order 1995 as amended.
11. NCC Culture Committee (8 October 2013 – Item 10) approved an outline Development Plan for Rufford Country Park and noted that a Conservation Management Plan for the Park is to be completed by December 2014

(Objective 2), providing the conservation, heritage and commercial planning and policy context for a range of new development opportunities to take place.

Proposed Development

12. Planning permission is sought to retain the 20m x 20m sand-based surface area, perimeter concrete edging and anchor points.
13. In addition, permission is sought for the seasonal erection of a 20m x 20m marquee, erected as a double portal frame structure with eaves 2.9m in height and a ridge height of 5.2m (Plan 3). The marquee would be erected throughout April to the end of November in 2014.
14. The application, as originally submitted, sought planning permission to erect the marquee throughout April to October in both 2014 and 2015. However, in response to issues raised by consultees, the applicant has revised the proposal in recognition that the Conservation Management Plan is being prepared. Permission is therefore sought to retain the marquee for an extended period in 2014 only to incorporate events in November related to World War 1 and enabling any longer term provision to reflect the outcomes of the Conservation Management Plan.

Consultations

15. **Newark & Sherwood District Council** – No objection on balance because of the public benefit offered and subject to NCC being satisfied that the proposed development complies with the relevant Development Plan policies. *The marquee does cause harm to the setting of the listed buildings, registered park and garden and Scheduled Ancient Monument. Other locations would have a much lesser visual impact than the application site, but locations further away from the main visitor facilities would be less inclusive and less practical. The public benefit of the marquee needs to be balanced. It would sustain and create the use of the site which directly relates to the conservation of the site. Under-use or ceasing use of the site would make the buildings very vulnerable, very quickly, to decay and neglect.*
16. *Without a more comprehensive assessment of how to use all the buildings on the site of Rufford Abbey, the proposal provides the most obvious short term solution to the requirement for covered spaces for functions. If other spaces become available this is obviously an easily reversible structure.*
17. **Rufford Parish Council** – No response received.
18. **English Heritage** – *English Heritage is disappointed that a Conservation Management Plan has not yet been prepared for the site. In the continued absence of this vital document and continued presence of the unauthorised marquee base it is challenging to offer advice which is pragmatic with regard to the immediate operational needs of this important public amenity, and yet is proportionate to the importance of the assets concerned and the impact of the location upon their [heritage] significance.*

19. *Temporary planning consent should only be considered on the basis that it allows a period in which the impact of works can be assessed. This is not reasonable in this case as the installation has been in place for three years and the impacts are evident. Immediate enforcement would however appear to place unreasonable operational pressure on this public facility and likewise the immediate development of an alternative location without the benefit of a proper conservation management plan would appear to present a significant risk of un-assessed negative impacts and unmanaged costs.*
20. *Exceptionally, pragmatic recommendations are based upon the balance of immediate and longer term public interest:*
- a) *consent for retention in the current location should be refused planning permission given the evident and avoidable setting impact upon the significance of the nationally important designated heritage assets (in line with the National Planning Policy Framework (NPPF)).*
 - b) *a stay of enforcement may be made for a period of 12 months such that those parts of the Conservation Management Plan required to inform a sound and structured decision on marquee provision can be brought forward, and planned events are not compromised.*
21. **NCC Built Heritage Team** - *The Design and Access Statement clearly sets out the existing value of the marquee to the functionality of the country park in terms of visitor facilities, and its contribution over many years. It also sets out alternative options and explains why these are less favourable or feasible. It is clear that the negative impact of not having a covered area for the busier part of the year would be very considerable in terms of public benefit. It is also clear that there is demonstrable need for a more suitable permanent solution.*
22. *The marquee and base cause harm to the setting of the abbey and the development needs to be considered against National Planning Policy Framework (NPPF) Paragraph 132. The base is permanent and is not mitigated as a temporary feature would be. The permanence of the base and its imposition as a very alien feature within the setting of the historic parkland should if possible be mitigated in other ways. The following issues should be dealt with through a conditional approval:*
- a) *the marquee to the front of the abbey should be limited to a maximum 10m x 20m footprint at all times;*
 - b) *at least half the base is removed and reverted to grass (subject to archaeological considerations);*
 - c) *a more suitable and permanent solution should be investigated that includes the enhancement of the area of the park between the car park to the stable block, including the staff parking and bin store areas;*
 - d) *time-limited permission should be granted for two years during which time a more suitable permanent solution should be fully examined.*
23. **NCC Archaeology Team** – *A conservation management plan is currently being drafted for Rufford and its grounds, which will assist greatly in all*

aspects of decision making and will help to protect the site's very considerable heritage value. Once the plan has been adopted it will help identify appropriate locations for new facilities, potentially including alternative sites for the marquee. Some alternative locations for the marquee have been considered, but it is pleasing that these have not been pursued.

24. *The existing anchor points and sand-base for the marquee were installed without archaeological input or mitigation, and there is no information on which to judge whether or not buried archaeological remains were affected by their installation, which is regrettable. From an archaeological viewpoint it would be preferable for the existing fixings to be re-used, rather than the facility being moved to an alternative location, which might result in additional damage to buried archaeology.*
25. *It may well be feasible to identify a more appropriate location for the marquee in the future, and in the light of the Conservation Management Plan, in which case appropriate archaeological mitigation can be determined at that time. In the interim, the re-use of the existing facility is preferable. It is recommended, however, that if this application for retrospective planning permission is granted it should be conditional upon appropriate archaeological works being undertaken as and when the area is being restored, and the impacts of the permanent fixings being remediated.*
26. **NCC Highways Development Control** – No objection after consideration of issues of highway access, capacity and safety, parking, servicing and sustainability
27. **NCC Countryside Access Team** – No public rights of way are affected.
28. **The Garden History Society** - No response received.

Publicity

29. 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.
30. Councillor John Peck has been notified of the application.
31. No representations have been received.

Observations

32. NPPF Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance,

notably scheduled monuments, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

33. Where a proposed development will lead to substantial harm to significance of a designated heritage asset NPPF Paragraph 133 advises that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
34. Newark and Sherwood Core Strategy Development Plan Document – March 2011 (N&SCS) Core Policy 14 *Historic Environment* seeks to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, including Scheduled Monuments and other archaeological sites, Registered Historic Parks and Gardens, listed buildings and buildings of local historic importance.
35. Newark and Sherwood Allocations and Development Management Development Plan Document - July 2013 (N&SDM) Policy DM9 *Protecting and Enhancing the Historic Environment* requires applications to demonstrate that a proposal is compatible with the fabric and setting of a listed building. Impact on the special architectural or historical interest of the building will need to be justified.
36. Heritage consultees and Newark and Sherwood District Council acknowledge the public benefit that the provision of a facility brings to Rufford Country Park. Different options for the siting of a marquee have been explored in consultation with English Heritage, the only option which could be more acceptable being in a location more remote from Rufford Abbey, thus losing its significance.
37. Although providing a robust surface, the sand-based carpet is an alien feature in the context of the setting of Rufford Abbey and adjacent listed buildings. As such the sand-based carpet is considered to cause substantial harm to significance of the highest calibre of designated heritage assets and it would be inappropriate for planning permission to be granted for its permanent retention. However, it is considered that suitable justification, including consideration of the public benefit offered by the facility, has been provided, as required by N&SDM Policy DM9 *Protecting and Enhancing the Historic Environment* to enable permission to be granted for the short-term retention of the sand-based carpet, providing a suitable surface on which to erect the marquee for public events.
38. The applicant has drawn attention to the planned programme of events for 2014 including those planned to commemorate the outbreak of World War 1. A significant period is required to plan the events, not least the availability of a suitable venue. Although NCC Built Heritage Team has recommended that only a 20m x 10m marquee should be permitted, it is considered that the harm caused by the marquee would not be significantly reduced by the erection of only half of the structure. Whilst it would not be appropriate to grant a permanent planning permission for the sand-based carpet, in advance of a

more suitable proposal coming forward and the completion of the Conservation Management Plan, it is recommended that planning permission is granted for the retention of the sand-based carpet, surrounding concrete enclosure and anchor points for a time limited period expiring on 31 December 2014. There is potential to encounter archaeology when removing the sand-based carpet and associated fixing points, which should be undertaken in accordance with an approved methodology in consultation with NCC Archaeology Team, prior to being restored to grass, or such other surface as may first be approved by a separate grant of planning permission (Condition 1).

39. NCC is actively progressing a Conservation Management Plan for the Country Park, which will include, in consultation with Heritage partners, the opportunity for more appropriate visitor/event facilities. It is anticipated that the Plan will be completed by December 2014, and allow alternative options to be explored prior to the recommended time-limited planning permission having expired.
40. Although cost is not a determining factor in the acceptability of development, the erection and striking of the marquee is at a public cost of £2000 on each occasion. The planned programme of events for 2014 extends beyond the 28 days on which the marquee could otherwise be erected on the site as permitted development. Having regard to the exceptional planned programme of events, the public benefit offered by the facility, and the anticipated completion of the Conservation Management Plan by December 2014 allowing time for preferable permanent alternatives to be explored, it is recommended that planning permission should be granted for the erection of the marquee for the period April-November 2014 inclusive.

Other Options Considered

41. The report relates to the determination of a planning application. Although alternative proposals that fulfil the service need have been investigated, 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

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

Implications for Service Users

43. The proposal would facilitate the hosting of public events encouraging visitors to engage with the cultural heritage of Nottinghamshire.

Financial Implications

44. The proposal would reduce the need for the frequent erection and striking of the marquee.

Equalities Implications

45. None.

Crime and Disorder Implications

46. None.

Human Rights Implications

47. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Safeguarding of Children Implications

48. None.

Implications for Sustainability and the Environment

49. None.

Statement of Positive and Proactive Engagement

50. In determining this application the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

51. 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.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 20.11.13]

Comments of the Service Director - Finance

There are no specific financial implications arising directly from this report. [SEM 25.11.13]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Rufford

Councillor John Peck

Report Author/Case Officer

David Marsh

0115 9696514

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

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25 November 2013

RECOMMENDED PLANNING CONDITIONS

1. Planning permission is granted for the retention of the sand-based carpet, concrete surround, and fixing points until 31 December 2014. Within one month of the expiry of this permission, the sand-based carpet, concrete surround, and fixing points shall be removed in accordance with a methodology that shall be submitted to the County Planning Authority (CPA) by no later than 31 October 2014, and approved in writing by the CPA. The site shall be restored in accordance with the approved details by no later than 31 January 2015, or such other timescale as may first be agreed in writing by the CPA.

Reason: For the avoidance of doubt as to the development permitted and to secure site restoration in order to remove substantial harm to heritage significance.

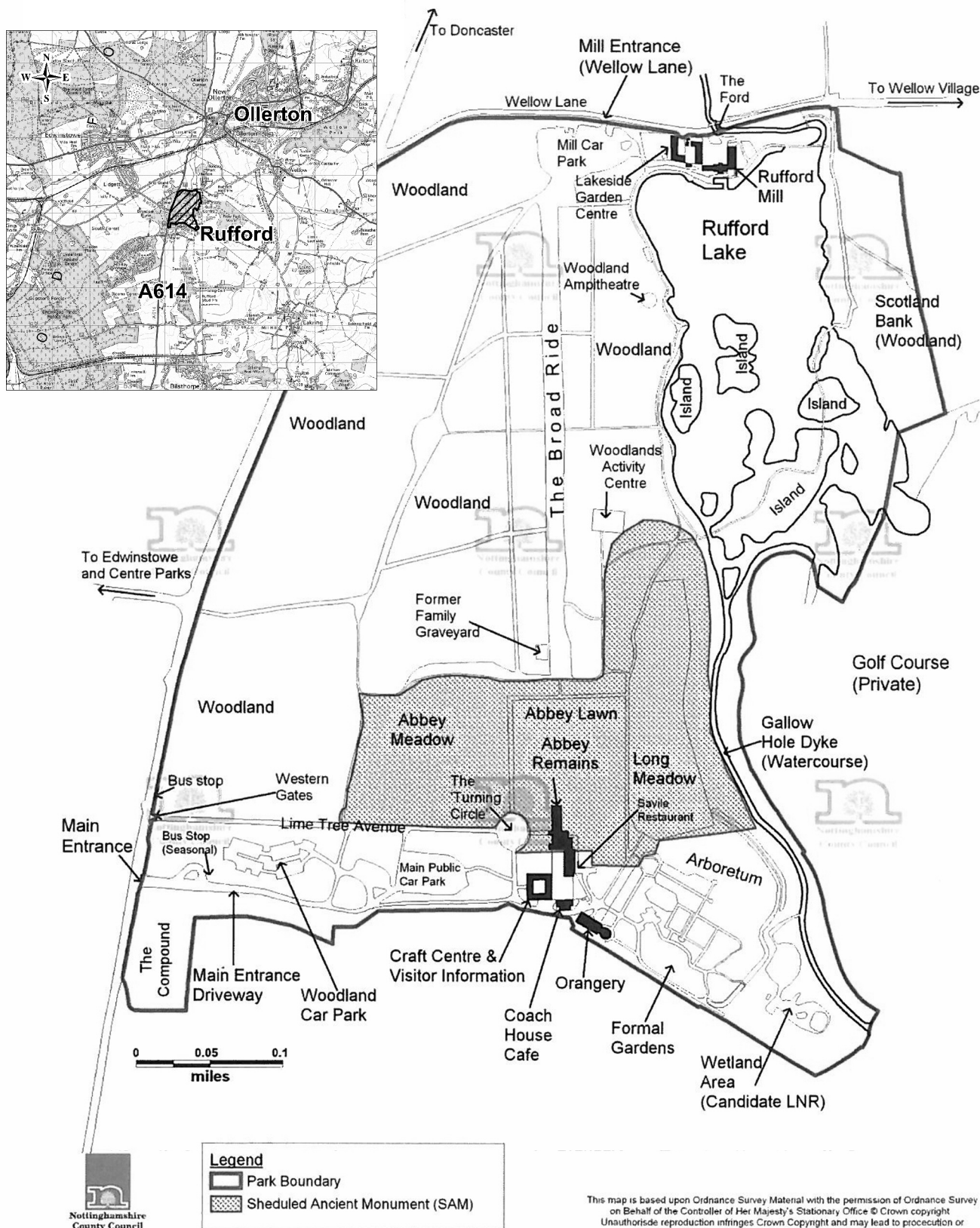
2. Planning permission is granted for the erection of the marquee, subject of this application, between 1 April – 30 November 2014.

Reason: For the avoidance of doubt as to the development permitted. Time-limited planning permission is granted with regard to the justification provided for the development and the public benefit offered in advance of the Rufford Country Park Conservation Management Plan being completed.

Informative

1. Care will need to be taken when restoring the site, particularly when removing the fixing points. With reference to Condition 1, the methodology for the restoration of the site shall be developed in consultation with NCC Archaeology Team and shall make provision for archaeological supervision during site works.

Rufford Abbey Country Park



marquee site

car parks

Abbey Buildings

Rufford

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**Nottinghamshire
County Council**

Retrospective application for permission to install a 20m x 20m sand carpet base with concrete apron and ground fittings for support, plus application for temporary seasonal erection of a marquee 20m x 20m on the base from April to October each year, until October 2015. To provide shelter and wet weather cover for public events at the country park. Rufford Abbey Country Park, Rufford, Ollerton.

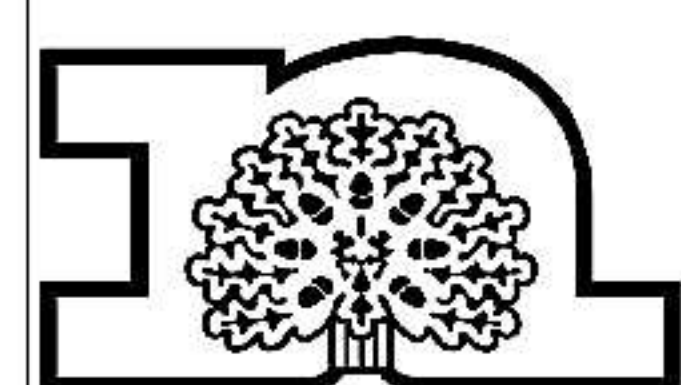
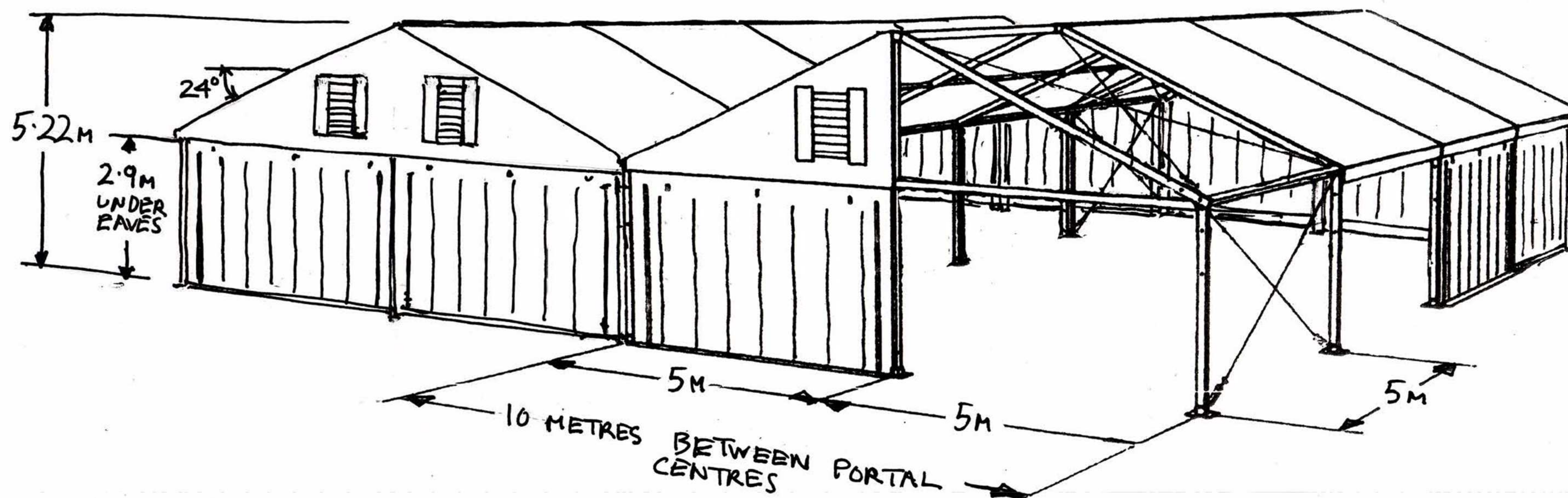
Planning Application No. 3/13/00493/FULR3N

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20m X 20m MARQUEE
(2 SECTIONS)
(10m X 20m)



**Nottinghamshire
County Council**

Retrospective application for permission to install a 20m x 20m sand carpet base with concrete apron and ground fittings for support, plus application for temporary seasonal erection of a marquee 20m x 20m on the base from April to October each year, until October 2015. To provide shelter and wet weather cover for public events at the country park. Rufford Abbey Country Park, Rufford, Ollerton.
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PLAN 3

